

measuring 62' x 96'. The Commission denied the area measuring 125' x 136' under administrative rule R 436.1105(1)(c) and administrative rule R 436.1105(2)(j) after considering that this area is not an adequate physical structure and the licensed area may have a negative effect on the health, welfare and safety of the general public.

John Fleming, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the January 10, 2013 hearing, held at the Commission's Southfield office. After hearing arguments, reviewing the MLCC file and documents presented, and discussion of the issue on the record, the Commission tabled this matter to allow the applicant to submit additional information describing the barriers of the proposed licensed area in question.

Subsequent to the hearing held on January 10, 2013, the applicant provided photographs and diagrams depicting the measurements of the proposed area, including the barriers and signage posted around the service area. The matter was then placed on the February 14, 2013 appeal hearing agenda in Southfield, and Attorney John Fleming appeared on behalf of the applicant.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant sufficiently addressed the concerns of the Commission by providing a diagram depicting the dimensions of the area in question, which is located on the air side of the airport terminal, and is described as 35' 6" along the section where stainless steel purse shelves are located, x 32' along the section where high top tables are located, with an additional rectangular area measuring 12' x 6' surrounding a condiment counter; 35' 6" along a section that contains a low seating area with two (2) high top tables and one (1) low top table; and 32' along the section where the storage and office area is located.

The Commission further finds that the photographs provided sufficiently demonstrate the barriers in place to adequately define the areas of the sale and service of alcoholic liquor.

The Commission finds sufficient reasons to reverse its denial issued in this matter relative to the area located on the air side of the airport terminal for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The Transfer Location Approval Order of October 31, 2012 issued in this matter is AMENDED and the applicant's request for licensure in an area located on the air side of the airport terminal is APPROVED, subject to the following:

1. The licensee shall submit to a Final Inspection by the Commission's Enforcement Division to determine and confirm the dimensions of the area in question as provided by the applicant, which is described as 35' 6" along the section where stainless steel purse shelves are located, x 32' along the section where high top tables are located, with an additional rectangular area measuring 12' x 6' surrounding a condiment counter; 35' 6" along a section that contains a low seating area with two (2) high top tables and one (1) low top table; and 32' along the section where the storage and office area is located; and to determine that the area is well-defined by a border and is clearly marked.

B. All other provisions in the Transfer Location Approval Order of October 31, 2012 remain in effect.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____