



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

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In the matter of the request of	)	
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<b>VIK, INC</b>	)	Request ID No: 765665
2234 NW Alpine	)	
Walker, Michigan 49534	)	
	)	
Kent County	)	
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At the February 3, 2015 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 August 7, 2014, Vik, Inc. (applicant) filed a request for a new Specially Designated Distributor license with Sunday Sales Permit (P.M.), to be held in conjunction with proposed new Specially Designated Merchant license with Sunday Sales Permit (A.M.) and Beer and Wine Sampling Permit, at the above-noted location.

At a meeting held on December 3, 2014, the Commission denied this request under administrative rule R 436.1103(2) because the applicant failed to provide all financial documentation necessary regarding the real estate for the proposed location. The Commission also denied this request under administrative rule R 436.1105(1) because the applicant failed to provide all documentation necessary to confirm the existence of adequate, legitimate, and verifiable financial resources necessary to complete the investigation and processing of this application.

Sole applicant member, Vikramjit Singh submitted a timely request for an appeal in

this matter and Attorney Michael Brown represented the applicant at the February 3, 2015 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated through testimony and submission of updated documents that the previous questions concerning this application have been satisfactorily addressed.

Administrative rule R 436.1133 provides that an application for a new Specially Designated Distributor license shall not be approved by the Commission if there is an existing Specially Designated Distributor license located within 2,640 feet of the proposed site, unless a waiver of this rule is granted by the Commission under subsections (a) – (e) of this rule.

The Commission finds that there is one (1) existing Specially Designated Distributor license located within 2,640 feet of the applicant proposed location; Meijer, Inc. located at 2425 NW Alpine, Walker, Kent County is 921 feet away from the applicant's proposed location.

The Commission finds that Meijer, Inc. is separated from the applicant's proposed location by Alpine Avenue, which is identified as being a qualifying major thoroughfare as defined under administrative rule R 436.1001(k). Thus, the Commission concludes that the applicant qualifies for a waiver of administrative rule R 436.1133 as permitted under (c) in regards to Meijer, Inc.

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)(g), the licensee may sell 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 December 3, 2014 issued in this matter is reversed and the applicant's request for a new Specially Designated Distributor license is APPROVED, subject to the following:

1. Completion of the licensee's request for a new Specially Designated Merchant license at this location (Request ID No. 765664).
2. The licensee shall submit to the Commission two (2) 5" x 7" photographs of the completed establishment (1 interior and 1 exterior).
3. Under administrative rule R 436.1139, the licensee shall agree to purchase an initial minimum order of \$5,000.00 of spirits divided among not less than 50 brands as a condition precedent to receiving a license.

B. The applicant's request for a new 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. 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 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.

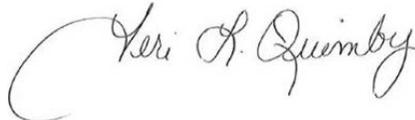
D. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION



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Andrew J. Deloney, Chairman



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Teri L. Quimby, Commissioner



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Dennis Olshove, Commissioner

Date Mailed:

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