



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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In the matter of )  
)  
**RUBYCO, INC.** )  
**D/B/A R & R SALOON** )  
7330-7332 Michigan )  
Detroit, Michigan 48210 )  
)  
Wayne County )  
\_\_\_\_\_ )

Request ID No. 771546  
Business ID No. 4882

At the January 22, 2015 hearing of the Michigan Liquor Control Commission  
(Commission) in Southfield, Michigan.

PRESENT: Teri L. Quimby, Commissioner  
Dennis Olshove, Commissioner

**ORDER FOLLOWING EMERGENCY SUSPENSION HEARING**

**REVOCAION OF LICENSE**

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).

On, June 13, 1995, Rubyco, Inc., d/b/a R & R Saloon, (licensee) was issued a Class C license with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, Specific Purpose Permit (Food) and 2 Bars at the above-noted location after changing status from an individual licensee, Ruby E Niphoratos. Ms. Niphoratos was originally issued this license on April 15, 1986 as a result of a transfer of ownership, and transferred location of the license from 9310 Greenfield, Detroit, Wayne County to the subject location on May 8, 2000.

Further, Ruby E. Niphoratos previously held a Class C license at 6918-6922-6928 Michigan, Detroit, Wayne County, from April 12, 1976 until the license was revoked effective December 1, 1992 due to multiple violations of the Michigan Liquor Control Code and Administrative Rules.

The Commission received information demonstrating that emergency action was necessary to protect the health, safety, and welfare of the general public because a person or entity not licensed or approved by the Commission to sell alcoholic liquor appeared to be operating the business. Ruby Niphoratos passed away on April 1, 2014 and incomplete applications to appoint a personal representative (LCC-3007) were filed with the Commission on August 2, 2014 and October 27, 2014. Several attempts made by Commission staff to obtain the required documentation to appoint a personal representative for the Estate of Ruby Niphoratos have been unsuccessful. The Commission is in receipt of the Last Will and Testament of Ruby E. Niporatos dated April 3, 2011.

At a meeting held on November 5, 2014, the Commission issued an Emergency Suspension Order pursuant to the provisions of MCL 24.292 of the APA, summarily suspending the license and permits effective November 5, 2014, with the license to remain suspended until further order of the Commission. The Commission's Enforcement Division confiscated the license and impounded all alcoholic beverage inventories on November 6, 2014.

After providing notice of the scheduled hearing date, the Commission conducted a post-suspension Show Cause Hearing on November 20, 2014 at the Southfield office of the Commission. There was no representative on behalf of the licensee or the Estate of Ruby Niphoratos present at the hearing.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission ordered an immediate revocation of the license.

At a meeting held on December 9, 2014, the Commission rescinded the revocation that was ordered in this matter due to a possible notification error. After providing proper notice, the hearing was re-scheduled and held on January 22, 2015 in Southfield. There were no representatives on behalf of the licensee or the Estate of Ruby Niphoratos present at this hearing.

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record at all hearings held in this matter, the Commission finds that proper notice of the hearing was served to the licensee and the Estate of Ruby Niphoratos at all addresses on record with the Commission.

The Commission concludes that the subject license and permits should be immediately revoked for reasons stated on the record.

THEREFORE, IT IS ORDERED that:

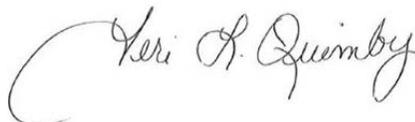
A. The 2014 Class C license with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, Specific Purpose Permit (Food) and 2 Bars held by Rubyco, Inc., d/b/a R & R Saloon located at 7330-7332 Michigan, Detroit, Wayne County, shall be IMMEDIATELY REVOKED.

B. Under MCL 436.1907(1), any and all privileges conferred by the license shall be forfeited and the Commission shall seize any and all alcoholic liquor found in the possession of the licensee.

C. Under MCL 436.1907(2), the Commission shall remit to the licensee the purchase price less 10% paid by the licensee to the Commission for all alcoholic liquor seized. All other alcoholic liquor seized shall be disposed of in accordance with the law and no payment shall be made for that alcoholic liquor.

D. This order moots and terminates any pending license renewal.

MICHIGAN LIQUOR CONTROL COMMISSION



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Teri L. Quimby, Commissioner



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Dennis Olshove, Commissioner