



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

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In the matter of the request of)	
)	
SABAH, LLC)	Request ID No. 771431
13535 Puritan)	
Detroit, Michigan 48227)	
)	
Wayne County)	
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At the January 22, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

CONDITIONAL LICENSE APPEAL ORDER

On October 31, 2014, Sabah, LLC (applicant) filed a request for a Conditional License under MCL 436.1525(5) to be held at the above-noted location. The applicant has also submitted a request to transfer ownership of 2014 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.) from D.B.J., Inc. at the same location and that request is pending final consideration by the Commission.

At a meeting held on November 26, 2014, the Commission denied the applicant's conditional license request under the provisions of MCL 436.1525(5). The request was also denied under administrative rules R 436.1105(2)(a), R 436.1105(2)(c) and R 436.1059 after considering the management experience and general business reputation of sole applicant member, Faiz Ayar, as a current licensee of the Commission that was cited and found responsible for three (3) violations for issuing non-sufficient funds checks to the Commission.

Joseph Shallal, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the January 22, 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 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) and (g), the licensee may 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 conditional license request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of November 26, 2014 issued in this matter is reversed and the applicant's request for conditional Specially Designated Distributor and Specially Designated Merchant licenses under MCL 436.1525(5) is APPROVED, subject to the following:

1. The existing licenses and permits shall be submitted to the Commission before or at the time of the issuance of the conditional license, and remain in escrow under administrative rule R 436.1107 until one of the expiration factors is reached under MCL 436.1525(7).
2. The conditional license is non-transferable and non-renewable, and expires one year after the date the conditional license was issued unless one of the other expiration factors is reached earlier under

MCL 436.1525(7).

3. The conditional licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
4. The conditional licensee shall maintain 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 conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request for a conditional permit to sell alcoholic liquor after 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.

C. The applicant's request for a conditional permit to sell alcoholic liquor between 7 A.M. and Noon on Sundays, as currently licensed by the Liquor Control Commission, 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.

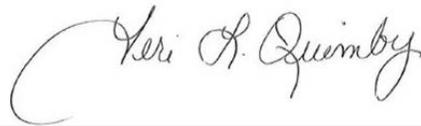
D. Failure by the conditional licensee to comply with all laws and rules may result in the revocation of the approval contained in this order.

E. The approval of this conditional license does not guarantee approval by the Commission of the request to transfer the existing license. Any investments made by the conditional license applicant are done at the applicant's risk.

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 conditional license by the Michigan Liquor Control Commission does not waive any of these requirements. The conditional licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

G. Failure to comply with all requirements of licensure in the State of Michigan will result in the conditional 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 conditional license.

MICHIGAN LIQUOR CONTROL COMMISSION



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

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