STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of	)	
	)	
MICHIGAN AVE BAR & GRILL LLC	)	Request ID No. 802020
22065-22067 Michigan	)	
Dearborn, Michigan 48126	)	
	)	
Wayne County	)	
	)	

At the September 24, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

PRESENT: Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

CORRECTED LICENSING APPEAL ORDER

On May 18, 2015, Michigan Ave Bar & Grill LLC (applicant) filed a request to transfer ownership of a Class C license with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, Outdoor Service (1 area) and two (2) Bars from The Post Dearborn, Inc., at the above-noted address. The applicant also requested a new Sunday Sales Permit (A.M.).

At a meeting held on August 5, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant member, Jeannette Charara, as a current licensee of the Commission who was cited and found responsible for a 2014 violation of allowing the licensee, Jeannette Charara, to engage in an illegal occupation or illegal act upon the licensed premises by permitting a disorderly premises and disobeying a lawful command; which is contrary to administrative rule R 436.1011(1).

The Commission also 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.

Joseph Shallal, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the September 24, 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 mitigating circumstances relative to the prior operating record of Ms. Charara, and demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules. The concerns with this application have been adequately addressed.

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 request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of August 5, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the Class C license from The Post Dearborn, Inc. is APPROVED, subject to the following:

1. The licensee shall submit to the Commission documentary proof that Michigan Ave Bar & Grill LLC received a loan in the amount of $7,500.00 loan from applicant member, Jeannette Charara.
2. The licensee shall submit to the Commission documentary proof that

Michigan Ave Bar & Grill LLC has assumed the outstanding debt owed by the seller, The Post Dearborn, Inc., to Comerica Bank.

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 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 license 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 license 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 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 license and permits.

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 to transfer the existing 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 to transfer the existing Outdoor Service (1 area) is APPROVED, subject to the following:

1. The outdoor service area shall remain well-defined and clearly marked.
2. The licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined area only.
3. The licensee is prohibited from allowing the sale, service, possession or consumption of alcoholic beverages in any portion of the approved outdoor service area designated for the playing of sporting activities or for sporting events, including any break or intermission.

E. The applicant's request to transfer the existing two (2) Bars is APPROVED.

F. 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.

G. 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 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.

H. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Date Mailed:

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