

contrary to administrative rule R 436.1059. Mr. Zora was also licensed under ZMCC, Inc. and that location was found responsible in 2014 for a 22-count violation involving allowing the sale, possession, or use of marijuana on the licensed premises; contrary to administrative rule R 436.1011(6)(d); a charge of allowing smoking in a prohibited area; contrary to administrative rule R 436.1011(1); and thirteen (13) charges of not possessing a sexually oriented business license for dancers; five (5) charges of semi-nude employees not remaining on the stage; and two (2) charges of employees engaging in indecent exposure in a public place; all contrary to administrative rule R 436.1011(1).

Further, the request was 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.

Peter Abbo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and Mr. Abbo and co-counsel, Michael Langnas, represented the applicant at the October 15, 2015 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and updated documents submitted, and discussion of the issue on the record, the Commission finds that the applicant adequately demonstrated thru updated documents that Ziyad Zora is no longer a stockholder, officer or director of M & M Zin Enterprises, Inc., and transferred his shares of stock to existing stockholder, Edward Muczynski, on October 1, 2015. Further, the Commission finds that thru statements made at the hearing, Mr. Zora will not be involved in any aspect of the licensed business.

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 applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises.

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

THEREFORE, IT IS ORDERED that:

A. The denial order of September 15, 2015 issued in this matter is reversed and the applicant's request for a conditional Class C license under MCL 436.1525(6) is APPROVED, subject to the following:

1. The existing license and permits shall be submitted to the Commission before or at the time of the issuance of the conditional license, to remain in escrow under administrative rule R 436.1107 until one of the expiration factors is reached under MCL 436.1525(8).
2. Receipt of form LCC-3014 (Request and Notice of License to Be Placed in Escrow).
3. The conditional license is non-transferable and nonrenewable, and expires one year after the date the conditional license was issued unless one of the other expiration factors is reached earlier under MCL 436.1525(8).
4. The conditional licensee shall maintain 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 conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
5. The conditional licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the conditional license, as provided in administrative rule R 436.1060.
 - a. The conditional licensee shall maintain active certification of

completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.

- b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses shall result in the conditional licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license and permits.

B. The applicant's request for a conditional 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 conditional Dance-Entertainment Permit is APPROVED, subject to the following:

1. The licensee must have a well-defined and clearly marked dance floor that is 100 square feet or larger under administrative rule R 436.1415.
2. The licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing.

D. The applicant's request for a conditional Topless Activity Permit is APPROVED.

E. The applicant's request for a conditional Additional Bar – for a total of 2 Bars, is APPROVED.

F. Ziyad Zora shall not be involved, in any way, in the ownership, management, direction, operation, employment, or maintenance of the licensed establishment, either directly or by contract, and;

G. The licensee shall not allow Ziyad Zora to use, or benefit from the use of, the license, in contradiction to administrative rule R 436.1041.

H. Under administrative rule R 436.1003, the conditional 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 conditional license by the Michigan Liquor Control Commission does not waive any of these requirements. The conditional licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

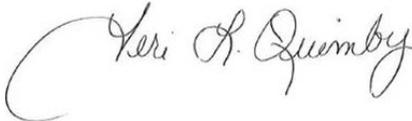
I. Failure to comply with all requirements of licensure in the State of Michigan will result in the conditional licensee being charged with a violation of the Michigan Liquor Control Code, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the conditional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

J. The approval of this conditional license does not guarantee approval by the Commission of the request to transfer the existing license. Any investments made by the conditional license applicant are done at the applicant's risk.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

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