



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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In the matter of the request of	)	
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<b>KS &amp; JT, INC.</b>	)	Request ID No: 760565
8 S. Manning	)	
Hillsdale, Michigan 49242	)	
	)	
Hillsdale County	)	
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At the January 15, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

PRESENT: Teri L. Quimby, Commissioner  
Dennis Olshove, Commissioner

**LICENSING APPEAL ORDER**

On June 17, 2014, KS & JT, Inc. (applicant) filed a request for a new Specially Designated Merchant license with Sunday Sales Permit (A.M.) to be held at the above-noted location.

At a meeting held on September 17, 2014, the Commission denied this request under administrative rule R 436.1105(2)(a) and (c) after considering the prior operating record and general business reputation of both applicant stockholders, Kaeis Suwais and Joseph Tomina as a prior licensees of the Commission cited and found responsible for numerous violations of the Michigan Liquor Control Code and Administrative Rules, including five (5) violations of the sale of alcoholic liquor to a person under 21 years of age; contrary to MCL 436.1801(2).

The request was also denied under administrative rule R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Joseph Shallal, legal counsel on behalf of the applicant, submitted a timely request

for an appeal in this matter and represented the applicant at the January 15, 2015 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and documents presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f), the licensee may sell beer and wine for consumption off the premises only.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of September 17, 2014 issued in this matter is reversed and the applicant's request for a new Specially Designated Merchant license is APPROVED, subject to the following:

1. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. The licensee shall submit to the Commission form LCC-3012 "Closing Form for License Sale".
4. The licensee shall provide proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject license until the

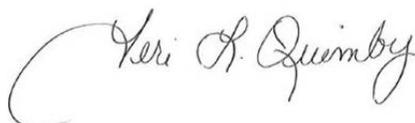
licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request for a permit to sell alcoholic liquor between 7 A.M. and Noon on Sundays, as currently licensed by the Liquor Control Commission, is APPROVED pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local governmental unit, that it prohibits or otherwise objects to the sale of spirits, mixed spirit drink or beer and wine between the hours of 7 A.M. and Noon on Sundays. If notice and supporting documentation is received by the Commission, a show cause hearing will be scheduled before the Commission under administrative rule R 436.1925(1) to determine if the permit must be revoked.

C. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and permit by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

D. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION



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Teri L. Quimby, Commissioner

Request ID No. 760565  
Page 4

A handwritten signature in cursive script, appearing to read "Dennis Olshove".

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Dennis Olshove, Commissioner

Date Mailed:

tlc