



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

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In the matter of the request of )  
**RE-FUND, L.L.C.** )  
31 N. Saginaw ) Request ID No. 669487  
Pontiac, Michigan 48342 )  
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Oakland County )  
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At the March 14, 2013 hearing of the Michigan Liquor Control Commission  
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman  
Dennis Olshove, Commissioner

**LICENSING APPEAL ORDER**

On September 13, 2012, Re-Fund, L.L.C. (applicant) filed a request for a new SDM license with new Beer and Wine Sampling Permit, to be held at the above-noted location.

At a meeting held on January 16, 2013, the Commission denied this request under administrative rule R 436.1105(1)(b) as the applicant failed to provide adequate, legitimate, and verifiable documentation regarding their financial resources necessary for investigation and processing of the application.

Sole applicant member Robert Waun, Jr. submitted a timely request for an appeal in this matter and represented the applicant at the March 14, 2013 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 through statements made on the record that the previous questions concerning this application have been satisfactorily addressed.

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)(f)(g), the licensee may sell beer and wine 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 January 16, 2013 issued in this matter is reversed and the applicant's request for a new SDM license is APPROVED, subject to the following:

1. The licensee shall to submit to a final inspection to be conducted by the Commission's Enforcement Division to determine that the establishment has been completed as proposed and to determine the true size of the establishment; to determine the existence of any direct connections to other businesses or rental areas; to determine that there is adequate furniture, fixtures and inventory and method of financing for same, and determine the true nature of the business; and to determine that the establishment meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
2. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
3. The licensee shall submit to the Commission an acceptable Warranty Deed for the subject real estate.
4. The licensee shall submit to the Commission verification of the funds used to purchase the real estate.
5. The licensee shall submit to the Commission verification of adequate funds needed for furniture, fixtures and equipment and proposed inventory in the amount of \$5,450.00.

6. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
7. 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 permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request for a new Beer and Wine Sampling Permit is APPROVED subject to the following:

1. No charges for the tasting of the beer and wine are allowed under MCL 436.1537(5)(a).
2. The tasting samples provided to a customer must not exceed three (3) servings at up to three (3) ounces per serving of beer or three (3) servings at up to two (2) ounces of wine under MCL 436.1537(5)(b).
3. A customer must not be provided with more than a total of three (3) samples of beer or wine within a 24-hour period per licensed premises under MCL 436.1537(5)(b).
4. The Commission must be notified, in writing, a minimum of ten (10) working days prior to the event, regarding the date, time, and location of the event under MCL 436.1537(5)(d).
5. Under MCL 436.1537(6), during the time the permitted beer or wine tasting is conducted, the applicant-permit holder, or its agent or employee who has successfully completed a server training program as provided for in MCL 436.1906, shall devote full time to the beer and wine tasting activity and shall perform no other duties including the sale of alcoholic liquor for consumption off the licensed premises.
6. Beer and wine used for the permitted tasting must come from the specially designated merchant's (SDM's) inventory under MCL 436.1537(6), and all open bottles must be removed from the premises on

the same business day or resealed and stored in a locked, separate storage compartment on the licensed premises when not being used for the activities allowed by the Permit.

7. The Permit holder must prohibit a wholesaler from conducting or participating in the beer and wine tastings under MCL 436.1537(7).
8. A permitted beer and wine tasting must be conducted during the legal hours for sale of alcoholic liquor by the licensee under MCL 436.1537(8).

C. 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 permit 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.

D. 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 license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION

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Andrew J. Deloney, Chairman

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Dennis Olshove, Commissioner

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Prepared by:  
Terri Chase, Commission Aide

Date Mailed: \_\_\_\_\_