

1988; and a copy of the Resolution Clarifying Criteria for Liquor License Renewals in regards to payment of all real and personal property taxes dated March 24, 2008.

- An original signed Proof of Service of the Notice of Public Hearing of Objections to Renewal of the subject license provided to the licensee on March 18, 2013.

Licenses issued by the Commission expire April 30th of each year as established by MCL 436.1501(2). Further, licenses for consumption of alcoholic liquor on the premises require approval by the local legislative body in which the applicant's place of business is located (except in a city with a population of 600,000 or more) before issuance of a license, and also before renewal of an existing license if an objection to renewal has been filed with the Commission by the local legislative body at least 30 days before April 30th.

The Commission noticed a Show Cause Hearing under administrative rule R 436.1925(1) as to whether the license should be renewed based on the objection received by the local legislative body under MCL 436.1501(2). Stockholder Aubrey Tobin represented the licensee at the April 19, 2013 hearing held at the Commission's Lansing office. Attorney P. Daniel Christ represented the City of Ferndale.

Based on the evidence submitted, testimony, and the local governmental unit proceedings, the Commission finds that the City of Ferndale has filed with the Commission an objection to the application for the 2013-2014 renewal year. The Commission finds that the population of Ferndale is less than 600,000. The Commission finds that MCL 436.1501(2) requires the approval of the local legislative body for renewal of the license since an objection to renewal was filed at least 30 days before April 30, 2013. The Commission finds that without approval of the local legislative body, the license for 2013 shall not be renewed until the local legislative body approves the application for renewal.

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).

THEREFORE, IT IS ORDERED that:

A. The Class C license and permits shall be placed in escrow for the 2013-2014 licensing year effective April 30, 2013 at 11:59 p.m. EST, subject to the escrow requirements of administrative rule R 436.1107, including the payment of all fees by April 30th of each year.

B. The Class C license and permits shall remain in escrow for the 2013-2014 licensing year, subject to the escrow requirements of administrative rule R 436.1107, until approval is received from the City of Ferndale and filed with the Commission, or until a transfer is approved by the MLCC within the escrow time period authorized.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____