

Timothy Newhouse, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the September 22, 2015 hearing, held at the Commission's Lansing 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 sufficiently demonstrated mitigating circumstances relative to the prior arrest and conviction record of Sergio Oliveri, and demonstrated that Mr. Oliveri was discharged from probation on September 15, 2015. 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) and (f), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises; and beer and wine only for off premise consumption.

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 4, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the escrowed Class C license from Playtime Billiards, Inc. 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 that construction has been completed as proposed; to determine the final dimensions of the licensed premises; to determine that adequate furniture,

fixtures, and equipment have been installed; to determine the total cost and method of financing; to determine that the seating capacity has been established and posted; to determine the final dimensions of the Outdoor Service area and that it is well-defined and clearly marked; 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 documentary proof that Monelli's II, Inc. received a loan in the amount of \$500,000.00 loan from Huntington Bank.
3. The licensee shall submit to the Commission an acceptable and executed Lease Agreement between Monelli's II, Inc. and real estate purchaser, Monelli's Portage Properties, LLC.
4. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
5. The licensee shall submit to the Commission Form LC-3012 "Closing Form for License Sale".
6. 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.
7. 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 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 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 Entertainment Permit is APPROVED.

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 for a new Specially Designated Merchant license 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.

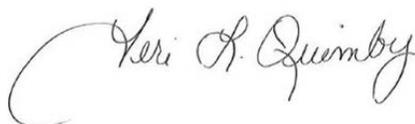
G. The applicant's request to redefine the licensed premises is APPROVED.

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

I. 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. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

J. 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 licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Teri L. Quimby, Commissioner

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Dennis Olshove, Commissioner

Date Mailed:

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