



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

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In the matter of the request of)) VIOLETA BARDHECI LLC) 1050 Benstein) Suites 4, 5 & 6) Commerce Township, Michigan 48390)) Commerce Township Oakland County) _____)	Request ID No. 808854
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At the October 1, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

CONDITIONAL LICENSE APPEAL ORDER

On July 17, 2015, Violeta Bardheci LLC, (applicant) filed a request for a conditional license under MCL 436.1525(6), as well as a transfer of ownership of a Class C license with Entertainment Permit and Specific Purpose Permit (Food-11:00 A.M. to Noon on Sunday) from Blu Nectar, Inc., at the above-noted address.

At a meeting held on September 8, 2015, the Commission denied the conditional license request under administrative rule R 436.1105(2)(g)(iii)(g) after considering the arrest and conviction record of applicant member, Violeta Bardheci, of crimes involving fraudulent activity that occurred in 2007 and 2010.

The request was also denied 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.

Attorney Joseph Shallal submitted a timely request for an appeal in this matter and represented the applicant at the October 1, 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 sufficiently demonstrated mitigating circumstances relative to her past arrest and conviction record; adequately addressing the previous concerns with this application.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with 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.

The applicant 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.

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 September 8, 2015 issued in this matter is reversed and the applicant's request for a conditional Class C license under MCL 436.1525(6) is APPROVED, subject to the following:

1. The existing license and permits shall be submitted to the Commission before or at the time of the issuance of the conditional license, to remain in escrow under administrative rule R 436.1107 until one of the expiration factors is reached under MCL 436.1525(8).
2. Receipt of form LCC-3014 (Request and Notice of License to Be Placed in Escrow).
3. The conditional license is non-transferable and nonrenewable, 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(8).

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 license until the conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
5. The conditional 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 conditional license, as provided in administrative rule R 436.1060.
 - a. The conditional 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 shall result in the conditional 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 license and permits.

B. The applicant's request for a conditional Entertainment Permit is APPROVED.

C. The applicant's request for a conditional Specific Purpose Permit (Food-11:00 A.M. to Noon on Sunday) is APPROVED, subject to the following:

1. Under administrative rule R 436.1437(2), the conditional licensee

shall not allow customers on the licensed premises during the time period provided by the Specific Purpose Permit unless the activity, and only that activity, allowed by the Specific Purpose Permit, is occurring.

D. Under administrative rule R 436.1003, the conditional 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.

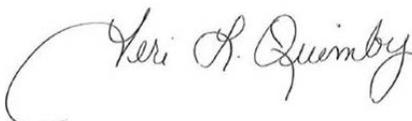
E. Failure to comply with all requirements of licensure in the State of Michigan will result in the conditional licensee being charged with a violation of the Michigan Liquor Control Code, Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the conditional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

F. 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.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

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A handwritten signature in cursive script, appearing to read "Dennis Olshove".

Dennis Olshove, Commissioner

Date Mailed:

tlc