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STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
SEMI-ANNUAL PUBLIC HEARING

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Proceedings had in the above-entitled case before Chair Pat Gagliardi, Commissioner Dennis Olshove, Commissioner Geralyn A. Lasher, Commissioner Edward Toma, Commissioner Lee Gonzales, held via Zoom Platform, on Wednesday, March 17, 2021.

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STAFF IN ATTENDANCE:

Terri Chase, Executive Services Division
Barb Subastian, Enforcement Division
Mary Ann Donley, Enforcement Division
Kerry Krone, MLCC Business Manager
Donald McGehee, Attorney General's Office
Anita Fawcett, Executive Services Division
Kelly Hunt, Licensing Division
Megan Minnick, Licensing Division
Jeannie Vogel, Executive Services Division
Tom Hagan, Enforcement Division
April Laverty, Executive Services Division
Jill Odell, Licensing Division
David Marvin, Executive Services Division
Lee Kane, Licensing Division
Patty Curns, Licensing Division
Erin Johnson, Licensing Division
Sara Weber, Licensing Division

1 Southfield, Michigan - Via Zoom Platform

2 Wednesday, March 17, 2021 - 1:02 p.m.

3 CHAIR GAGLIARDI: We'll call this meeting to
4 order and let our guests and staff know this is our
5 semi-annual get together set up by statute, going back
6 a long way. We get together twice a year with the
7 general public. Before I get started here, my name is
8 Pat Gagliardi, Chairing the Commission.

9 Before I introduce my fellow Commissioners, I
10 want to take this time to thank Renette Gibson for
11 recording, court reporting our meeting today. I want
12 to thank David Marvin for setting up the Zoom and
13 getting us all together at this point in time. Also a
14 big thank you to all the staff from the MLCC that has
15 joined us, along with some of our assistant attorney
16 generals represented by Don McGehee that are joining us
17 today; we really appreciate all you do for the
18 Commission.

19 With that, we wish everybody a happy St.
20 Patrick's Day. You know it's always nice to have an
21 international holiday named after yourself, so I
22 appreciate that.

23 I serve with some great people on the
24 Commission; Commissioner Dennis Olshove, who is the
25 longest serving, continuously serving Commissioner, and

1 it's good to be on board with him. Commissioner
2 Geralyn Lasher who joined the Commission with me a year
3 and-a-half ago, and then two of the new kids on the
4 block, Hearings Commissioners just appointed last fall
5 by the governor, Commissioner Lee Gonzales and
6 Commissioner Edward Toma. A great group I serve with.

7 Just before we get started, if you don't
8 mind, audience and staff, I'd like to run down with the
9 Commissioners and have them say a few words. I've got
10 such respect for all four of them; they do a great job
11 for all of us.

12 So Commissioner Olshove, why don't you
13 leadoff with some opening comments if you will, please.

14 COMMISSIONER OLSHOVE: I'm just happy to be
15 here today to join you all. I've worked with
16 Commissioner Gagliardi in the past and Commissioner
17 Gonzales and Commissioner Toma joined us recently, so
18 I'm looking forward to working with them more and more.
19 This public semi-annual meeting has changed a lot with
20 the new crises we've had and the way we do things
21 online. So I guess more than anything, I would like
22 to welcome the additional, I think we have something
23 like 80 people on this video. I can tell you in the
24 past as we've had these meetings, we've had as few as 8
25 people in the room. So this new technology is kind of

1 giving us an advantage to hear more from you and you
2 can hear from us, you can see us, eliminating the drive
3 to Lansing to go to these mysterious meetings. So I'm
4 really happy of the fact we're out here publicly, we
5 can see you, you can see us, we have time to ask
6 questions and it's a whole lot more people involved.
7 So I think that's really been the big change through
8 the Covid crisis.

9 CHAIR GAGLIARDI: Thank you Commissioner. As
10 everybody knows, Commissioner Olshove and myself and
11 Commissioner Lasher serve as Administrative
12 Commissioners.

13 So why don't we go to Commissioner Geralyn
14 Lasher for a few remarks before we get started.

15 COMMISSIONER LASHER: Thank you Mr. Chair. I
16 echo what Commissioner Olshove mentioned. I wanted to
17 take a moment, too, you'll hear more about it as we go
18 through some details, but just want to thank the staff
19 of the Michigan Liquor Control Commission for the
20 amazing work that they've done in very challenging and
21 extreme circumstances this past year; that they've been
22 able to really mobilize and do all of the work of the
23 Commission and be able to do that remotely and do that
24 safely to keep themselves and their family safe as
25 we've gone through this pandemic, I think, is a true

1 testament to their work ethic and their ability to do
2 everything that we've been able to do this past year to
3 keep the business of the Commission moving forward. So
4 I just wanted to take that moment to really express my
5 appreciation for everything that they do.

6 CHAIR GAGLIARDI: Thank you Commissioner.

7 We'll go and start with a couple of our
8 Hearings Commissioners here, two of them are with us
9 today, great people, and the governor should be very
10 proud of the work they've done since they've been
11 appointed. Why don't we start out with Commissioner
12 Edward Toma.

13 COMMISSIONER TOMA: Thank you Chairman
14 Gagliardi. I would also like to echo what the other
15 Commissioner said, thanking the entire Liquor Control
16 staff; everyone's been amazing. Commissioner Gonzales
17 and I entered in the middle of a pandemic, and we faced
18 challenges that no other Hearing Commissioners or
19 Administrative Commissioners have faced. We're doing
20 the best we can. We're ready, willing and able to step
21 up, and over the six months we've absorbed a tremendous
22 amount of information and knowledge from everyone, and
23 everyone's been fantastic in helping us to feel welcome
24 and at home, and look forward to continuing our roles
25 and keeping everybody safe.

1 CHAIR GAGLIARDI: Thank you Commissioner.
2 Commissioner Lee Gonzales.

3 COMMISSIONER GONZALES: Thank you Chair
4 Gagliardi. My parents taught me the importance of the
5 philosophy that blessed are those who are brief or they
6 won't be invited again.

7 Every since we started, as Commissioner Toma
8 indicated, we hit the ground running October 5th of
9 last year, and what we learned, and he already knew it
10 because he was in the enforcement unit previously, but
11 the talent and the creativity of the staff is
12 infectious. It made me and still makes me today, work
13 as hard as I can to do my fair share of the load. In
14 essence, I look at the Commission and how we work with
15 licensees and others in the system, it's a public
16 private partnership and it's important. I know that
17 we'll be going over some of the revenue side and its
18 distribution, but I'm just so pleased to be a part of
19 this. I really enjoy this position and want to do all
20 I can; and that's about it for me.

21 CHAIR GAGLIARDI: Thank you Commissioner.

22 As everyone can see, I am very, very proud to
23 serve with these four Commissioners and trying to do
24 business with the people.

25 I think we're going to start off the meeting

1 just a little different than some of the past ones.
2 We're going to do a little power point, it says slides,
3 to try and run through just a little bit to remind
4 people about what all the Commission does.

5 I thank you David Marvin for putting that up.
6 You can go to the next slide when you're ready.

7 The Liquor Control Commission of Michigan
8 actually runs the business for the State of Michigan.
9 We are the wholesalers of distilled spirits, and we
10 raise our revenue in the way of taxes instead of profit
11 per business taxes for the State of Michigan and local
12 units of government to spend. So here are the two
13 primary sources of our income that we make from taxes;
14 the first one is the Liquor Purchase Revolving Fund,
15 which gives us all the taxes off a bottle of distilled
16 spirits. Secondly, we make a good chunk of money off
17 Liquor Licensing Fees. There are some smaller ones
18 that you can see below that. Next slide.

19 We wanted to show the number of employees
20 that MLCC's had over the last decade, and as you can
21 see going back to 2011 to 2021, the maximum number of
22 employees has changed by a point half a percent. When
23 you take a look at what the Commission made, what the
24 Commission sold in gross sales in 2011 it was 975
25 million dollars. If you take a look at what the

1 Commission sold in gross sales of distilled spirits
2 last year, it was almost 1.8 billion dollars. So we've
3 almost doubled the amount on our business side of
4 product that we sale, and we've done that with
5 basically the same amount of people working on your
6 behalf or on behalf of the people of the State of
7 Michigan. Next slide.

8 This is the break down of where the money
9 goes. Last year we raised \$567,000,000 for the people
10 of the State of Michigan; \$407,000,000 of that went to
11 the General Fund. With this Convention and Facility
12 Development Fund, that goes back to each county; it's
13 the old Cobo Hall Fund, and it's four percent of our
14 tax on a bottle of alcohol, and that \$71,000,000 right
15 there goes to all 83 counties and is divided by each
16 county into its jurisdiction; so that's quite a revenue
17 sharing plan. Next to that is the School Aid Fund.
18 Just about \$71,000,000 went directly into the School
19 Aid Fund. So as you can see, we've got quite a revenue
20 sharing program going here. Then next to that is Local
21 Units of Government. That 7.3 million is the Local
22 Units of Government's cut on our licensing fee, they
23 get 55 percent of each license in their community. So
24 if you take a look at those three areas right there,
25 almost \$145,000,000 -- no, \$150,000,000 in revenue

1 sharing by the State or Michigan with the School Aid
2 Fund, counties, cities, villages and townships. It's a
3 very to nice and unknown revenue sharing fund. Then
4 you can see there's a couple smaller areas where we
5 finance licensing and enforcement money to the
6 Department of Public Health and to Department of Ag.
7 Next slide, please.

8 We thought we'd run down through what the
9 taxes are on a bottle of alcohol. We used this plain
10 brown bottle minimum selling price of \$10.00. As you
11 see the way the taxes are spread out that we raise a
12 ton of taxes with the state, the local government, as
13 we just talked about, and we also raise taxes for the
14 federal government. Then that last category talks
15 about what the distiller or the importer or the
16 manufacturer makes. We do not tell any product, any
17 supplier who wants to bring product into the State of
18 Michigan what to charge, but they all know this is the
19 breakdown that's going to happen percentage wise as
20 they price their bottles. Next slide, please.

21 This is just a slide that shows that
22 \$279,000,000 was put into the General Fund for general
23 purposes, of the 409 which leaves a little over
24 \$200,000,000 that goes for services within state
25 government that have already been boiler plated for

1 where they go. So a little over 400,000,000 to the
2 state, 279 to the General Fund, which allows the
3 governor and state legislature a lot of flexibility on
4 where they want to spend that bunch of money, which is
5 quite a bit of money. Next slide.

6 I think we'll turn this over now to
7 Commissioner Lasher.

8 COMMISSIONER LASHER: Thank you Mr. Chair.
9 Just following up on that, but what we're talking about
10 here is really found directly from the Michigan
11 Compiled Laws. Really the purpose and the function of
12 the Michigan Liquor Control Commission is really to
13 have as a priority, that this act shall be construed to
14 effect the intent and purposes set forth in this act,
15 and to protect the public health, safety and welfare of
16 the citizens of this state. I think that has been
17 certainly a key priority of the Chair as we've been
18 moving forward and working through really looking at
19 every application, every component that we have been
20 doing to really make sure that we are keeping those
21 priorities, and making sure that we are really
22 addressing this as far as the public health, safety and
23 welfare of the citizens of this state.

24 So we've been pleased to partner with many
25 public health groups. We've partnered with the

1 Department of Health and Human Services, as the Chair
2 mentioned, and also nonprofit groups to make sure that
3 we are doing everything that we can to protect the
4 health, safety and welfare of the citizens of the State
5 of Michigan. It's absolutely been a priority, it will
6 continue to be a priority, and we're really pleased to
7 play that role.

8 CHAIR GAGLIARDI: Thank you Commissioner.

9 Next slide.

10 I think we'll take this to Commissioner Toma.

11 COMMISSIONER TOMA: Thank you Chairman.

12 In a perfect world licensees would be in
13 compliance and there would be no need for violations;
14 unfortunately we don't live in a perfect world and
15 violations do happen, therefore it's necessary to
16 enforce the Liquor Control Commission rules. There's
17 no doubt that this has been a challenging year for many
18 licensees and those challenges due to the Covid-19
19 pandemic has created further violations, and those
20 violations need to be addressed. As part of the
21 hearing process, our duties include reviewing evidence,
22 hearing testimony from the licensees, law enforcement
23 officers, MLCC investigators and witnesses. We would
24 also review the licensee's previous violation history
25 before rendering a decision. As I stated before, the

1 Covid-19 pandemic has drastically impacted the
2 licensee's ability to operate their business
3 prepandemic. I urge all licensees to research what is
4 allowed and what is a violation to these unnecessary
5 violations. Mistakes happen, but rest assured that
6 Commissioner Gonzales and I will be fair to all
7 licensees while enforcing the law, and fairness is a
8 crucial part of the enforcement process.

9 CHAIR GAGLIARDI: Thank you Commissioner
10 Toma. Let's go to the next one.

11 Commissioner Gonzales, you want to speak to
12 us?

13 COMMISSIONER GONZALES: Thank you Mr. Chair.

14 As Commissioner Toma pointed out, our aim is
15 to be fair and impartial in all hearings that we
16 conduct with the support of our Commission colleagues.
17 Slide 9 is a snapshot of remote hearings that started
18 in June 2020. The Commission responded to the Covid-19
19 pandemic with creativity and innovation via the Zoom
20 collaboration platform. We knew we had to get back to
21 full capacity with our hearings while continuing to
22 mitigate risks to protect the public and staff. Before
23 Covid-19, BC, hearing Commissioners would hold weekly
24 hearings at different locations across the state.
25 Recent Zoom hearings were conducted for licensees from

1 Lansing, Macomb, Detroit, Grand Rapids, Midland and
2 Mackinaw City, to mention a few. On Monday, one was
3 held for a licensee from Iron River in the Upper
4 Peninsula, so far west it's in the Central Time Zone.
5 Had it been done BC, before Covid, that case would have
6 waited until a hearing could be scheduled in Escanaba.
7 All things considered, the digital transformation has
8 allowed hearings to occur safely while providing
9 licensees the opportunity for a hearing that does not
10 require travel, especially during inclement weather.
11 Lastly, some court and administrative law observers
12 have said that after Covid-19, remote appearances will
13 continue to be utilized for months and years to come.

14 CHAIR GAGLIARDI: Thank you Commissioner, I
15 appreciate it. Next slide, please.

16 This is a slide I had put in there just to
17 remind all of us of what we have going in Michigan.
18 These are two pictures taken by our good friend, David
19 Marvin, at a local Kroger store; the left side is the
20 wine aisle, the right side is the distilled spirits
21 aisle. In one of the most heavily regulated industries
22 in the world, look at all that we are able to offer.
23 We have the customers or the Kroger's, Meijer's,
24 Costco's and all the Spartan Stores in the world
25 wouldn't be offering this kind of shelf space. We have

1 the choice. We have, just in distilled spirits alone,
2 over 420 suppliers by Michigan. We have the
3 competition, simply look at those shelves. If you look
4 at the left side, the wine shelf, you see Michigan
5 products. You see Leelanau Cellars is there with some
6 of the big players and nationally and internationally.
7 So we have the three C's of business, but we also have
8 the fourth C in that we license this, we keep control
9 of this, we offer a level playing field to all
10 businesses, and you go to any other part of this Kroger
11 store or any of the other stores that you might shop
12 at, and any shelf you might see one, two very oddly,
13 but maybe even three suppliers. When you come to our
14 shelves, beer, wine and distilled spirits, you're going
15 to find so many products it makes your head swim. As
16 you can see by the amount of shelf space given to it by
17 our stores, it's been very profitable for them, it's
18 been good for us in raising tax dollars, and hopefully
19 that C of control has been in there that we're only
20 licensing people who do it the right way, the safe way.
21 So I just wanted to throw that picture in. Some people
22 think regulation is a bad thing. Regulation is often
23 in this industry, a multi-billion dollar industry in
24 this state, with lots and lots of room to grow, and you
25 can see how it's grown. Next slide.

1 Commissioner Olshove, will you finish us up
2 here?

3 COMMISSIONER OLSHOVE: Yes. It's about a
4 year ago that Covid hit and basically changed,
5 obviously, the world we live in. For individual
6 licensees it's been a miserable year, it's been awful.
7 We're coming out of that a bit. I would like to
8 highlight some of the changes we made or tried to
9 accommodate the licensees burden, if you want to call
10 it that. We tried to streamline -- first of all we did
11 a Buy-Back Program to try and get more money into our
12 licensees hands; we knew they were under pressure with
13 their employees, we tried our best and were
14 accommodating as best we could. We extended when we
15 could and we did a licensing deadline fees, whatever we
16 could do to push the date back to try and get us
17 through this pandemic. We implemented a new online
18 ordering system which maybe can move things up a bit.
19 We have a toll free -- very important, as we go through
20 this process there is confusion, undoubtedly there's
21 going to be confusion, though we do have a toll-free
22 hotline to work with our staff. Individuals can call
23 us and you can talk to a person and go through your
24 particular problem and we can try to get it resolved.

25 A little example, restaurants trying to

1 reopen with a given occupancy, first it was 25 percent,
2 50 percent but an instance of where the Commission has
3 tried to do outdoor service areas. The Commission has
4 spent a lot of time with or licensees trying to do the
5 best we can to give them a little bit more room to
6 operate on, and all within the timeframe here trying to
7 keep in mind, always, our main objective here is to
8 promote public safety and welfare. We have a
9 controlled substance that we're using here and we want
10 to make sure the public is foremost in our minds.

11 I'd like to shout out to staff. Again, we
12 mentioned that before. We have 144 approximate
13 employees and all of a sudden the buildings shut down
14 and everybody's working from home. I envisioned chaos.
15 Commissioners, the Chairman and I have learned how to
16 Zoom, which we never anticipated we could do this, but
17 I have to thank our staff to no end that the licensing
18 process has not slowed down. You have to know that we
19 license thousands of establishments, all sorts of
20 licenses, even your little church picnics we license.
21 So with that said, I would like to just make sure that
22 you know there's a call line where you can call and
23 give us suggestions; we've taken several of those into
24 consideration. You're out on the streets. We don't
25 know everything here, the Commission's not the end

1 result. We can improve processes, and we can help get
2 through this.

3 Oh, back to the issue of public
4 participation. Commissioner Toma mentioned the online
5 hearings that he has. We have weekly meetings Tuesdays
6 and Thursdays that the public can listen in on
7 everything that we do on our docket, how we discuss
8 things, the way we take things into consideration, all
9 the issues the Commission might have to take under
10 consideration, but you can listen to that. You can
11 listen to what we're talking about, how we're talking
12 about it, why we're talking about it, and at the end of
13 our meeting toward the end, you have the ability to
14 participate; you can criticize us, we'll take it, we
15 may be doing something wrong, quite frankly, and I
16 encourage you all to listen.

17 Like I said earlier with this semi-annual
18 meeting, very little participation in the past, 10
19 people, 20, 15 people. Now one of our average meetings
20 we're getting up to 50, 60 people. I think a couple
21 meetings we had special issues, we had up to 200 or 300
22 people listening to us. So I would only encourage you
23 this is an open process. We're happy to hear your
24 comments, please participate with us and hopefully as
25 we gradually reopen here, we'll still go through some

1 problems. What I don't want to see and I don't think
2 any of the Commission wants to see or anybody in the
3 state wants to see is going backwards. I think it's
4 going to require a little more patience. We can get
5 through this. California has had terrible problems
6 going back and forth between opening, closing,
7 reopening, closing. I think we're on a steady path
8 here, and I don't want to go to the Europe model where
9 we're completely shut down again. So work with us,
10 we'll work with you and we'll get through these tough
11 times.

12 CHAIR GAGLIARDI: Thank you Commissioner
13 Olshove.

14 I think that's the last of our slides, David.
15 And thank David Marvin for doing that for us. As you
16 can see we've got high quality people working with the
17 Commission. I want to thank all of you for
18 participating in this. We wanted to just do a broad
19 look at what the Commission does both on its business
20 side and its regulatory side.

21 I'd like to take just a point, a personal
22 privilege here to echo what Commissioner Gonzales and
23 Commissioner Olshove talked about. This ability to
24 have Zoom like we're on right now with all of you, for
25 our hearings, has been tremendous. You can think of a

1 Michigan winter, let alone how big Michigan is. The
2 fact that people don't have to travel to certain parts
3 of the state, whether they be our licensees, their
4 attorneys, their family, our employees, has been great,
5 and we've been able to do these hearings with ease for
6 everybody. I mean we're all not travelling to do it
7 and I think we're giving quality, as you can see by
8 these Zoom hearings, quality hearings. Just mentioning
9 that because I think that our ability to do this comes
10 up with the legislature at the end of March, and we're
11 hoping they will extend our ability to do it. I think
12 it's good for everybody, and there is a public record
13 that's kept of all hearings. As Renette can tell you,
14 she and Lori and our other staff people are at all
15 these hearings and recording everything. So thank you
16 for all you do Commissioners, I really appreciate it.

17 Next I think what we'll do is we'll get some
18 update announcements from our Business Manager Kerry
19 Krone, who's wearing her Shamrocks in honor of the
20 international holiday, too, we're having today.

21 Miss Krone.

22 MS. KRONE: Thank you very much and good
23 afternoon everyone. Thank you for joining us today, we
24 really appreciate the participation. I just wanted to
25 provide a couple updates or really reminders to

1 everyone. As the Commissioners have indicated, our
2 staff has been working remote, we continue to work
3 remote at least right now up until May 1st. We don't
4 know if that will go beyond that at this point in time
5 or not, but with that I really want to encourage
6 everyone to look at our website often and frequently.
7 We try to keep that updated with any new information,
8 any changes, any changes regarding any of the
9 information from DHHS. Anything the Commission is
10 doing or making updates and changes to is posted. So
11 our website is www.michigan, all spelled out, gov
12 backslash LCC again www.michigan.gov backslash LCC.
13 Actually right now if you look at that you'll see one
14 of the very front and center items listed is a button
15 that is indicating the Commission has extended the
16 renewal this year, they also extended renewal last year
17 as well during the pandemic situation, and it's been
18 extended already this year until July 30th, so everyone
19 needs to be renewed by that point in time. The
20 invoices for renewal, for those of you that are
21 wondering when those will come out, once the invoices
22 are mailed roughly around the end of this month late
23 March, then our online portal will go live and open up
24 so that when you receive those invoices if you want to
25 renew prior to that July timeframe you can do that via

1 the online portal. Like I say, that gets opened up
2 once those invoices get sent out, and until you
3 actually receive the invoice, the licensee doesn't
4 really have the information and ability to renewal
5 quite yet. So that will be coming out here shortly
6 over the next several weeks, the end of March maybe
7 early April.

8 That's really the only updates and reminders
9 that I had. Again it's just to remind everyone to
10 check our website very often for updates and new
11 information. All of our information on our meetings
12 that some of the Commissioners talked about is on our
13 website as well. So you see the dates, you can see the
14 links for any of the Zoom information or if it's a
15 call-in, the phone number is listed there as well.
16 Thank you very much.

17 CHAIR GAGLIARDI: Thank you Kerry, and thank
18 you for the job you and the rest of our management team
19 does. As business manager, on behalf of all five of
20 us, you can pass along to our management team how much
21 we appreciate not only you, but all the work they do
22 too. We've got a Licensing Division and an Enforcement
23 Division, an Executive Service Division and a Finance
24 Division, all very important to make sure, Kerry, that
25 they know that the five of us are really excited about

1 the job they do.

2 I think we're at the point now where we're in
3 the public comments, but if I could just make a comment
4 on what Kerry just talked about our website. David
5 Marvin and our crew have been working hard to keep
6 continuing to upgrade that. We're hoping to get it to
7 the point where we can actually put more narratives on
8 there of people who are in the business, whether they
9 be suppliers, whether they be distributors, whether
10 they be brokers, whether they be retailers, whether
11 they be some of our staff that are enforcing the
12 regulatory law. We think that more and more people are
13 coming to our site, they're fascinated with the alcohol
14 business and how it works, and I'd like to get more
15 narratives on there about how and why people got into
16 this business and how they feel about it. So continue
17 to watch our site. Jeannie Vogel and David Marvin are
18 going to work to put some narratives on there we hope
19 soon. We just think there's a lot to celebrate about
20 this business even though not everything's peaches and
21 cream, we always have problems. As Commissioner Toma
22 said, we're going to have to deal with violations.

23 With that, let's go to public comments now,
24 David. Let me say on behalf of Renette, that if
25 everybody who wishes to speak could please spell their

1 name just so make sure we've got you in our transcript
2 properly.

3 David, why don't you open it up and let's get
4 our first public comment.

5 MR. MARVIN: If you're interested in doing a
6 public comment, make sure you're unmuted. Last time we
7 did this people just spoke up and people were pretty
8 good at sorting it out. If you're calling in via
9 phone, you need to press star 6, and please note that
10 if you have a phone and you're watching this via your
11 computer, you have both speakers on, it will cause some
12 feedback and I'll have to mute you again. Just make
13 sure you're not listening via phone and via computer at
14 the same time, it will cause a problem. So with that
15 you can -- folks that want to jump in, can jump in.

16 SPEAKER: Hello?

17 CHAIR GAGLIARDI: Good afternoon.

18 SPEAKER: Good afternoon. I've been
19 listening and I'm inspired by everything you guys are
20 saying.

21 CHAIR GAGLIARDI: Would you mind putting your
22 name on the record please?

23 MR. SHEMAMI: My name Najib Shemami,
24 N-a-j-i-b, last name S-h-e-m-a-m-i.

25 CHAIR GAGLIARDI: Mr. Shemami, what do you

1 have to share with us?

2 MR. SHEMAMI: Well to be honest with you, I
3 been listening to everything and I've been a retailer
4 for the last 15 years. I think I joined the wrong Zoom
5 because I had a violation and I was trying to get this
6 situated, so I listened to everything and kind of wait
7 my turn, so I'm kind of lost in what I'm suppose to be
8 doing. All the information and everything you and your
9 staff have been talking about has been really
10 inspiring, and I appreciate everything, but I just
11 don't know, and I know it's not about what you guys are
12 talking about, but I'm trying to take care of what I
13 have to take care of.

14 CHAIR GAGLIARDI: David.

15 MR. MARVIN: Sir, are you on a phone?

16 MR. SHEMAMI: Yes sir.

17 MR. MARVIN: I'm going to send you a private
18 chat message. If you can give me, only I can see, I
19 don't want your phone number out there; if you can
20 respond to that with your phone number and I will call
21 you. There weren't any violation hearings scheduled
22 for this afternoon so there must be some confusion
23 there. We'll get it sorted out. I'll send you a quick
24 message on that and just respond to that. It will pop
25 up on your screen asking you to respond.

1 MR. SHEMAMI: Okay, I appreciate it. Thank
2 you.

3 CHAIR GAGLIARDI: Thank you Mr. Shemami.
4 Anybody else wish to share anything with us?

5 MS. RYAN: Hello. I'll share --

6 CHAIR GAGLIARDI: Can you put your name on
7 the record please?

8 MS. RYAN: Yes sir. My name is Andrea Ryan,
9 I'm a Social Worker, a Prevention Specialist, a Mental
10 Health Therapist, got lots going on. I wanted to say
11 thank you for allowing me to be here. I just wanted to
12 reiterate the importance of regulation of alcohol and
13 the obvious public health effect that it does have on
14 our community. So I just wanted to thank you for
15 regulating that, it is much needed. Thank you.

16 CHAIR GAGLIARDI: Thank you Ms. Ryan.

17 Commissioner Lasher do you want to kind of
18 speak a little bit since you've been our point person
19 on public health, to the work that's being done between
20 the Commission and the prevention networks, MCRUDs of
21 the world?

22 COMMISSIONER LASHER: Certainly. I've been
23 very pleased to serve as the liaison with the Michigan
24 Coalition To Reduce Underage Drinking, and the work
25 that they've done it represents all of the 83 counties

1 across the state, and it's really been an important way
2 again for that participation to make sure that people
3 understand the priority and the role that's being
4 played as far as the Commission are looking at health
5 safety and welfare. There's so many obviously issues
6 going on in the legislature, they're very active in
7 that as well as looking at some of the potential bills
8 that are moving its way through the legislature; so
9 that's an important part for their citizenry to be a
10 part of that. We obviously don't enact the laws of the
11 Commission, we enforce the laws that are on the books,
12 and so it's an important way to partner and really get
13 more people involved in that process.

14 CHAIR GAGLIARDI: Thank you. We appreciate
15 the work you do.

16 Anyone wish to speak? We have an open line
17 here.

18 MR. MITCHELL: Hi, this is Mike Mitchell.

19 CHAIR GAGLIARDI: Hi Mr. Mitchell.

20 MR. MITHCELL: I'd like to take a moment too,
21 I thank -- I've had an opportunity to share the work
22 with many people and the staff in many different
23 matters, and I got to tell you that, by and large, I
24 feel like you are the most approachable group in the
25 government that we have, and I'd like to take a minute

1 to thank every one of you that answers the phone, that
2 calls back timely, and takes an interest in what we do,
3 thank you very much. The recent addition of the new
4 ordering system, there was a lot of input and I know
5 that we had a lot of chance to talk back and forth and
6 I feel that during the pandemic, that was a formidable
7 task and I think that everybody in the staff handled it
8 well.

9 I recently sent some pictures to you folks on
10 a certain product that I have a little bit of problem
11 with, it seems deceptive to me on a spirit versus malt
12 beverage. I'm not sure if anything can be done with
13 that or anything should be done with that. I think on
14 the marketing side it was probably a brilliant move,
15 but I do think that it's a little deceptive to the
16 consumer and it's causing a little bit of issue in our
17 stores. I know that it was coming up that they were
18 going to change some of the pre-made cocktails, and I
19 would be a liar if I said that I understand that
20 completely, but I do not believe that there's a
21 shortage of places to buy those particular items.
22 We're blurring the line between a spirit and a malt
23 beverage and it's, in their own words, they're trying
24 to make that a revenue neutral project, and I'm not
25 sure how that happens with what the state takes right

1 off the back.

2 Anyway, I just wanted to tell you again how
3 much I appreciate the fact that across the board no
4 matter what we're talking about I find that everybody
5 there is receptive and willing to help. Thank you very
6 much. I hope the next year is better for all of us. I
7 didn't say the product; I didn't know if it were proper
8 for me to do.

9 CHAIR GAGLIARDI: It's fine for you to talk
10 about the name of the product.

11 MR. MITCHELL: Okay. It's Fireball Cinnamon
12 Whisky. So basically, and I sent you guys some
13 pictures of it, the basic premise is the bottles look
14 the same, the print looks the same. On one label they
15 left the word whisky on, on the malt beverage, but it
16 doesn't say in the very big letters it's a malt
17 beverage at all. In my age with by bifocals, I had to
18 take a picture and zoom it to see what it is. It does
19 say on the back it taste like whiskey. Again from a
20 marketing standpoint I guess I get it, but I do think
21 it's deceptive and it misleads people. It caused me
22 quite a shock when I walked into one our station's that
23 has just an SDM, and saw Shots of Fireball on the
24 counter with all the rest of our stores, our SDDs and
25 SDM's. It's confused some of or customers as well, and

1 we've had some discussions there, but I do think it's
2 deceiving.

3 CHAIR GAGLIARDI: Any Commissioners have any
4 questions to that? It's an interesting concept, and
5 I'd like to have a discussion amongst the Commissioners
6 and staff on it. If you saw the pictures that were
7 e-mailed to us, it is -- looks like the very same
8 product without the word whiskey on it.

9 COMMISSIONER LASHER: I just want to say
10 Mike, I appreciate you sending that to us. I have
11 forwarded it to our Finance Director because I think
12 she would probably have an interest in looking at that
13 as well. So I appreciate you sending that along.

14 MR. MITCHELL: Thank you.

15 CHAIR GAGLIARDI: Mr. Mitchell, if I could to
16 your point about the online ordering system which
17 brings our ordering system for our retailers into the
18 21 century. I'd like to thank our finance staff and a
19 couple people out of our licensing staff, Kelly Hunt
20 and Sam and Eric and the finance staff. When we put
21 that system online February 2nd, in the first 20 work
22 days we signed up and helped people get online; you had
23 to set up e-mails for people who didn't have e-mails in
24 this day and age. We helped 11,300 of our licensees
25 get on the online ordering system in the first 20 work

1 days, which means our finance staff, hefty staff of 15
2 and the other three people that helped, about 18 people
3 on and off during that 20 days, put on an average of
4 565 people, not people, licenses a day. I just want to
5 say to all those folks that worked on that, way to go.
6 I mean, you had your own job to do and you still took
7 time out of your day and night to help these people get
8 on our system. I also want to thank the Department of
9 Licensing and Regulations, Orlene Hawks, Director, for
10 giving us in these tough times some overtime money to
11 help staff answer questions from our licensees 24/7.
12 So it's a real big shout out to everybody. Mike, I'm
13 glad you brought it up. I'm sure Dennis and Geralyn
14 and Ed and Lee all send their congratulations to our
15 staff too.

16 Who do we have next that would like to speak?

17 MR. LAUVE: John Lauve.

18 CHAIR GAGLIARDI: Hi Mr. Lauve. Can you
19 spell your last name?

20 MR. LAUVE: Yes, L-a-u-v-e.

21 CHAIR GAGLIARDI: Go ahead Mr. Lauve.

22 MR. LAUVE: I was really outraged at this
23 latest deal where they want to have booze being sold at
24 4:00 a.m. They tried this in the past and this is off
25 the chart, but this is the first issue in front of the

1 legislature, it's urgent, and I just wonder what your
2 position is on this thing because it's inappropriate to
3 be doing this particularly at this time. I have one
4 other question too.

5 CHAIR GAGLIARDI: Yes, we can answer that
6 question.

7 Kerry, we put in a card on that didn't we, to
8 the legislative committees?

9 MS. KRONE: Yes we did. I'm actually going
10 to confirm with David if we put in this year, we did
11 last year and I believe we put in opposition for the
12 bill.

13 CHAIR GAGLIARDI: Yes.

14 MR. LAUVE: Well thank you. I was at the
15 hearing that was just held this year on the
16 reintroduction, and there was no reading of anything to
17 the committee on reform about this from anybody. I was
18 the only one there that was talking in person about
19 this, and the vote on this thing has been bipartisan,
20 they're lining up, they can't get at it fast enough,
21 it's disgraceful. So I appreciate you at least having
22 some record and at least turning it in.

23 Moving on, your intent is to protect the
24 public. When you talk about the great volume of sales
25 that we're generating, Michigan is the only state east

1 of the Mississippi that allow gas stations to sale
2 liquor; that's where we're at the forefront. We're
3 building some big industry and it has an adverse affect
4 because the more availability it is, the more we accept
5 it as, well, it's okay to go out and get smashed
6 anytime you want, and the volume is -- there's nothing
7 about how a pregnancy, how it affects the kids, the
8 availability. I was at the meeting a year ago in
9 December, and majority of the people there were talking
10 about the density problem and it's been created, I
11 realize you haven't done it, but you're facilitating
12 this. The intent is not to have this as a great growth
13 industry. The record is terrible on this thing. For
14 example, the beer tax is 1.9 cents a bottle. It's been
15 frozen in a fixed amount for 50 years. So they get
16 excluded from the tax system, and by it being a fixed
17 amount, it actually is cutting their rate every year.
18 I talked to my lawmaker about it and he says I'm not
19 touching that, it's not going anywhere, it's a dead
20 issue, they've taken care of business. What has
21 happened to the federal tax, they cut the liquor tax in
22 half permanently at a loss of 4 billion dollars a year;
23 that's not chump change, but this is what's going on
24 and the effect these people have on this thing. Those
25 are just some examples, but it's out of control and

1 there's nothing being done to stop this growth
2 industry. So you go to the grocery stores now, it used
3 to be party stores that sold, now it's grocery stores,
4 you go in there, it's a whole aisle of this stuff.

5 CHAIR GAGLIARDI: When I was a kid growing
6 up, Mr. Lauve, stores we used to call them 5 and Dime
7 stores, they're now called dollar stores, they have
8 them too. The legislature has opened up more
9 businesses to have licenses, and more licenses to be
10 given out. I think the uniqueness of Michigan plays a
11 small part in it. I think you know that we have a
12 great concern, as Commissioner Lasher talked about, in
13 public health and safety. We think this is a great
14 industry and it can grow as an aminity to our tourism,
15 hospitality, entertainment industry, but it only grows
16 if we do it the right way to keep people safe. As an
17 aminity, as something where if you want to order some
18 wine with your dinner, if you want to have a drink on
19 the golf course or whatever it is, that we can provide
20 it and do it in a safe way. But Michigan, don't
21 forget, Mr. Lauve, we get all these people from the
22 upper Midwest because we are the fourth coast of the
23 United States; we have the east coast, the west coast,
24 the gulf coast, we have the Great Lakes, and so many
25 people come here. I'll give you an example of my home

1 turf, when I was younger in the legislature, Mackinaw
2 City was a village of 600 people, and on a given summer
3 weekend they'd have 60,000 people to take care of and
4 they had to have food and drink, they had to have water
5 and sewer, they had to have health care and police for
6 a town of 60,000 when they were a little village of 600
7 to 800 people. So Michigan gets that kind of
8 tremendous growth at many times during the year at many
9 of our places. So we probably have more licenses,
10 certainly in some of these resort areas than we would
11 normally have, and a lot of those close in the
12 wintertime. So we have a lot of licenses but I think
13 we've got a pretty good mix right now, but anything
14 that we can do to keep the public safe and healthy, I
15 think you know that Commissioner Olshove, Commissioner
16 Lasher, Commissioner Toma and Commissioner Gonzales are
17 right in the forefront of that.

18 MR. LAUVE: If I may just one other the
19 thing.

20 CHAIR GAGLIARDI: Go ahead.

21 MR. LAUVE: I've had to deal with these
22 drunks. I've had them working for me and accidents,
23 shotty workmanship, there's a problem. My son-in-law
24 was killed by a drunk driver while he was jogging on
25 the side of the road, that's a problem. I don't see

1 anything done on those aspects. The guy that killed
2 the son was -- went to his lawyer's office and never
3 even got a ticket; he hired the policeman that was at
4 the case. So this situation is not under control, and
5 facilitating it and growing it is not an objective.
6 The pregnancy of the children that are born from the
7 women that have been drinking, I didn't hear anything
8 mentioned about any of that. So that's my frustration.
9 Thank you. I'm all done.

10 CHAIR GAGLIARDI: Well, we appreciate your
11 frustration and we send our total sympathy to you on
12 the loss of your son-in-law. That's the reason we have
13 to try and control this substance and keep people safe,
14 because when misused it can cause not only damage to
15 the individual misusing it, but to the people around
16 them. You're so right. I know you've been to a lot of
17 our meetings. Stay involved with us. We need to have
18 your input; we need to be reminded that we're not just
19 a business, that we have a public health banner to also
20 take care of. Thank you.

21 Who do we have next that wishes to speak?

22 MR. ISAAC: Mr. Commissioner, Roger Isaac.

23 CHAIR GAGLIARDI: Mr. Isaac, what do you have
24 to share with us?

25 MR. ISAAC: Well, first of all I want to

1 reiterate again what's been said numerous times, but my
2 office specializes in liquor and transfers, so we have
3 dealings daily with the Commission, and despite the
4 pandemic, I will say that the help that we get daily
5 whether it's an e-mail, whether it's a phone call,
6 whatever we get is phenomenal, considering the fact
7 that everybody's working from home. I mean I know what
8 a difficulty it was when I had to work from home, it
9 just throws off your entire balance. But I want to
10 thank everyone, including all of the Commission, and I
11 know the Zoom has helped because it's given us an
12 opportunity to have a face-to-face.

13 I have several questions and I'll try and
14 make them quick. The first question is this form 302
15 and the form is the Annual Organization Update that's
16 required to be filed every July 1st where privately
17 held corporations, LLCs and partnerships and so forth
18 have to file this form. For years we filed this form,
19 and I had one secretary that she used to just do this
20 because we had 300 to 400 that we had to file for
21 clients. I think it's a form that should only be
22 required if there has been an activity rather than if
23 there's been no activity they have to file it. I mean
24 we look at what is 37,000 license renewals? This is
25 another piece of paper that someone in your office, not

1 your office but in one of the clerk's office have to
2 deal with it; they have to file it, they have to post
3 it, especially if it's faxed. Again, what I was made
4 to understand was only if there's a transfer do we need
5 to use this form. I'd like to have someone maybe look
6 into it and maybe clarify it; if it's needed, it's
7 needed, but that's a lot of paperwork to be filed every
8 year. That's number one.

9 CHAIR GAGLIARDI: Thank you Mr. Isaac, we
10 will check into that for you and get a response to you.

11 MR. ISAAC: Then number two, I know that
12 there was a change relative to franchise licensees, and
13 I've had two, one was resolved, the other one has been
14 sitting on an analyst desk for a couple months, and I
15 think it's there because they're trying to figure out
16 what the status is, and I know it was added that if
17 there's a franchise, that the franchisor needs to fill
18 out the application as well as the franchisee. What I
19 noted in most of these franchise agreements, if there's
20 alcohol involved, the franchisor does not take any
21 revenue and its royalties from alcohol sales. So I
22 just would, could someone clarify that because when the
23 franchise comes in, we need to reach out. For example
24 I'll just give an example that I do work for
25 Applebee's, and I have 22 Applebee's that I represent.

1 We never had to deal with the franchise agreement. So
2 the question now is do we reach out and does all the
3 people that are members of this Applebee's have to fill
4 out a form if they're not part of the licensee that I'm
5 dealing with? Because the franchisors are large. Some
6 of them are traded on the stock exchange. I mean, see,
7 it doesn't -- I understand what the purpose is because
8 you're saying they're sharing in the revenue, but if
9 they don't share in the revenue do we still need to get
10 backed up for a period of time while we answer these
11 questions?

12 CHAIR GAGLIARDI: I think that's a legitimate
13 request to ask. Why don't we see if we can get
14 something in writing on both those issues to you Mr.
15 Isaac, and just remind everybody that a big part of
16 what we do in our job is to follow the money of people
17 involved in liquor licenses goes all the way back to
18 1934 and the forming of the Commission. So let's see
19 if we can get an answer to those two questions, but I
20 do know that we ask more of applicants than maybe we
21 used to just to make sure there's no money laundering
22 going on in this business. So thank you.

23 MR. ISAAC: And that brings me to the last
24 issue and I do appreciate it. Always the elephant in
25 the closet so to speak, and in the room is the

1 financing issue. Now that it's been expanded to three
2 years income tax returns and one year of bank
3 statements, and that's fine getting that information,
4 but I know that the investigators are spending a lot of
5 time on this issue. I mean especially when it's a
6 greater number like I did one, I'll just use the
7 example, I had 6 members of an LLC. Getting the
8 financing together, it's a lot of paperwork. So it
9 leads me to the question, what happens when we have
10 some people, for example, that their tax return -- can
11 we shorten the requirement, because I have one client
12 his tax return is 138 pages? Do we need to send that
13 or can we send just the initial stages; do they need
14 all the supplemental? I'm trying to short circuit the
15 system to where I get them what they want but it
16 doesn't take so much of their time that, you know, and
17 Commissioner Toma knows -- Commissioner Toma, when he
18 was an investigator, he knows the one project that he
19 and I ran across out of the Detroit area. I don't know
20 if he's still there or online, but he knows the one
21 that we spent weeks on trying to get the information,
22 and it was a problem because the client had eight
23 and-a-half million dollars in a 1031 exchange out of
24 New York that he was using to buy six properties in
25 Michigan, and it just took three or four weeks of their

1 time. I mean I do that this everyday so I can get it,
2 but it's the investigator, and I'm just wondering if
3 there's a way that we can take the pressure off of
4 them. I feel bad sometimes because of the volume of
5 papers that they get, that's all. I do understand what
6 you said, Mr. Chairman, what the purpose is. I do
7 understand it's money laundering, hidden interest; I
8 understand all that. My only comment is if there's any
9 way that we can help the investigators? I'll take any
10 suggestion that I can do to help them.

11 CHAIR GAGLIARDI: Well you've already made a
12 good suggestion. I think we're going to put
13 Commissioner Toma on this because of his background,
14 and see what his thoughts are; maybe working with Tom
15 Hagan and Mary Anne Donley, Barb Subastian, our leaders
16 in enforcement.

17 Commissioner Toma, if you wouldn't mind
18 sitting down with them and reviewing that for us.

19 Once again, Mr. Isaac, a big part of what we
20 were set up to do coming out of prohibition was to
21 follow the money of our licensees, and I know that
22 people want to do it without much bothers, but going
23 back to what Mr. Lauve just told us a little bit ago,
24 there are bad ramifications if we have problems with
25 this controlled substance, so we have to be careful.

1 But if you wouldn't mind taking that on,
2 Commissioner Toma.

3 COMMISSIONER TOMA: Absolutely.

4 CHAIR GAGLIARDI: Thank you.

5 Thank you Mr. Isaac.

6 MR. ISAAC: Thank you.

7 CHAIR GAGLIARDI: Who do we have next?

8 MS. BELTON: Hi, my name is Malea Belton,
9 that's M-e-l-e-a, last name Belton, B-e-l-t-o-n.

10 CHAIR GAGLIARDI: Good afternoon.

11 MS. BELTON: Good afternoon. I am the
12 Coordinator of the Ingham Substance Awareness and
13 Prevention Coalition, and I also work as a Behavior and
14 Mental Health Program Coordinator. I just wanted to
15 take a moment to thank you for all the work that you've
16 done in the regulations, and because I work in
17 prevention as a Certified Prevention Specialist, I know
18 that early access to substances really is the catalyst
19 for long time substance use disorder. So making sure
20 that things are regulated and tracked and everything,
21 has been really important in the field that I work.

22 I also would like to just thank you for your
23 support and your staff on the 4:00 a.m. sales. We do
24 know that -- I don't want to ignore the fact that we
25 are trying to support our small businesses, but we also

1 know that increasing, just in this time of pandemic,
2 the alcohol sales have remained steady, and we've
3 actually seen an uptake in substance disorders. So
4 your stand on that 4:00 a.m. sales is really
5 meaningful, and we thank you for that.

6 CHAIR GAGLIARDI: Thank you.

7 Any of the Commissioners want to respond on
8 the 4:00 a.m. sales situation?

9 Let me say to you, probably when I was in
10 college I would have been all for the 4:00 a.m. sales,
11 but as I grew up and became a parent, I see the
12 problems that could be caused.

13 MS. BELTON: So do I.

14 CHAIR GAGLIARDI: Go ahead Miss Belton.

15 Ms. BELTON: I live and work in Ingham County
16 and, of course, Michigan State University is up here,
17 and I just think about how the businesses will be
18 affected if the patrons leave at 1:30 trying to get or
19 however it would be if -- I'm sorry I'm getting a
20 little confused -- when they are driving on the road
21 later, and so we have people that go to work at like
22 5:00 a.m., and we have people that are being served
23 until 4:00 a.m. Just thinking about the traffic
24 accidents that could ensue. So like you, if I was
25 still in college I absolutely would think it's a good

1 idea, but I've gotten a lot more world experience to
2 realize that that could be not so great.

3 CHAIR GAGLIARDI: It's totally up to the
4 legislature and we'll live with what they pass and what
5 the governor will sign. Just so you know, I do believe
6 most of the law enforcement, local law enforcement
7 groups like the chiefs of police have come out against
8 the bill, so we'll see where it goes; I'm not sure if
9 it's on the track to become law but you never know.
10 Thank you.

11 Anything else you want to share with us?

12 MS. BELTON: No. Thank you for all your
13 support. Thank you.

14 CHAIR GAGLIARDI: You're very welcome.

15 Do we have anybody else that wishes to make a
16 comment?

17 MR. KORDECKI: My name is Mike Kordecki.

18 CHAIR GAGLIARDI: Mike, could you spell your
19 name for us please?

20 MR. KORDECKI: Michael Kordecki,
21 K-o-r-d-e-c-k-i.-

22 CHAIR GAGLIARDI: Thank you Mr. Kordecki.
23 What do you have to share with us?

24 MR. KORDECKI: Well I want to start out
25 sharing the same thing I shared in the last meeting.

1 You guys, everyone has done a fabulous job; I'm very
2 happy. In hearing about your 4:00 a.m. rule. I
3 remember, too, being a child or a kid, my dad and my
4 grandfather would say, son, nothing good ever happens
5 after midnight, be home; that's just the way it's
6 always been. With that being said, I appreciate the
7 hours we have now up till 11:00 p.m. and the 50 percent
8 occupancy in the restaurants and bars. This is going
9 to take a lot of patience, and personally I don't think
10 any of us are in any hurry to slam the ball down and be
11 a 2:00 a.m. bar again. I'm liking what I see.

12 With that also being said, I want to talk
13 about the outdoor service permits that Commissioner
14 also discussed in his slide show, and how quick you
15 guys were to get the permits in place, and if I'm not
16 mistaken, my permits say that these outdoor seating
17 areas go away April 30th. I'm not sure if I've had an
18 update. I have not seen an update.

19 CHAIR GAGLIARDI: I think, and we'll get
20 Kerry on here. I think you can switch those over to a
21 permanent outdoor service area fairly easily.

22 Kerry, are you still there?

23 MS. KRONE: Yes, I'm here. I think we do
24 have Sara on and she might be able to chime in. I just
25 want to make sure that the form hasn't changed. We did

1 have a transition form for them to fill out. I believe
2 we now are just encouraging them to fill out the
3 permanent. I'm going to ask Sara to maybe chime in to
4 make sure I'm correct on that.

5 CHAIR GAGLIARDI: Sure. Our Licensing
6 Director is Miss Sara Weber. Ms. Weber are you on?

7 MS. WEBER: Yes I am.

8 CHAIR GAGLIARDI: Could you explain to Mr.
9 Kordecki what he could do to make his temporary a
10 permanent, please?

11 MS. WEBER: Yes. What you would need to do
12 is you would want to file an application for a
13 permanent outdoor service, and that application is
14 available on our website under the Reopening Resources
15 tab; that application can be completed and it can be
16 e-mailed to the Licensing Information Mailbox.

17 MR. KORDECKI: Thank you very much for that
18 information. Can I continue on a couple more items I
19 have?

20 CHAIR GAGLIARDI: Absolutely Mr. Kordecki,
21 what else do you have?

22 MR. KORDECKI: The other item I have is on
23 escrow licensing. I know when we buy a license in the
24 State of Michigan and we have it and we're not ready to
25 open up because we maybe just purchased the building

1 and the construction of the building is taking a little
2 bit longer, the escrow licensing is now five years. Do
3 you think with the Covid demand because so many of us
4 small business people have been delayed on moving
5 forward for the last, I'd say, I know twelve months for
6 sure, moving into a new building where we're going to
7 take the escrowed license and make it permanent. Will
8 that be even considered to move the escrow license
9 maybe out another year because of the Covid?

10 CHAIR GAGLIARDI: Absolutely. If you're
11 running up against the five-year ceiling, just write us
12 a letter and ask us to extend it with a good reason,
13 and I can't think of one we haven't extended. We
14 haven't had many before us right now but we do get them
15 occasionally, Mr. Kordecki, but to you or any of our
16 licensees out there, if Covid caused a problem in
17 following through on your plans, which we know it has
18 with some if not many, please get ahold of us, let us
19 know you'd like an extension on your five year escrow.

20 Just for the people on the call that don't
21 know what we're talking about. We allow our licensees
22 to put into escrow their license. They pay their fee
23 but it's not in use and it stays in their name for up
24 to five years, and then after five years they lose it
25 without good reason, without good cause, I think we

1 say. So Mr. Kordecki, to you and anybody else that
2 needs to, please just write us and give us a letter of
3 good cause, good reason as to why we should extend it.

4 MS. KRONE: Mr. Chair, I'm just going to add
5 to that too, and Sara might want to add if she feels.
6 If anyone is coming up against that five year mark now,
7 in other words after this years renewal, that that
8 would be expiring, you will want to try and get that
9 request into us sooner than later, don't wait right up
10 until the license renewal expiration or even after the
11 expiration date. Sara, I don't know if you have
12 anything else to add to that.

13 MS. WEBER: I actually do. We actually run a
14 report on a yearly basis, so we do send notification
15 out to anyone who has reached that five year limit, and
16 they would be coming up on the sixth year that the
17 license is being held in escrow. It does provide
18 instructions and information on where to send that
19 request for extension beyond the five years. So that
20 does come out well ahead of the renewal period and it
21 does allow time for you to respond.

22 MR. KORDECKI: Can you repeat that. Are you
23 saying that you do send the notice out as the five year
24 extension is coming due?

25 MS. WEBER: Yes. Every year we run a listing

1 report of that and we notify all our licensees whose
2 licenses have been in escrow for five years, and it
3 provides instructions for you to complete.

4 MR. KORDECKI: I don't have anything else.
5 You guys are fabulous. You work hard, you're there,
6 you know I've been on a Zoom meeting before with you.
7 I am still locked down, by the way, because of Covid.
8 I'm in Charlotte, North Carolina, but I get to go home
9 to Muskegon on April 18th.

10 CHAIR GAGLIARDI: Well we'll welcome you back
11 with open arms Mr. Kordecki. Thank you. And thank you
12 to Sara and Kerry for helping along with the answer to
13 that question or the series of questions.

14 Who do we have next that would like to make a
15 public comment or ask a question?

16 MR. TOBIAS: Good afternoon Chairman
17 Gagliardi. This is Mike Tobias with the Michigan
18 Coalition To Reduce Underage Drinking. T-o-b-i-a-s.

19 CHAIR GAGLIARDI: Thank you Mr. Tobias, go
20 ahead.

21 MR. TOBIAS: I appreciate the presentation
22 earlier and the transparency of the Commission, but
23 MCRUD, we continue to be concerned about the density
24 issues and would very much like to have a discussion
25 with the Commission about how we might work together to

1 reduce the density in some areas of the state or at
2 least be more strategic about where new licenses are
3 placed. The reason we're concerned is that increased
4 density is associated with violence and a lot of other
5 problems.

6 Another issue we'd like to work with the
7 Commission on is how we can work together along with
8 local law enforcement to better enforce the Liquor
9 Control Code. There are many retailers in the state
10 that don't have any kind of violation history at all.
11 There's a lot of licensees, there's a lot of reasons
12 why probably, but I think we can be more strategic and
13 more effective if we work together, and this is also
14 consistent with the state's strategic plan to reduce
15 under age drinking. As you know, the landscape's been
16 changing with the cocktail and delivery to go and
17 social drinking districts and some of those things. I
18 would encourage, you know, I hope that MLCC enforcement
19 can get out and do some enforcement when it's
20 appropriate and Covid gets more under control, to look
21 at these areas specifically as well as the other
22 enforcement areas that they do.

23 I also want to express a lot of appreciation
24 for you and the Commissioners and the staff. You guys
25 always do a good job working with us on issues, you're

1 professional; I can't express that enough. We really
2 appreciate Commissioner Lasher being a liaison to our
3 organizations. We've had several direct calls with the
4 MLCC enforcement, and we have one with licensing coming
5 up and with the Commissioners; we really appreciate
6 that. Barb Subastian and the enforcement team's always
7 helpful. They've been helping us to do some law
8 enforcement training in Shiawassee County with law
9 enforcement. We appreciate you hearing our concern
10 with the Binder Park Zoo issue. Like we said before,
11 we really appreciate MLCC coming out opposed to the
12 bill to extend alcohol sales to 4:00 a.m.

13 Happy St. Patrick's Day. I appreciate it.
14 If there's any questions, let me know.

15 CHAIR GAGLIARDI: It is a great day. Thank
16 you Mike.

17 Commissioners, you have any comments on what
18 you've heard so far?

19 COMMISSIONER LASHER: I would just add, Mike,
20 I appreciate your comments. I think the issue of
21 outlet density is something that we've certainly been
22 very interested in at the Commission and looking at. I
23 think as more of the work is done both from the
24 Department of Health and Human Services and I think
25 some of the work that's being done at Michigan State

1 University, I think that will be very informative as we
2 look to that and see what some of the data really is
3 telling us. So I think that's why we do continue to be
4 very interested in that and looking forward to working
5 more on that.

6 MR. TOBIAS: Thanks. Again, we look forward
7 to a discussion with you all about that. Like you
8 mentioned, I think there are experts in Michigan. The
9 folks at Michigan State have done a lot of work in
10 outlet density, and Michigan is fortunate enough to
11 have an epidemiologist that can probably assist in that
12 area as well. Thank you.

13 CHAIR GAGLIARDI: Anybody else have a
14 comment, Commissioners?

15 I would like to just make one comment to you
16 Mr. Tobias on the density issue. We did have several
17 big hearings. I think one hearing we had almost 20
18 people if not 20 or 22 people testify dealing with the
19 density and in Cascade Township in Grand Rapids, and
20 most of that wasn't spurred on by people in the
21 convention that work for the addiction field, it was
22 spurred by licensees themselves who are saying there's
23 enough licenses in the area. You know, there's only so
24 much business, we'd like to stay in business, and we
25 took a long hard look at that particular one because

1 they have been, many of them have been partners with
2 the State of Michigan licensees for a long time. So
3 there's more than just the public health side of the
4 density issue to deal with, there's also the business
5 side that I think sometimes get overlooked that a lot
6 of our businesses are concerned about more and more
7 people crowding into a smaller space to deliver the
8 service.

9 MR. TOBIAS: Yeah I agree. I feel like the
10 public health stuff gets overlooked often. I agree
11 with you, the business community is concerned about
12 some of these things too. I know that retailers are
13 concerned about the number of more and more liquor
14 licenses coming in and getting their business,
15 essentially. Thank you.

16 CHAIR GAGLIARDI: Thank you Mr. Tobias. I
17 appreciate it.

18 Anyone else wish to give us a question or
19 comment?

20 MS. KLIEN: Yes, I would. My name is Darlene
21 Klien, K-l-i-e-n, and I'm glad to hear -- I was told
22 about this meeting and I'm so happy that I've taken the
23 time to be here. I'm glad that the Commission is not
24 for the 4:00 a.m. extending the bar hours or liquor
25 being served. As I know that the people who are in the

1 bars after midnight, and I know this personally as well
2 as from the work that I did as a psychologist in
3 Michigan. The folks who are in the bars after midnight
4 are the excessive drinkers. They're the people who
5 have problems with the disease of alcoholism and we
6 don't do anybody any favors allowing them to continue
7 to drink. I also believe that there are too many
8 businesses that are related in the alcohol business.
9 Here in Charlevoix, and this is just a quick example.
10 We have one party store, two grocery stores with full
11 liquor sales, two gas stations with beer and wine, one
12 gas station that sells beer only, two pharmacies which
13 sale beer and wine, nine restaurants, they have a
14 kitchen of some sort as well as having a full liquor
15 menu, one restaurant which serves just beer and wine
16 only, and this year we're getting two more drinking
17 establishments; one is the gin distillery that's going
18 to have a tasting room, that has had violations with
19 the State of Michigan at another location, and when all
20 of these things are put together, it's really really
21 dangerous. It's dangerous to the health, to the public
22 health of the community as well as the mental health of
23 the community. There are many people who are in the
24 poverty level here in Charlevoix. You don't see that
25 when you come to visit. You don't see the devastating

1 affects of what alcohol can do to a small community
2 like Charlevoix, but we need help. We need help to get
3 the quotas down to where they need to be. If there are
4 quotas that are over, I want to know how to go about
5 working with you or with city officials to make this a
6 better community to live in, a safer community to live
7 in. There's a new business that has just been, a
8 liquor license has been transferred from one building
9 to another, and now they are asking MDOT permission to
10 build a deck on MDOT property. When was the State of
11 Michigan given permission to use State property for
12 this kind of activity? I don't even know it that's
13 legal. I don't know if it will get passed or not, but
14 according to city council on Monday night, they're
15 giving their blessing. There is very little that
16 Charlevoix will do to turn away an alcohol business,
17 and that is very sad. The saturation is going to be
18 their demise. The cost that it takes for police, EMS,
19 substances abuse counseling programs, all of the above
20 including the hospital and doctor fees and things like
21 that, that are a direct result of too much drinking,
22 far outnumbers what we are losing everyday. So I'm
23 just, I'm just asking that people would monitor more
24 closely, look at the quotas in the cities and the
25 resort cities probably have some very large numbers and

1 it isn't the only way to see Michigan growth, from an
2 altered state. We really need to really rethink this.
3 As far as dormant licensing goes, my feeling is if
4 you're not using it, you lose it. Letting it hang out
5 there for five years and then there's already other
6 businesses that are in the area and then springing one
7 more business on that, to me, doesn't -- and if it's
8 already saturated, I'm sorry you can't have another
9 alcohol business here; too bad that you didn't use your
10 license sooner. I would like to see something be done
11 about that.

12 I also just want to thank you for hearing us
13 out because oftentimes people at city council will say
14 nothing, will not answer a question, will not give a
15 comment so you have no idea where they're at. I just
16 thank you for hearing this out.

17 CHAIR GAGLIARDI: Well you're more than
18 welcome for that, and we take our positions, because
19 we're appointed by the governor and concurred in by the
20 state senate, we take our positions with a lot of
21 thought. We really understand that we have a unique
22 job to do here. A lot of this goes back, Miss Klien,
23 and we appreciate you stepping out and being willing to
24 speak to the public health because you're absolutely
25 right, if the public doesn't feel safe, they're not

1 going to come to your community.

2 The one thing that I can say to any community
3 that's out there is that people elected to represent
4 you are elected by the public, and you need to probably
5 rally the people to your cause in your community to get
6 the local elected officials to listen to you. I think
7 somebody said that the 4:00 a.m. bill went through the
8 legislature bipartisanly. Well I'm not sure how that
9 works but there needs to be people telling the other
10 side of that story, and people in Michigan that want to
11 see us have the ability to keep public health and
12 safety in mind, need to help us by making sure their
13 city commissioners, their county commissioner's, their
14 legislators, their governors hear the same message, and
15 it takes time and it's a lot of hard work, but there's
16 a message to be sent there. I go back and say I'm
17 proud of being part of a growth industry that we're
18 part of, but I want to make sure we're doing it in a
19 way that when people come to Michigan or when
20 Michigianians travel within our state or within their
21 own community, they feel safe, and I'm sure local law
22 enforcement feels the same way.

23 So I would urge you to go back and rally the
24 troops in your community because the City of Charlevoix
25 has the ability, as does every other city that has

1 licenses in it, to let us know that they don't want to
2 see a license renewed. A liquor license in Michigan is
3 good for one year, it has to be renewed, and any local
4 government can petition the state not to have a license
5 renewed, and there's a process to do that if they're
6 willing to. Every once in awhile people do that
7 because they're not happy with the way the business
8 acts within their community. I really think you're
9 bringing out some points we all ought to think about as
10 leaders in this state. Now how do we put Michigan's
11 best foot forward and how do we put it forward in a
12 safe way so people really want to travel this state and
13 see all that we have to offer, over 3,000 miles of
14 fresh water, beaches. There's a lot of room in
15 Michigan for everybody to enjoy it in the whole
16 midwest. So I'll get off my soapbox, but I'm very
17 proud to be a lifelong Michigander, and I think what
18 you speak to makes a lot of sense.

19 Anybody else have any comments?

20 MR. AMUNDSEN: Hello. Yes, this is Bill
21 Amundsen, A-m-u-n-d-s-e-n, Amundsen, Norwegian, I'm
22 with the Michigan Council on Alcohol Problems.
23 Appreciate all of your support. Also against HB4115.
24 Miss Klien is the previous speaker, mentioned though
25 about Charlevoix, but it isn't only Charlevoix, it's a

1 lot of other communities, and I hear your concern that
2 we need to get it out there and it's a lot of hard
3 work, but as I understand HB4115, that comes under
4 local option again. I live in Delta Township outside
5 of Lansing, but if someone wants to open a business, no
6 one -- almost no one wants to talk to the township
7 council nor does anyone in the township council want to
8 say no to a new business coming in, because that's
9 business dollars, et cetera. I thank the Commission
10 for speaking up about HB4115, and those of us in
11 prevention networks or MiCAP or whatever, we also need
12 to do our part in that. There's some danger in that
13 4115 just because of the local option and the
14 proclivity of township councils, city councils, you
15 know, whatever, to just really appreciate new
16 businesses coming in. So that's just something that
17 really needs to be lifted up I think, about HB4115. I
18 thank you for allowing me to speak and for all your
19 good work on the Commission, too. Thank you so much.

20 CHAIR GAGLIARDI: Thank you Mr. Amundsen, and
21 you're right that the local option does leave it up to
22 the local control, and going back to Miss Klien's
23 comments, you have to work with your local elected
24 officials, and you have to be diligent about doing that
25 and it does take a lot of work to do that and to effect

1 change.

2 Who do we have next?

3 MS. PEEPLES-HURST: Good afternoon. My name
4 is Lisa Peeples-Hurst, P-e-e-p-l-e-s - H-u-r-s-t. I am
5 the Public Health Promotion and Prevention Supervisor
6 at the Berrien County Health Department and the Regent
7 4 Representative for MCRUD. So contacting you today,
8 I'm glad to be on from southwestern Michigan. So if
9 this had have been an in-person meeting I would have
10 had quite a drive to make, so I do appreciate this
11 platform.

12 I'm a 20 year preventionist and an 18 year
13 member of MCRUD, and I certainly support all of the
14 requests that Mike Tobias has made previously on behalf
15 of MCRUD. I do thank you for your openness, I might
16 say, from the things you presented at the beginning of
17 the meeting, at the hearing, and just want you to know
18 that we share all of those same problems when it comes
19 to underage drinking in our community down here in
20 southwestern Michigan as well. But I did want to
21 support his request and also lend my support to you as
22 Commission. I'm so glad that we have that relationship
23 and that collaboration especially with Commissioner
24 Lasher who serves as a MCRUD liaison. So I wanted to
25 lend my support to those requests in that information

1 provided. Thank you.

2 CHAIR GAGLIARDI: Thank you Miss
3 Peeples-Hurst, we appreciate those kind comments.

4 Anyone else wish to make a comment?

5 Anyone else wish to make a comment at today's
6 meeting?

7 MS. FERTAL: Hello. My name is Helene
8 Fertal, F-e-r-t-a-l, H-e-l-e-n-e. I'm a license holder
9 in Birmingham, Michigan coming to you from Birmingham,
10 Michigan. This is my first time listening in on one of
11 the Commission meetings, and I just want to, as
12 everybody else has, extend my thanks. I am a young
13 woman who owns a business. I got my license when I was
14 21, actually received it when I was 21 and-a-half to
15 the day, and you guys were so helpful, you answered
16 every single question anytime I had one, you guys stay
17 on the phone with me and re-explain things over and
18 over, so I understood everything so thoroughly, and you
19 guys have really helped me throughout this pandemic.
20 I'm 25 now and I've owned this business for a couple
21 years and it's been an amazing time. I would like to
22 share also with all the people, all of you who deal
23 with underage drinking. As a young person I take that
24 very very seriously. My little brother has a lot of
25 little younger friends, and it was a very strict thing

1 for me that I would never ever do that. It's very,
2 very important to me because at the end of the day we
3 are the last line of defense to make sure that these
4 kids aren't drinking underage. So we thank you guys
5 for your advocacy in making sure that we are held
6 accountable.

7 CHAIR GAGLIARDI: Thank you Miss Fertal,
8 appreciate that.

9 Do we have anyone else that wishes to make a
10 comment or ask questions?

11 Anyone else wish to make a comment or ask a
12 question?

13 Hearing none, I think what we'll do now is
14 finish up our meeting. I'd like final comments from
15 the Commissioners as to their thoughts.

16 Who wants to lead off, Commissioners?

17 How about Commissioner Gonzales, do you have
18 any final thoughts, sir?

19 COMMISSIONER GONZALES: I took a lot of good
20 notes. Being new to the Commission, it's very
21 important for me to try to understand the A through Z
22 of the industry, and so the input provided by the
23 audience is very meaningful and much appreciated. So
24 I'll take it to heart and work as hard as I can and do
25 my fair share here as a Commissioner. Thank you.

1 CHAIR GAGLIARDI: Thank you Commissioner
2 Gonzales.

3 Commissioner Toma, do you have any final
4 thoughts?

5 COMMISSIONER TOMA: Final thought. You know,
6 I heard a lot of concerns regarding licensing process,
7 regarding oversaturation, regarding underage drinking.
8 The fact of the matter is the Liquor Control
9 Enforcement Division is not very good, their pretty
10 amazing is what they are; okay. They go above and
11 beyond but, you know, even Batman had a sidekick, so
12 while you can call the Liquor Control Commission
13 Batman, we need a sidekick and the sidekick is the
14 community; the community that can at any point in time
15 call anyone of the district offices with a concern and
16 file a complaint, there are online resources that
17 people can file complaints. So while we're doing the
18 best we can, the community can assist in identifying
19 problem locations, operating outside of the legal
20 hours, selling to minors, that's doing certain things
21 that pose a health risk to the community, the concerns
22 of the licensing process, the concerns of dormant
23 licenses, those can be discussed. I appreciate
24 everyone that spoke up and brought those to the
25 Commission's attention so that we can do what we can if

1 there is anything that can be done to -- I guess it's
2 an impossible task to make everyone happy but more so
3 to make everyone safe. Thank everyone for
4 participating.

5 CHAIR GAGLIARDI: Thank you Commissioner
6 Toma.

7 Commissioner Lasher, do you have any final
8 comments?

9 COMMISSIONER LASHER: I would just say again
10 thanks for so much of this, it's just been really
11 amazing. All of the comments have really been helpful
12 and will help inform us as we go forward. I think it
13 really demonstrates just the, similar to what
14 Commissioner Toma just mentioned, really that community
15 that makes up the work that we do, and that we have so
16 many people who are very strong advocates on the
17 prevention side, and so many licensees, I think very
18 well represented by Miss Fertal's recent comments, who
19 want to do the right thing and really can work together
20 in a very productive and collaborative way. I think
21 that's a very positive sign as we move forward and as
22 we really try to make Michigan a really safe place for
23 everyone to be. So I really appreciate that. I think
24 that's a great bit of collaboration of the people we
25 have in the State of Michigan.

1 CHAIR GAGLIARDI: Here here. Very well said.

2 Commissioner Olshove, any final thoughts?

3 COMMISSIONER OLSHOVE: I'd just like to say
4 that a lot of the issues you talked about today were
5 really state law. I hope everybody can make the
6 distinction between what we do and what the legislature
7 do. There are a couple formal representatives on this
8 Commission, and it's interesting. In my past
9 experience when people had an issue to me, I'd say well
10 go talk to your representative, go talk to your
11 senator, do you know who they are? Most of the time,
12 no. I said did you try to call them, write them? I'd
13 only encourage people when it comes to issues,
14 especially like 4:00 a.m., get to know your
15 legislators; everybody out there should know who they
16 are, call them up, tell them you want to meet with
17 them. It's amazing how many times they'll say yes, and
18 if they don't, bring four people with you, five people
19 to the office, you'll get a meeting with them. So get
20 ahold of those folks, you can make a difference. I
21 think we talked about it earlier. On the city council,
22 that's tough, but I think Commissioner Gagliardi said
23 it's hard work, but you have to get out there and knock
24 their heads, get their attention, they can be got ahold
25 of. So I'd only encourage you to do that; get to know

1 your elected officials.

2 CHAIR GAGLIARDI: Thank you Commissioner.

3 As you can see by the four individuals that
4 just preceded me, we've got a great, great group here
5 at the Commission.

6 I'd like to echo going to our website and you
7 can follow every license and every local unit of
8 government in all 83 counties, however many townships,
9 villages and cities that is. You can follow every
10 license on our website, where it's at, what's
11 happening, in every community. I think you can see
12 from our presentation and the comments from the public
13 today, we're in such a unique industry where we are a
14 business on one side helping to raise tax dollars for
15 government, both state and local, and we are the
16 regulators on the other side serving an important
17 function of trying to keep people safe and trying to
18 help with the legislative and gubernatorial direction,
19 trying to keep the number of businesses, and in the
20 right balance also. I think there's always going to be
21 some discussion as to whether we're doing it right or
22 not, but I think this has been -- really I hope more
23 people come to our meetings to see the balance we have
24 here, the uniqueness of what we do.

25 I just want to say I appreciate my fellow

1 Commissioners, and I appreciate everybody who was
2 willing to stand up and be heard today. My hat goes
3 off to you for having the ability to stand up and speak
4 the way you feel. I want to also thank our staff and a
5 special thanks to Renette Gibson and David Marvin for
6 helping us go on, and everybody that participated from
7 our staff, Sara, Kerry. We will do this again in six
8 months, but you're always willing to join us or you're
9 always open to join us. We meet on Tuesdays and
10 Thursdays. You can check our website again to see if
11 any of them have been cancelled. You can join by phone
12 and listen to everything we do. We're a very, very
13 transparent agency, and you'll hear from staff, our
14 staff on issues, you'll hear from the attorney
15 general's office. We have a whole cadre of attorney
16 general staff that consults with us and gives us legal
17 help. You can listen to it all and you can join any of
18 our hearings, we're very transparent and we're very
19 proud of that.

20 I want to thank everybody for taking the time
21 this afternoon. Thank you.

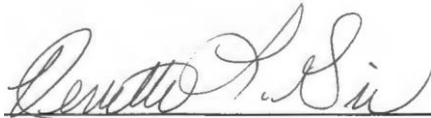
22 With that we will adjourn. Have a good day
23 and stay safe out there everyone.

24 (Hearing concluded at 2:42 p.m.)

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I HEREBY CERTIFY that I reported
stenographically, the foregoing testimony and
proceedings on the date and place hereinbefore. set
forth; that the same was later reduced to
typewritten form, and that the foregoing is a true,
full and correct transcript of my stenographic
notes so taken.



Renette L. Gibson, CSR-2731

April 13, 2021