



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: TENACITY BREWING, LLC
D/B/A TENACITY BREWING
119 N GRAND TRAVERSE ST
FLINT, MI 48503

HEARING: DECEMBER 28, 2020
PLACE: ZOOM PLATFORM
COMPLAINT NO. CV-508887
BUSINESS ID NO. 235753

GENESEE COUNTY

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CHARGES – THE LICENSEE OR THE LICENSEE’S AGENT, CLERK OR EMPLOYEE:

- (1) On December 9, 2020, Tenacity Brewing, LLC, and/or employees of the licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing indoor gatherings at a food service establishment, contrary to sections 2(a)(2) and 3(b)(1) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 7, 2020.
- (2) On December 9, 2020, Tenacity Brewing, LLC, and/or employees of the licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings at the licensed premises without requiring them to wear face masks, contrary to section 7(c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 7, 2020.

NEGOTIATED SETTLEMENT

John Tosto, Attorney at Law, on behalf of the above-noted Licensed Corporation, appeared before this Administrative Law Judge. The Corporation entered into a Negotiated Settlement acknowledging the single charge as cited pursuant to Section 903 of the Michigan Liquor Control Code, MCL 436.1903, and Rule 436.1909(1) of the Michigan Liquor Control

Commission (Commission). Assistant Attorney General Jason Geissler represented the Commission and all law enforcement agencies involved in this matter.

The Attorneys proposed the following Negotiated Settlement for the Administrative Law Judge to consider pursuant to Section 903 of the Michigan Liquor Control Code, MCL 436.1903, and Rule 436.1909 of the Michigan Liquor Control Commission (Commission):

PROPOSED NEGOTIATED SETTLEMENT

(1) The Licensee will fully acknowledge the two charges as cited in the complaint;

(2) The Administrative Law Judge will enter the Violation Report and its attachments into the record as substantive evidence; the Administrative Law Judge further will take notice of the prior record of this Licensee, since being licensed by the Commission at the above-noted location under the current ownership;

(3) As a penalty, the Licensee will agree to pay a fine of \$300 for each charge for a total fine of \$600 and serve a suspension of 7 days from the date of the hearing, until 7:00 a.m. on January 4, 2021 for the two acknowledged charges in the complaint; and

(4) Both parties will agree that there shall be no appeals on these matters to the Appeal Board of the Commission or any court of law.

ORDER

In determining whether to approve the Negotiated Settlement as proposed above, the Administrative Law Judge considered the Licensee's total record, which shows no prior violations since being licensed on January 6, 2015, at the above-noted location under the current ownership.

The Administrative Law Judge accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follows:

The Administrative Law Judge accepts the Licensee's Plea of Acknowledgment to the two charges as cited.

The Administrative Law Judge accepts the Violation Report and its attachments as substantive evidence. Further, the Administrative Law Judge accepts a true copy of this Licensee's record since being licensed by the Commission at the above-noted location under the current ownership.

The Administrative Law Judge finds that, based on the Administrative Documents, on December 9, 2020 the Licensee allowed indoor dining/gatherings without facemasks contrary to Rule 436.1011(1), contrary to the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 7, 2020.

As agreed upon by the parties, the Administrative Law Judge Orders a fine of \$300 for each charge for a total fine of \$600. Further the Administrative Law Judge Orders a suspension of seven (7) continuous days from the date of the hearing, to 7:00 a.m. on January 4, 2021, with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission. Further, the Administrative Law Judge Orders that a suspension of thirty (30) continuous days, with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission, if the fine is not paid within forty-five (45) days from the mailing date of this Order.

Further, the Administrative Law Judge Orders that this Negotiated Settlement is a full and final disposition of this matter before the Commission, that there is no further right of

Administrative or Judicial Appeal, either to the Commission or any court of law, that the plea in this complaint has been entered voluntarily and with the full understanding of all consequences, that there are no promises, stipulations, understandings or agreements other than those stated as part of the official record herein, and that this Negotiated Settlement represents the final agreed settlement.

MICHIGAN LIQUOR CONTROL COMMISSION



Michael J. St. John, Administrative Law Judge

Date Signed: December 28, 2020

Date Mailed: December 30, 2020

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