



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

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In the matter of the request of)
VIK, INC.)
649 Clancy NE) Request ID No. 634321
Grand Rapids, Michigan 49503)
)
Kent County)
_____)

At the February 12, 2013 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

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

LICENSING APPEAL ORDER

On February 23, 2012, Vik, Inc. (applicant) filed a request to transfer ownership of 2011 escrowed SDD and SDM licenses with Sunday Sales Permit (P.M.) from Chemical Bank to be located at the above-noted address. The subject licenses and permit have been renewed for the 2012-2013 licensing year on.

At a meeting held on October 23, 2012, the Commission denied this request under administrative rule R 436.1041(1) as it appears the applicant stockholder, Vikramjit Singh, is attempting to obtain the licenses for the use and benefit of his mother, Narinder Kaur, whose spouse, Gurminder Singh, has an extensive arrest and conviction record and was deported from the United States in 2006. Gurminder Singh is also the father of Vikramjit Singh. The Commission also denied this application under administrative rule R 436.1105(2)(d) after receiving several letters in opposition from neighborhood residents, two (2) Grand Rapids City Commissioners, and the unfavorable opinion submitted by the

Grand Rapids Police Department for this application when determining whether an applicant should be issued a license or permit. Further, the Commission denied the request 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.

Michael Brown, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the December 11, 2012 hearing, held at the Commission's Lansing office. Also present at the hearing on behalf of the Grand Rapids Police Department was Sergeant Maureen O'Brien, Grand Rapids City Commissioner Ruth Kelly, and representatives on behalf of the Belknap Lookout Neighborhood Association.

After hearing arguments, reviewing the MLCC file and exhibits presented, and discussion of the issue on the record, the Commission tabled this matter to its January 15, 2013 appeal hearing agenda to allow time for the applicant to meet with the neighborhood association and the Grand Rapids Police Department to discuss this matter.

After hearing arguments at the tabled hearing held on January 15, 2013, the Commission tabled this matter to review additional exhibits presented by the applicant. The matter was then placed on the February 12, 2013 appeal hearing agenda.

After reviewing the MLCC file and all exhibits presented, and discussion of the issue on the record at the hearings held in this matter, the Commission finds that the applicant sufficiently addressed the Commission's concerns with this application. Further, the Commission considered the opinions of the local residents and the local law enforcement agency and considered them 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)(f)(g), the licensee may sell beer, wine, spirits and mixed spirit drink 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 October 23, 2012 issued in this matter is reversed and the applicant's request to transfer ownership of 2011 escrowed SDD and SDM licenses is APPROVED, subject to the following:

1. The licensee shall submit to the Commission an executed and acceptable Lease Agreement with all exhibits.
2. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
3. 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 permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request to transfer 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.

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

D. 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 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.

E. 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 permit.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Dennis Olshove, Commissioner

Prepared by:
Terri Chase, Commission Aide

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Date Mailed: _____