



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

* * * * *

In the matter of the request of)	
)	
KANWALPREET, LLC)	Request ID No. 769983
2076 Williamson)	
Saginaw, Michigan 48601)	
)	
Saginaw County)	
_____)	

At the March 3, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On October 2, 2014, Kanwalpreet, LLC (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 January 14, 2015, the Commission denied this request under administrative rule R 436.1041(1) as it appears that sole applicant member, Kanwalpreet Kaur, is attempting to obtain the license for the use and benefit of her spouse, Mukhwinder Singh, who as a current licensee of the Commission, has been found responsible for multiple violations of the Michigan Liquor Control Code and Administrative Rules, and may not otherwise be qualified for additional licenses.

The request was denied under administrative rule R 436.1105(2)(a) after considering the prior operating record of Kanwalpreet Kaur, as a current licensee that has been cited and found responsible for violations of the Michigan Liquor Control Code and Administrative Rules.

Further, the request was denied this request 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.

Attorney Michael Brown submitted a timely request for an appeal in this matter and represented the applicant at the March 3, 2015 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that finds that the applicant demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules, and adequately addressed the Commission's concerns with this application.

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 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 January 14, 2015 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 a Final Inspection to be conducted by the Commission's Enforcement Division to determine the remodeling has been completed as proposed; to determine that fixtures and

equipment have been installed; to determine that sufficient inventory has been installed and verify the true nature of the business; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.

2. The licensee shall submit to the Commission an acceptable and executed Lease Agreement for the fixtures and equipment which includes a list of the fixtures and equipment.
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 LC-3012 "Closing Form for License Sale".
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 license and permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. 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.

C. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.

D. 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

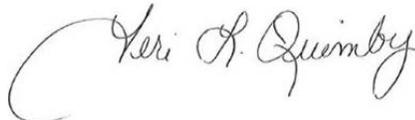
determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license and permit by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

E. 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



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

aml/tlc