



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

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In the matter of)
TIP-OFF SPORTS LOUNGE LLC)
3850 Alpine NW) Business ID No. 203113
Comstock Park, Alpine Township)
Kent County)
_____)

At the January 3, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

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

SHOW CAUSE HEARING ORDER

On October 17, 2011, after due notice and proper hearing, the Alpine Township Board of Trustees passed a resolution to revoke the Dance-Entertainment Permit under MCL 436.1501(2), held in conjunction with a 2011 Class C license and Sunday Sales Permit (P.M.) by Tip-Off Sports Lounge LLC (licensee) at the above-noted location.

In addition, on December 13, 2011, the Commission received a letter from Terry Tobias, legal counsel on behalf of Alpine Township, expressing concern on behalf of Alpine Township and representatives of the Kent County Sheriff's Department that problems have continued to occur on a regular basis at the licensed establishment.

After reviewing all correspondence received from Alpine Township officials, the Commission was concerned that the public health, safety, and welfare of the citizens of

Alpine Township and others may be in danger due to the actions and activities reportedly occurring at this licensed establishment, and ordered that a hearing be held in this matter under administrative rule R 436.1925(1) on December 22, 2011 at the Commission's Southfield office. At that time, the Commission adjourned the hearing at the licensee's request. The hearing was subsequently held on January 3, 2012 at the Commission's Lansing office. Representing the licensee at the hearing was stockholder Nai Gang Lin. Attorney Terry Tobias represented Alpine Township.

After reviewing the MLCC file, the resolution passed by the Alpine Township Board of Trustees, and discussion of the issue on the record, the Commission finds that the Alpine Township Board requested the Commission to revoke the Dance-Entertainment Permit held in conjunction with a 2011 Class C license and Sunday Sales Permit (P.M.) by Tip-Off Sports Lounge LLC at the subject location. The Commission further finds that Alpine Township, in requesting revocation of the subject Dance-Entertainment Permit under MCL 436.1501(2), did afford the licensee due process as required under the cited statute. The Commission concludes that there are sufficient reasons to revoke the Dance-Entertainment Permit under MCL 436.1501(2) for reasons stated on the record.

The MLCC Code, as well as the Michigan Constitution grants broad, general powers to the MLCC. The Michigan Constitution of 1963, Article IV, §40, states in part, that "the legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof." MCL 436.1201(2) also states in part, that "the commission shall have the sole right, power, and duty to control the alcoholic beverage

traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.”

The Commission finds that because of the lack of control in the business operation, the concerns over the proper ownership of the license, the extensive violation history resulting in the lack of knowledge and understanding of the Liquor Control Code, and the Commission’s concern for the health, safety, and welfare of general public, the licensee does not meet the statutory criteria for continued licensure at the subject location. The Commission concludes that as a result of the Show Cause Hearing held under administrative rule R 436.1925(1), the 2011 Class C license with Dance-Entertainment Permit and Sunday Sales Permit (P.M.) should be revoked for reasons stated on the record.

THEREFORE, IT IS ORDERED that:

- A. The Dance-Entertainment Permit held in conjunction with a 2011 Class C license and Sunday Sales Permit (P.M.) by Tip-Off Sports Lounge LLC at the subject location is revoked under MCL 436.1501(2).
- B. The 2011 Class C license with Dance-Entertainment Permit and Sunday Sales Permit (P.M.) held by Tip-Off Sports Lounge LLC at the subject location is revoked as a result of the Show Cause Hearing held under administrative rule R 436.1925(1) as the licensee does not meet the statutory criteria for continued licensure.
- C. The licensee shall return its 2011 Class C license with Dance-Entertainment Permit and Sunday Sales Permit (P.M.) to the Commission immediately.

- D. Under MCL 436.1907, the licensee shall surrender all alcoholic liquor inventory to the Commission's Enforcement Division.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of January 3, 2012.

Prepared by:
Terri Chase, Commission Aide