



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: FAST EDDIE'S BAR & GRILL, INC.
D/B/A FAST EDDIE'S BAR & GRILL
49 CROCKER BLVD
MOUNT CLEMENS, MI 48043

HEARING: DECEMBER 28, 2020
PLACE: ZOOM PLATFORM
COMPLAINT NO. CV-508893
BUSINESS ID NO. 2680

MACOMB COUNTY

CLASSC SDM SS (PM) OD-SERV-1

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

- (1) On December 10 and 11, 2020, Fast Eddie's Bar & Grill, Inc., 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 10 and 11, 2020, Fast Eddie's Bar & Grill, Inc., 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.

PROCEDURAL HISTORY

On December 28, 2020, a hearing was held virtually on the zoom platform in the above-entitled case before a duly authorized agent of the Commission, Administrative Law Judge Michael J. St. John.

Petitioner, Michigan Liquor Control Commission (Petitioner, Commission, or MLCC), was represented by Daniel Felder, Assistant Attorney General. The Respondent Licensee (Respondent or Licensee) was represented by their president and owner, Celeste Vernier.

EXHIBIT

The Petitioner offered the following exhibit which was admitted without objection:

1. Commission File

Respondent did not offer any exhibits.

FINDINGS OF FACT

Based on the exhibit admitted at the hearing, the following facts are found:

1. On December 10 and 11, 2020, the Licensee allowed indoor dining and had at least a dozen patrons on December 10, 2020 and at least 20 patrons and one staff member on December 11, 2020 not wearing masks in violation of the November 15, 2020 DHHS Emergency Order as extended on December 7, 2020.
2. The Commission Investigator warned the Respondent Licensee about indoor dining on December 10, 2020 but the Licensee relied upon temporary staff who allowed indoor dining to continue on December 11, 2020.
3. The Licensee has subsequently closed to indoor dining and committed to following all executive orders and extensions.
4. The Licensee acknowledged each of the two violations and agreed that a \$300 fine for each violation for a total fine of \$600 and a 10 day suspension, until January 7, 2021, was appropriate.

CONCLUSIONS OF LAW

The facts of this case are not disputed, and the Licensee acknowledged the charges. The Licensee allowed indoor dining to occur on December 10 and 11, 2020 and the Commission therefore established each of the charges by a preponderance of the evidence. The Licensee no longer allows this conduct to occur in the licensed establishment.

ORDER

With the issuance of this Order, the summary suspension is dissolved.

In determining penalty, the Administrative Law Judge considered the Licensee's total record, which shows two previous violations (2003 removal of alcohol from the licensed premises and 2011 illegal occupation and employee intoxication and loitering) since being licensed on October 11, 1995 at the above-named location under the current ownership. The Administrative Law Judge also considers the warning and subsequent violation on December 10, and 11, 2020

respectively as well as the Licensee's acknowledgement of the mistake made, and the corrective actions taken to prevent future instances of indoor dining and staff not wearing masks.

In consideration of the ignored warning but the Licensee's acknowledgement of the mistake, as a penalty, the Administrative Law Judge Orders a \$300 fine for each of the two counts for a total fine of \$600 and a ten (10) day suspension of the license from the date of the hearing: until 7:00 a.m. on January 7, 2021.

Further, if the fine is not paid within forty-five (45) days from the mailing date of this Order, the Administrative Law Judge Orders a suspension of thirty (30) continuous days, with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission.

The Licensee is warned that further fines, suspensions, or a revocation of the Licensee's liquor license could result if the Licensee resumes operation in violation of the law or violates the Order of the Commission.

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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