



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

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In the matter of the request of)
)
WHRB, INC.) Request ID No: 768122
20925 Inkster)
Farmington Hills, Michigan 48336)
)
Oakland County)
_____)

At the November 19, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On September 3, 2014, WHRB, Inc. (applicant) filed a request to transfer ownership of the 2015 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) from the Estate of Duraid A. Lossia, with Nidhal Lossia as court appointed Personal Representative, to be held at the above-noted address. The applicant also requested a new Sunday Sales Permit (A.M.).

At a meeting held on October 7, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant stockholder, Wisam Hanna, as a current licensee of the Commission who has been cited and found responsible for multiple violations of the Michigan Liquor Control Code and Administrative Rules, including four (4) violations of the sale of alcoholic liquor to a person

under 21 years of age, which is contrary to MCL 436.1801(2). Two (2) of the incidents involved a 17-year old minor, and the most recent violation that occurred on May 12, 2015 was to a 20-year old. The violation record also includes 2012 and 2014 violations involving narcotics paraphernalia on the licensed premises.

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 when determining whether an applicant should be issued a license or permit.

Joseph Shallal, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the November 19, 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 a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

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 licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) and (g), the licensee may sell spirits, mixed spirit drink, 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 October 7, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the 2015 Specially Designated Distributor and Specially Designated Merchant licenses from the Estate of Duraid A. Lossia, with Nidhal Lossia as court appointed Personal Representative, is APPROVED, subject to the following:

1. The licensee shall submit to the Commission a warranty deed or quit claim deed.
2. The licensee shall submit to the Commission and acceptable and executed Lease Agreement between WHRB, Inc. and Inkster-Byron Investment LLC.
3. The licensee shall submit to the Commission verification that WHRB, Inc. received a loan in the amount of \$153,000.00 from Wisam Hanna.
4. The licensee shall submit to the Commission verification that Inkster-Byron Investment LLC received a loan in the amount of \$80,000.00 from Wisam Hanna.
5. The licensee shall submit to the Commission form LCC-301 "Report of Stockholders/Members/Partners".
6. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
7. The licensee shall submit to the Commission the remaining Specially Designated Distributor license and/or permit fees in the amount of \$113.85, pursuant to MCL 436.1525(1)(k).
8. 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.

B. The applicant's request to transfer the existing permit to sell alcoholic liquor after 12:00 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. The applicant's request for a new permit to sell alcoholic liquor between 7 A.M. and Noon on Sundays is APPROVED, pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local governmental unit, that it prohibits or otherwise objects to the sale of spirits, mixed spirit drink or beer and wine between the hours of 7 A.M. and Noon on Sundays. If notice and supporting documentation is received by the Commission, a show cause hearing will be scheduled before the Commission under administrative rule R 436.1925(1) to determine if the permit must be revoked.

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 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.

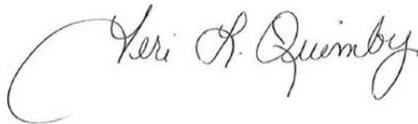
E. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control

Code, 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

Date Mailed:

tlc