



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

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In the matter of) KENTWOOD WINE & LIQUOR, LLC) d/b/a ABC FINE WINE & SPIRITS) 3325 Twenty Eighth Street SE) Kentwood, Michigan 49506)) Kent County) _____)	Business ID No. 202894 Complaint No. 2-150577
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At the April 23, 2013 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

ORDER OF REVOCATION

On December 11, 2008, Kentwood Wine & Liquor, LLC was approved for a new SDD and SDM licenses with Sunday Sales Permit (P.M.), to be held at the above-noted location. Kentwood was later approved for a new Beer and Wine Sampling Permit. Since that time, Kentwood has been a licensee of the Michigan Liquor Control Commission.

A. Unauthorized transfer of ownership

On August 2, 2012, the licensee entered into a proposed negotiated settlement and acknowledged several violations of the Michigan Liquor Control Code and Administrative Rules (Complaint 2-150577). The violations included allowing open containers of alcoholic liquor on the licensed premises; allowing Vacation & Donation, Inc., whose name does not appear on the licenses to derive use or benefit from the licenses; and transferring the licenses, or an interest in the licenses, to Vacation & Donation Inc. without the prior

approval of the Commission.¹ On August 8, 2012 the Commission issued an order that adopted the terms of the proposed negotiated settlement, including a \$2,700.00 fine. Additionally, the licenses and permits were to be suspended in 120 days (December 8, 2012) unless either the licenses were transferred to a person approved by the MLCC or if the licensee regained proper proprietary control of the licenses. The Commission would later have to determine whether Kentwood regained proper proprietary control of the licenses.

Kentwood requested an extension of the suspension date which was denied by the Commission. In response, Kentwood obtained a temporary restraining order against the Commission from the Kent County Circuit Court which scheduled a Show Cause Hearing to determine whether a preliminary injunction would be issued. After meeting in chambers, Kentwood and the Commission entered into a stipulated order extending the deadline for the Licensee to show proper proprietary control to January 14, 2013. The order also dissolved the temporary restraining order and directed Kentwood to supply documentation to the Commission's Enforcement Section showing that Kentwood had regained proper proprietary control. According to the Order, neither Paramveer Singh nor Neeraj Saini were permitted on the licensed premises or were to have any role in the operation of the business.

B. Proprietary Control – Commission Hearing

Under administrative rule R 436.1925(1), the Commission held a Show Cause Hearing to determine whether the licensee had regained proper proprietary control of the licensed establishment and, if not, whether the SDD and SDM licenses with Sunday Sales Permit (P.M.) should be suspended for failure to comply with the provisions of the August

¹ During the administrative enforcement matter, Vacation & Donation Inc. filed an application requesting the Commission to transfer the license from Kentwood to Vacation & Donation Inc. (Request ID No. 634073). In a November 9, 2012 Order, the Commission denied Vacation & Donation Inc.'s application to transfer ownership of the licenses under MCL 436.2003, and administrative rules R 436.1103(2), 436.1119(1), and 436.1105(2)(a), (d), (g)(iii)(c), and (j). Vacation & Donation, Inc. appealed the order of denial on December 5, 2012 but ultimately withdrew its appeal request.

8, 2012 order. At the hearing, Kentwood was represented by Attorney James Koetje but Avtinder Chawla, the principal for the licensee, did not attend. After reviewing the MLCC file and discussion of the issue on the record, including hearing arguments and receiving testimony and documentary evidence, the Commission found that Kentwood failed to regain proprietary control of the subject SDD and SDM licenses and permits. Kentwood Wine & Liquor, LLC failed to demonstrate that it regained proprietary control of the subject SDD and SDM licenses and permits. The Commission also concluded that the owner and operator of the licensed establishment was Vacation & Donation, Inc. Accordingly, the Commission ordered that the licenses be immediately suspended and that all alcoholic liquor be impounded on the premises until further order of the Commission.

Following the Show Cause Hearing, Enforcement investigators went to the licensed establishment to conduct an accounting of the alcoholic liquor inventory impounded on the premises to ensure that no product was removed during the period of suspension. The investigators, with assistance from Kentwood Police Department arrived at the licensed establishment during its posted business hours. When the investigators approached the store to enter, they were refused entry when an employee locked the doors, shut off the lights, and hid inside the establishment. In total, the investigators remained at the licensed establishment for four hours attempting to gain entry but were unsuccessful. Approximately one hour after investigators left the licensed establishment, a Kentwood Police Officer witnessed Neeraj Saini on the suspended licensed premises attempting to remove and receive wine from the store. Such actions were in violation of the January 29, 2013 Show Cause Hearing Order and the December 14, 2012 Stipulated Order of the Kent County Circuit Court.² Additionally, Kentwood had violated the suspension by allowing

² In response to Saini's actions, the Commission moved the Kent Circuit Court to find her in civil contempt of the December 14, 2012 Stipulated Order. The Circuit Court granted the Commission's request and held Saini in contempt. In its Order of Contempt, dated March 7, 2013, the Court ordered Saini to pay \$4,000 in costs to Kent County and the State of Michigan within 2 weeks or she would face 30 days in the Kent County Jail.

wine to be removed.

C. Revocation – Commission Hearing

At its March 13, 2013 meeting, after reviewing the MLCC file and having had a discussion of the issue on the record, the Commission ordered a Show Cause Hearing to determine whether the licenses and permits currently held in the name of Kentwood Wine & Liquor, LLC should be revoked. The hearing was held on April 23, 2013 in the Lansing office of the Commission. Despite proper notice, there was not a representative of Kentwood present at the hearing. Representing the Commission was District Supervisor Tom Healy.

D. Factual Findings

Below is a summary of the findings of facts concerning Kentwood Wine & Liquor, LLC and its principal, Avtinder Chawla from the hearings held by the Commission:

- In July 2011, Kentwood Wine & Liquor, LLC sold the business, including the liquor licenses and permits to Vacation & Donation, Inc.
- On October 20, 2011, Commission investigators contacted the licensed establishment to obtain books and records of the business and located a number of bottles of alcoholic liquor open for consumption on the licensed premises. Further, the documents revealed that Kentwood Wine & Liquor had sold the business, assets and liquor licenses and permits to Vacation & Donation, Inc.
- On October 24, 2011, Avtinder Chawla, a principal of Kentwood Wine & Liquor, LLC sent a letter to Investigator Dennis Mulder stating that he went to Niagara Falls and was refused reentry into the United States. The letter goes also states that federal immigration personnel advised Chawla that he would have to appear before the immigration court before he could reenter the United States. Attached to the letter was a Notice of Hearing in Removal Proceedings from the immigration court, scheduling a hearing for January 25, 2012.
- Kentwood failed to demonstrate that it ever reversed the sale transaction and returned the purchase money to Vacation & Donation, Inc. Additionally, the financial documentation reviewed by the Commission confirmed the same.
- Kentwood Wine & Liquor, LLC produced no documentation evidencing that it

purchased the business, its assets or liquor licenses and permits back from Vacation & Donation, Inc.

- Kentwood Wine & Liquor, LLC did not provide any documentation showing that Vacation & Donation, Inc. returned the profits it had obtained while owning and operating the licensed establishment without the Commission's approval.
- Kentwood Wine & Liquor, LLC no longer owns the business, its assets, or the liquor licenses and permits.
- Avtinder Chawla is unable to reenter the United States. Chawla has not appeared for any of the hearings for Kentwood Wine & Liquor, LLC.
- The Enforcement Division has had one contact via email with Chawla via the last email address known to the Enforcement Division (Chawla0908@yahoo.com). Since that time, Avtinder Chawla does not return calls or emails.
- The Enforcement Division worked with the Muskegon Police Department to determine that the email originated from Canada.

Email Sender:	chawla0908@yahoo.com [more info]
IP address:	70.28.80.22
IP address country:	Canada
IP address state:	Ontario
IP address city:	Innisfil
IP address latitude:	44.3700
IP address longitude:	-79.6000
ISP of this IP:	Bell Canada
Organization:	Bell Canada
Local Time of this IP country:	2013-04-17 13:06

- The Enforcement Division requested, for its records, current contact information from Avtinder Chawla, but has yet to receive that information.
- Mr. Chawla is listed as the owner of a Sign-A-Rama in Brampton Ontario with the contact info of 1625 Steeles Avenue East Unit 15 Brampton, Ontario L6T 4T7; 905-458-5956; 905-458-6934; andee@signarama-brampton.ca.

- Despite a request from the Commission, Counsel for Kentwood Wine & Liquor, LLC could not provide accurate contact information for Avtinder Chawla. The information provided by Kentwood's counsel was a Marathon gas station on Burton SE in Grand Rapids, MI – a non-licensed location Mr. Chawla sold in early 2012.
- There is an application pending with the Commission to transfer the license from Kentwood Wine & Liquor to BN, Inc. BN, Inc is represented by Attorney James Koetje.
- Despite proper notice, Kentwood failed to appear at the April 23, 2012 show cause hearing.

The above established facts caused the Commission great concern. Additionally, Kentwood Wine & Liquor, LLC has not been involved with the operation of the business for over 20 months. The business remains vacant with a large alcoholic liquor inventory unattended and poses a significant threat to the health, safety and welfare of the general public. Kentwood allowed wine to be removed from its premises while its liquor license was suspended. Accordingly, based on the totality of the records and matters involving Kentwood, the Commission has determined that the licenses and permits issued to Kentwood Wine & Liquor, LLC should be revoked.

Therefore, the Commission concludes that the licenses shall be immediately revoked, and any and all privileges conferred by the licenses shall be forfeited. Further, the Commission shall seize any and all alcoholic liquor found in the possession of the licensee as required under MCL 436.1907(1).

THEREFORE, IT IS ORDERED that:

A. The 2012 SDD and SDM licenses with Sunday Sales Permit (P.M.) and Beer & Wine Sampling Permit held by Kentwood Wine & Liquor, LLC at the above-noted location shall be IMMEDIATELY REVOKED, and any and all privileges conferred by the licenses and permits shall be forfeited.

B. The Commission shall seize any and all alcoholic liquor found in the possession of the licensee as required under MCL 436.1907(1).

C. Under MCL 436.1907(2), the Commission shall remit to the licensee the purchase price less 10% paid by the licensee to the Commission for all alcoholic liquor seized. All other alcoholic liquor seized shall be disposed of by further order of the Commission and no payment shall be made for that alcoholic liquor.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____