



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

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In the matter of the request of)	
)	
NEELKANTH LLC)	Request ID No: 758463
1768 S. Ortonville)	
Ortonville, Michigan 48462)	
)	
Brandon Township)	Oakland County

At the January 20, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

LICENSING APPEAL ORDER

On May 23, 2014, Neelkanth LLC (applicant) filed a request for a new Specially Designated Merchant license to be held at the above-noted location.

At a meeting held on September 10, 2014, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the prior operating record of applicant member, Rashmikant Patel, as a prior licensee of the Commission cited and found responsible for two (2) violations of the sale of alcoholic liquor to a person under 21 years of age; contrary to MCL 436.1801(2).

The request was also 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 when determining whether an applicant should be issued a license or permit.

Raymond Mashni, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the January 20, 2015 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and Exhibit presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

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 licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. 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:

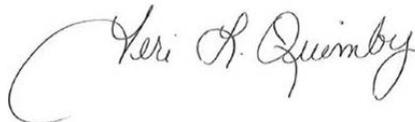
A. The denial order of September 10, 2014 issued in this matter is reversed and the applicant's request for a new Specially Designated Merchant license is APPROVED, subject to the following:

1. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
2. The licensee shall submit to the Commission form LCC-3012 "Closing Form for License Sale".
3. The licensee shall provide 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 licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. 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 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.

C. 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.

MICHIGAN LIQUOR CONTROL COMMISSION



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

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