



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

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In the matter of ) <b>GJONAJ, INC.</b> ) <b>d/b/a LIMELIGHT PIZZA KITCHEN</b> ) <b>GRILL &amp; BAR</b> ) 30200 Van Dyke Ave ) Warren, MI 48093 )  Macomb County ) ) ) ) ) <hr style="width: 100%;"/>	Complaint No. CV-508892  Business ID No. 159079
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**EMERGENCY SUSPENSION ORDER PURSUANT TO MCL 24.292(2)**  
**AND NOTICE OF HEARING**

The Michigan Liquor Control Commission’s Enforcement Division has submitted a request for an emergency suspension of the licenses and permits held by the above-named licensee based on its investigation conducted on December 10, 2020.

Article IV, § 40 of the Michigan Constitution authorized the Legislature to create the Michigan Liquor Control Commission. Implementing that authority, the Legislature enacted the Michigan Liquor Control Code, MCL 436.1101, et seq., and established the Michigan Liquor Control Commission, MCL 436.1209. The Code vests the Commission with plenary authority over Michigan’s alcoholic liquor industry, including the manufacture, importation, possession, and sales thereof. See MCL 436.1203(2).

Pursuant to the Administrative Procedures Act, if an agency concludes that the public health, safety, or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later,

and effective during the proceedings. See MCL 24.292(2). Further, MCL 436.1903(1) permits the Commission or any Commissioner or duly authorized agent of the Commission designated by the Chairperson to suspend or revoke any liquor license on a violation of the Liquor Control Code or the Commission's administrative rules.

On March 10, 2020, Governor Whitmer issued Executive Order 2020-4 declaring a state of emergency due to the breakout of COVID-19 in the State of Michigan. COVID-19 is a respiratory disease that can result in serious illness or death. COVID-19 is caused by a new strain of coronavirus not previously identified in humans, and it easily spreads between persons. There is currently no vaccine or antiviral treatment for this disease widely available to the general public. To date, there have been over 415,000 confirmed cases of COVID-19 in Michigan, resulting in over 10,200 deaths.

The Public Health Code gives the Michigan Department of Health and Human Services (MDHHS) "general supervision of the interests of health and life of people of this state," MCL 333.2221(2), and requires it to "endeavor to prevent disease, prolong life, and promote the public health," MCL 333.2221(1). The MDHHS may "[e]xercise authority and promulgate rules to safeguard properly the public health; to prevent the spread of diseases and the existence of sources of contamination; and to implement and carry out the powers and duties vested by law in the department." MCL 333.2226(d). Further, the MDHHS is authorized to issue emergency orders to address epidemics, pursuant to MCL 333.2253(1):

If the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws.

On November 15, 2020, the MDHHS issued a Gatherings and Face Mask Order that took effect on November 18, 2020. That order stated that the recent "sharp rise in new [COVID-19] infections suggests that the state is entering the most challenging phase of the pandemic thus far." The order concluded that "the COVID-19 pandemic continues to

constitute an epidemic in Michigan.”

On December 7, 2020, the MDHHS issued an order that took effect on December 9, 2020, and rescinded the November 15 Gathering and Face Mask Order on that date. See Ex. 1. The December 7 MDHHS order, which rests on the same legal authority as the November 15 order, states that the seven-day average case rate in Michigan is currently five times higher than on October 1, 2020. Like the November 15 order, the December 7 order concludes that the COVID-19 pandemic continues to constitute an epidemic in Michigan. Thus, the December 7 order supports the continued need to control the epidemic to protect the public health.

The December 7 order generally prohibits indoor gatherings at non-residential venues. See 12/7/2020 Gatherings and Face Mask Order, section 2(a)(2). A “gathering” is “any occurrence, either indoor or outdoor, where two or more persons from more than one household are present in a shared space.” *Id.* at section 1(g). It also prohibits indoor gatherings at food service establishments except in “custodial settings, medical facilities, school and university cafeterias, shelters, and soup kitchens.” *Id.* at section 2(c)(1).

Further, subject to limited exceptions, the December 7 order stated that “[a]ll persons participating in gatherings are required to wear a face mask.” *Id.* at section 7(a). “Except as provided elsewhere in [the December 7] order, a person responsible for a business . . . must prohibit gatherings of any kind unless the person requires individuals in such gatherings (including employees) to wear a face mask and denies entry or service to all persons refusing to wear face masks while gathered.” *Id.* at section 7(c).

Violations of the December 7 Gatherings and Face Mask Order constitute misdemeanors and are punishable by up to six months imprisonment and certain fines. See *id.* at section 10(e), (h).

Based on the investigative report and exhibits received from the Commission’s Enforcement Division and the dictates of the MDHHS’s December 7, 2020 Gatherings and Face Mask Order, the Commissioner finds on behalf of the Commission that the public health, safety, and welfare requires emergency action, as contemplated by MCL

24.292(2). The Commissioner therefore issues an emergency suspension of the licenses and permits held by Gjonaj, Inc. d/b/a Limelight Pizza Kitchen Grill & Bar, at 30200 Van Dyke Avenue in Warren, Michigan. A post-suspension hearing is scheduled for **December 28, 2020**, to determine whether this suspension should continue or other fines and penalties should be imposed.

### **I. Findings of Fact**

Gjonaj, Inc., (Licensee) currently holds Class C and Specially Designated Merchant licenses, as well as permits for Sunday sales (a.m. & p.m.), dance-entertainment, outdoor service, additional bar and a special permit for food, at its licensed location. On December 10, 2020, Investigator Chris Drake from the Michigan Liquor Control Commission's Enforcement Division conducted an inspection of the licensed establishment to determine compliance with the December 7, 2020 Gatherings and Face Mask Order.

According to Investigator Drake's investigative report, he and Investigator Molly Blessing went to the licensed premises on December 10, 2020 at approximately 5:07 p.m. Upon entering the licensed establishment, he observed 21 patrons who were dining inside and 6 patrons who were dining in a fully enclosed area of their Outdoor Service Area (ODS). The patrons were observed consuming alcoholic beverages and food in both the inside of the licensed establishment and the enclosed area of the ODS. There were no patrons observed in the open area of their ODS. The enclosed ODS was constructed of a roof and 4 walls made of what appeared to be a frosted plastic or glass and contained 2 doors to enter/exit the enclosed ODS. One door went directly into the licensed establishment and the other went to an open area of the rest of the approved ODS. It should also be noted that neither the staff nor most of the patrons appeared to be wearing masks. After making the above observations, Investigators Drake and Blessing asked to speak with the manager and contacted Naseer Jawaro. Jawaro was questioned regarding his knowledge of the current Department of Health and Human Services Epidemic Orders

(MDHHS Orders). During this conversation Jawaro confirmed that he was aware of the MDHHS Orders prohibiting indoor dining, but indicated that they were just trying to do what they could to keep the business alive. Jawaro was advised that a violation would be submitted, and the investigators exited the premises. The investigators documented their observations via video and photographic evidence.

The Licensee is a bar and a food service establishment that does not qualify for an exception to the indoor gathering prohibition in the December 7, 2020 MDHHS Gatherings and Face Mask Order. The continued operation of the licensed premises allowing indoor gatherings, as “gathering” is defined by that order, and allowing those gatherings without requiring individuals to wear face masks, poses an immediate threat to the health, safety, and welfare of the public and if allowed to continue is likely to result in additional significant outbreaks of COVID-19.

## **II. Conclusions of Law:**

The Licensee violated the MDHHS Gatherings and Face Mask Order dated December 7, 2020, by allowing non-residential indoor gatherings contrary to sections 2(a)(2) and 3(b)(1). The Licensee also violated section 7(c) of that order by allowing individuals to gather without requiring them to wear face masks. Each of these violations also violates administrative rule Mich. Admin Code, R 436.1011(1).

For these reasons, the Commissioner orders the following, pursuant to MCL 24.292(2):

**THEREFORE, IT IS ORDERED** that:

- A. The Class C and Specially Designated Merchant licenses, and all permits, at the above-captioned licensed premises are hereby immediately suspended.
- B. Gjonaj, Inc., shall appear before an Administrative Law Judge on **December 28, 2020**, at **1:00 p.m. for a virtual hearing via Zoom** on the charges identified above

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and listed in Complaint No. CV-508892 in accordance with the Michigan Administrative Procedures Act, MCL 24.201, et. seq., and the Commission's Hearing and Appeals Practice administrative rules.

**IT IS SO ORDERED.**

MICHIGAN LIQUOR CONTROL COMMISSION



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Lee Gonzales, Hearing Commissioner

Date Served: \_\_\_\_\_