



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

* * * * *

In the matter of the request of)	
)	
S & J CONVENIENCE, LLC)	Request ID No. 810638
3990 Grand Oaks)	
Howell, Michigan 48843)	
)	
Genoa Township)	Livingston County

At the December 3, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On August 11, 2015, S & J Convenience, LLC (applicant) filed a request to transfer ownership of an escrowed 2015 Specially Designated Distributor license from Michigan Department of Treasury; to transfer location (governmental unit) under MCL 436.1531(18) from R2, 6006 Pinckney, Pinckney, Putnam Township, Livingston County, to the above-noted address; requested a new Sunday Sales Permit (P.M.); and requested permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1). The applicant was recently approved for a new Specially Designated Merchant license at this location on July 22, 2015 and that is pending final issuance to the applicant.

At a meeting held on November 10, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant stockholder, Karam Bahnam, as a current licensee of the Commission at multiple locations that have been cited and found responsible for two (2) violations of the sale of

alcoholic liquor to person(s) under 21 years of age, which is contrary to MCL 436.1801(2); most recently on April 18, 2015 to an 18-year old minor decoy.

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.

Randal Toma, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the December 3, 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 has sufficiently demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

The Commission further finds that the investigation revealed the proposed licensed location appears to qualify for licensure with permission for motor vehicle fuel pumps under MCL 436.1541(1), providing the applicant installs and maintains a minimum inventory on the premises, excluding alcoholic liquor and motor vehicle fuel, of not less than \$250,000.00, at cost, of those goods and services customarily marketed by approved types of businesses; and providing the nearest motor vehicle fuel pump is not less than 50 feet from the points of sale and selection of alcoholic beverages.

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)(g) the licensee may sell spirits, mixed spirit drink, 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 November 10, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of an escrowed 2015 Specially Designated Distributor license from Michigan Department of Treasury 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 that fixtures and equipment have been installed; to determine that the licensee has purchased and installed an approved type inventory of at least \$250,000.00, at cost, as required under MCL 436.1541(1)(a)(ii), on the licensed premises, including an itemized breakdown of the installed inventory; to determine that the nearest motor vehicle fuel pump is not less than 50 feet from the points of sale and selection of alcoholic beverages, as required under MCL 436.1541(1)(b); and to determine that the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.
2. The licensee shall submit to the Commission verification that S & J Convenience, LLC received a loan in the amount of \$148,000.00 from Majid Koza.
3. 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.

4. The licensee shall submit to the Commission form LCC-301 "Report of Stockholders/Members/Partners".

B. The applicant's request to transfer location (governmental unit) under MCL 436.1531(18) from R2, 6006 Pinckney, Pinckney, Putnam Township, Livingston County, to 3990 Grand Oaks, Howell, Genoa Township, Livingston County, is APPROVED.

C. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1) is APPROVED, subject to compliance with the requirements contained therein. The licensee shall maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

D. The applicant's request for a new permit to sell alcoholic liquor after 12:00 Noon on Sundays 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.

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

F. 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

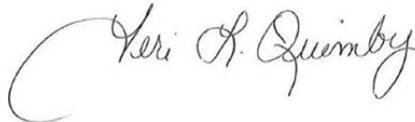
determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

G. 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 permit.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

Date Mailed:

tlc