



After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that under administrative rule R 436.1811(1), an industrial manufacturer license is required to secure alcohol and bulk alcoholic liquors for exclusive use in manufacturing products for non-beverage purposes. The Commission finds that the applicant intends to purchase beer, wine and spirit products for the service of beverage purposes only and will not manufacture alcoholic liquors. Thus, the Commission finds that there is no conflict with this request and the provisions of MCL 436.1603.

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 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. 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 February 20, 2013 issued in this matter is reversed and the applicant's request to transfer ownership of the escrowed 2012 Class C and Specially Designated Merchant licenses is APPROVED, subject to the following:

1. The licensee shall submit to the Commission documentary proof that Mappco, LLC received a loan in the amount of \$237,000.00 from Keystone Bank.

2. The licensee shall submit to the Commission documentary proof that the real estate purchaser, Ranch Properties, LLC, received a loan in the amount of \$320,000.00 from Keystone Bank.
3. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
4. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
5. The licensee shall submit 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.
6. The 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 licenses and permits, as provided in administrative rule R 436.1060.
  - a. The 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 and permits shall result in the 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 licenses and permits.

B. The applicant's request to transfer the existing permit to sell alcoholic liquor after 12:00 Noon on Sundays 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 the new Dance Permit is APPROVED, subject to the following:

1. The issuance of this Dance Permit under MCL 436.1916(2) does not allow the licensee to have topless activity on the licensed premises.
2. 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, and the licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing.

D. The licensee's application for a Catering Permit is APPROVED subject to the submission of a copy of the licensee's food service establishment license or retail food establishment license issued under the Food Law of 2000 (MCL 289.1101 to 289.8111).

E. The licensee's application for an additional Bar Permit (for a total of two (2) Bars) is APPROVED.

F. The outdoor service area shall remain well-defined and clearly marked; and the licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined areas only.

G. Under administrative rule R 436.1107, the licensee shall submit all license fees to the Commission by April 30<sup>th</sup> of each year.

H. 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.

I. 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, MLCC 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

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