



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

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In the matter of the request of ) ) <b>KZ &amp; P LIQUOR, INC.</b> ) 12333-37-12345 Rosa Parks ) Detroit, Michigan 48206 ) ) Wayne County ) _____ )	Request ID No: 798465
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At the July 16, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman  
Dennis Olshove, Commissioner

**LICENSING APPEAL ORDER**

On March 27, 2015, KZ & P Liquor, Inc. (applicant) filed a request to transfer ownership of the Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) from Selena Liquor Lane, Inc., at the above-noted location. The applicant also requested a new Sunday Sales Permit (A.M.) to be held in conjunction with the licenses.

At a meeting held on May 15, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the prior operating record of sole applicant stockholder, Kareem Kama, as a licensee of the Commission cited and found responsible for multiple violations of the Michigan Liquor Control Code and Administrative Rules, including two (2) violations of the sale of alcoholic liquor to a person under 21 years of age; contrary to MCL 436.1801(2); and allowing narcotics paraphernalia to be sold on the licensed premises; contrary to administrative rule R 436.1011(6)(e).

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.

Seth Tompkins, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the July 16, 2015 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file 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.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with 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.

The licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) and (g), the licensee may sell spirits, mixed spirit drink, 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 May 15, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the Specially Designated Distributor and Specially Designated Merchant licenses from Selena Liquor Lane, Inc. is APPROVED, subject to the following:

1. The licensee shall submit to the Commission documentary proof that KZ & P Liquor, Inc. received a loan in the amount of \$15,000.00 from Kareem Kama.

2. The licensee shall submit to the Commission the remaining Specially Designated Distributor license and/or permit transfer fees in the amount of \$845.25, pursuant to MCL 436.1525(1)(k).
3. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
4. The licensee shall submit to the Commission form LCC-3012.
5. 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 licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

C. The applicant's request for a new permit to sell alcoholic liquor between 7 A.M. and Noon on Sundays 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.

D. The licensee shall pay all license fees by April 30<sup>th</sup> each year pursuant to

administrative rule R 436.1107.

E. 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 licenses and permits 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.

F. 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 licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION



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Andrew J. Deloney, Chairman



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Dennis Olshove, Commissioner

Date Mailed:

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