



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

* * * * *

In the matter of the request of)	
KATHY INVESTMENTS, LLC)	
2960 E. Washington)	Request ID No. 626694
Saginaw, Michigan 48601)	
)	
Buena Vista Township Saginaw County)	
_____)	

At the May 10, 2012 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On October 14, 2011, Kathy Investments, LLC (applicant) filed a request to transfer ownership of escrowed 2011 SDD and SDM licenses with Sunday Sales Permit (P.M.) from Ghazi Mizori Inc., to be located at the above-noted location. On April 5, 2012, the licenses and permit were renewed in escrow for the 2012-2013 licensing year.

At a meeting held on April 4, 2012, the Commission denied this request under administrative rule R 436.1105(1)(b) as the applicant did not provide evidence of the existence of adequate, legitimate and verifiable financial resources for this transaction. The request was also denied under administrative rule R 436.1105(2)(a) and (b) as the applicant member, Kathy Kashat, and her spouse, George Kashat, were previously licensed by the Commission and were cited for and found responsible for seven (7) violations; including two (2) sale to minor violations and five (5) violations for making a payment to the Commission for purchases of alcoholic liquor that were subsequently dishonored by the bank.

Thomas Giachino, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the May 10, 2012 hearing, at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that based on testimony at the hearing, the applicant sufficiently demonstrated that an acceptable money lender for this transaction will be immediate family of the sole applicant member. The Commission further finds that applicant member Kathy Kashat, her spouse George Kashat, and their son and moneylender, Mason Kashat, all have prior operating records as licensees of the Commission with operating records involving non-sufficient funds checks presented to the Commission for purchases of alcoholic liquor.

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, with certain provisions of licensure.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 4, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit documentary proof to the Commission that Kathy Investments, LLC received a loan in the amount of \$122,449.53 from Mason G. Kashat.
2. The licensee shall make payments to the Commission for purchases of alcoholic liquor by certified check, cashiers check, or money order for a period of twelve (12) from issuance of the licenses and permit. At the conclusion of the twelve month (12) period after issuance of the licenses and permit, the licensee may submit a written request to the Commission for consideration of eliminating this provision.
3. The licensee shall prohibit Mason Kashat from having any involvement in the operation of the licensed establishment.

4. The licensee shall 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 permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
5. Under administrative rule R 436.1107, the licensee must submit all license fees to the Commission by April 30th of each year.
6. Under administrative rule R 436.1003, the licensee shall 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 permit by the Michigan Liquor Control Commission does not waive any of these requirements.
7. 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 permit.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 14, 2012

Prepared by:
Terri Chase, Commission Aide



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

* * * * *

In the matter of the request of)
LMT PARTY STORE LLC)
213 Pearl) Request ID No. 628140
Ypsilanti, Michigan 48197)
Washtenaw County)
_____)

At the May 10, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On October 24, 2011, LMT Party Store LLC (applicant) filed a request for a new SDM license and a new Sunday Sales Permit (A.M.) to be located at the above-noted location.

At a meeting held on March 14, 2012, the Commission denied this request under administrative rule R 436.1105(2)(d) after considering the unfavorable recommendation submitted by the Ypsilanti Police Department for this application when determining whether an applicant should be issued a license or permit.

Christopher Atallah, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and represented the applicant at the May 10, 2012 hearing, at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file, reviewing a submitted letter of

support from a local resident and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated updated records removing the previous questions concerning applicant member Michael Edwards.

Further, the Commission received opinions of the local residents and the local law enforcement agency and considered them as required under administrative rule R 436.1105(d). 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:

A. The denial order of March 14, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit form LCC-3010.
2. The licensee shall 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 and permit until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The licensee's application for a permit to sell alcoholic liquor between 7 a.m. and Noon on Sundays, as currently licensed by the Liquor Control Commission, is APPROVED pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local governmental unit, that it prohibits or otherwise objects to the sale of spirits, mixed spirit drink or beer and wine between the hours of 7:00 A.M. and 12:00 Noon on Sundays. If notice and supporting documentation is received by the Commission a Show Cause Hearing will be scheduled before the Commission under administrative rule R 436.1925(1) to determine if the permit must be revoked.

C. Under administrative rule R 436.1003, the licensee shall 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 this license and permit by the Michigan Liquor Control Commission does not waive any of these requirements.

D. 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 and permit.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 14, 2012

Prepared by:
Terri Chase, Commission Aide