



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

* * * * *

In the matter of the request of)
SENSIBLE SAVAGE, INC.)
1344 Thirteen) Request ID No. 607291
Mass City, Greenland Township)
Ontonagon County)
_____)

At the March 20, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Donald B. Weatherspoon, Commissioner

LICENSING APPEAL ORDER

On February 25, 2011, Sensible Savage, Inc. (applicant) filed a request to transfer ownership of escrowed 2011 B-Hotel and SDM licenses with Sunday Sales Permit (P.M.), Dance Permit, and Living Quarters Permit from Sully's of Bergland, Inc.; to transfer location (governmental unit) under MCL 436.1531(1) from 100 Railroad, Bergland, Bergland Township, Ontonagon County, to the above-noted address; to cancel the existing Living Quarters Permit and Dance Permit; to transfer classification to a Class C license; and request for a new Specific Purpose Permit for the premises to be occupied from 8:00 A.M. to 12:00 Noon on Sundays for the service of Food.

At a meeting held on February 8, 2012, the Commission denied this request under

administrative rule R 436.1105(2)(g) and (j) after considering the past convictions of co-applicant stockholder, Jesse Monville, and 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.

Stockholder, Jesse Monville, submitted a timely request for an appeal in this matter and represented the applicant at the March 20, 2012 hearing, at the Commission's Lansing 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 the past misdemeanor record of Jesse Monville.

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 February 8, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee must submit 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.

2. 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.
3. Under administrative rule R 436.1003, the licensee must 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 these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
4. 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

Donald B. Weatherspoon, Commissioner

By its action of March 20, 2012.

Prepared by:
Terri Chase, Commission Aide