

considering the unfavorable opinion submitted by the Warren Police Department for this application when determining whether an applicant should be issued a license or permit, and under administrative rule R 436.1105(2)(g) and (j) after considering the past convictions of the applicant members spouse, Mohamed Fawzi Charara, and the effects that issuance of a license would have on the health, welfare, and safety of the general public.

Frank Palazzolo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the February 14, 2013 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file and exhibit presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently addressed the Commission's concerns with this application. Further, the Commission considered the opinion of the local law enforcement agency and considered it as required under administrative rule R 436.1105(2)(d).

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)(b), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption on the premises only. Under MCL 436.1537(1)(f), the licensee may sell 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 January 11, 2013 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to the Commission an executed and acceptable Lease Agreement.
2. The licensee shall submit to the Commission documentary proof that V/8 Bar & Grill, LLC received a loan in the amount of \$20,000.00 from Royal Oak Lube Express.
3. The licensee shall submit to the Commission documentary proof that V/8 Bar & Grill, LLC received a loan in the amount of \$6,000.00 from applicant member, Jeannette M. Charara.
4. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
5. The licensee shall provide 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 licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
6. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which

may result in fines, suspension and/or revocation of the licenses and permits.

B. The applicant's request for the new Dance Permit is APPROVED, subject to the following:

1. The issuance of this Dance Permit under MCL 436.1916(2) does not allow the licensee to have topless activity on the licensed premises.
2. The licensee must have a well-defined and clearly marked dance floor that is 100 square feet or larger under administrative rule R 436.1415, and the licensee is prohibited from having tables, chairs, or other obstacles on the dance floor while customers are dancing.

C. The applicant's request to transfer ownership of the existing Sunday Sales Permit (P.M.) 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.

D. Under administrative rule R 436.1107, the licensee shall submit all license fees to the Commission by April 30th of each year.

E. 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 licenses and permits 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.

F. 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 licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____