



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

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In the matter of the request of)
BAYVIEW GRILLE, LLC)
727 Main) Request ID No. 615747
Frankfort)
Benzie County)
_____)

At the January 31, 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

LICENSING APPEAL ORDER

On June 1, 2011, Bayview Grille, LLC (applicant) filed a request to transfer ownership of escrowed 2011 Class C and SDM licenses with Sunday Sales (P.M.) Permit and Specific Purpose Permit (Food) from R M O'Brien, LLC; and a request to transfer location (governmental unit) of the subject licenses and permits under MCL 436.1531(1) from 6535 First, Lake Ann, Benzie County, to be held at the above-noted location. The applicant also filed a request for one (1) new Additional Bar Permit (for a total of two (2) Bars); and a request for authorization for the outdoor sale, service, and consumption of alcoholic beverages in an area measuring up to 20' x 52', located directly adjacent to the licensed premises, and which is well-defined and clearly marked.

At a meeting held on November 9, 2011, the Commission denied this request under administrative rule R 436.1003 and administrative rule R 436.1105(2)(d) as the Frankfort

Police Department indicated in writing to the Commission that the proposed licensed location would not meet zoning requirements in regards to the proposed outdoor service area with new additional bar.

A timely request for an appeal in this matter was filed. Attorney Patrick Heintz represented the applicant at the January 31, 2012 hearing held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant amended its application by withdrawing the request for one (1) new Additional Bar Permit (for a total of two (2) Bars), and withdrawal of the request for authorization for the outdoor sale, service, and consumption of alcoholic beverages. The City of Frankfort was present at the hearing and noted that this amendment to the license application removes the issue of non-compliance with local zoning, as previously submitted in the City's letter.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request, as amended, for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

- A. The denial order of November 9, 2011 issued in this matter is reversed and the applicant's request, as amended, is approved subject to the following:
 1. Receipt by the Commission of documentary proof that Bayview Grille, LLC received a loan in the amount of \$150,000.00 from State Savings Bank.

2. Receipt by the Commission of documentary proof that Bayview Grille, LLC received a loan in the amount of \$191,314.55 from applicant members Dale A. Evans and Jill M. Weide.
3. The licensee must submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject licenses and permits until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
4. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses and permits, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the licenses and permits shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the licenses and permits.

5. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of these licenses and permits by the Michigan Liquor Control Commission does not waive any of these requirements.
6. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the licenses and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of January 31, 2012.

Prepared by:
Terri Chase, Commission Aide



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

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In the matter of the request of)
SLOCUM'S GIFTS, DÉCOR AND MORE, LLC)
111 Main)
Buchanan)
Berrien County)
_____)

Request ID No. 578605

At the January 31, 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

LICENSING APPEAL ORDER

On January 11, 2011, Slocum's Gifts, Décor and More, LLC (applicant) filed a request for a new SDM license to be held at the above-noted location.

At a meeting held on September 28, 2011, the Commission denied this request under administrative rule R 436.1105(3) as the City of Buchanan notified the Commission that the proposed licensed location would not meet zoning requirements.

R. McKinley Elliott, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the January 10, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and exhibit submitted, and discussion of the issue on the record, the Commission tabled this matter on January 10,

2012 and placed it on its January 31, 2012 meeting agenda. After further discussion on the record, the Commission finds that the City of Buchanan submitted a letter dated January 24, 2012 withdrawing their objection to the requested license.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

B. The denial order of September 28, 2011 issued in this matter is reversed and the applicants request is approved, subject to the following:

1. Receipt by the Commission of an executed and acceptable Lease Agreement.
2. Receipt by the Commission of a detailed inventory list of collectibles.
3. Receipt by the Commission of form LC-52a.
4. An accounting will be conducted by the Commission at the end of 180 days from the date of licensure to determine that at least 60% of the combined monthly gross sales of the approved and non-approved businesses are of goods and services customarily marketed by approved types businesses as stated under administrative rule R 436.1129(2).
5. The license will be cancelled if the licensee has failed to comply with the provisions of administrative rule R 436.1129(2) at the end of the 180-day accounting period.
6. The licensee must submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in

the immediate suspension of the subject license until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

7. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license by the Michigan Liquor Control Commission does not waive any of these requirements.
8. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Donald B. Weatherspoon, Commissioner

By its action of January 31, 2012.

Prepared by:
Terri Chase, Commission Aide