

cost of \$160.56 for witness fees in connection with the violation hearing held on March 5, 2014 in Kalamazoo.

Attorney Brown represented the licensee at the June 24, 2014 hearing, held at the Commission's Lansing office. After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission tabled this matter to its January 27, 2015 meeting agenda held at the Commission's Lansing office.

After hearing arguments on behalf of the licensee at both hearings held in this matter, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the hearing Commissioner properly allowed submission of the police report into the record and considered it at the hearing.

The Commission also finds that the hearing Commissioner erred in his Conclusions of Law by finding that the licensee violated administrative rule R 436.1011(6)(a) as cited in the complaint in this matter. The rule, specifically the word "allow", is subjective in nature, providing no certainty to the licensee or the commission as to whether or not the specific conduct was "allowed" by the licensee. The common dictionary meaning of allow includes "to permit". The Commission finds that the licensee's staff responded quickly to address the behavior, and did not "allow" it to continue on the premises.

For the reasons stated on the record, the order signed by Commissioner Edward J. Gaffney on March 17, 2014 issued in this matter should be rescinded and dismissed.

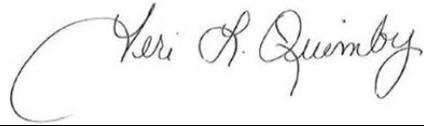
THEREFORE, IT IS ORDERED that the order signed by Commissioner Edward J. Gaffney on March 17, 2014 in this matter is RESCINDED and the complaint is hereby DISMISSED.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

Business ID No. 140780
Complaint No. 3-162600
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Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

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