



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

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IN RE: POWELL'S TAVERN, L.L.C.  
D/B/A POWELL'S PUB  
625 N HURON ST  
YPSILANTI, MI 48197

HEARING: DECEMBER 30, 2020  
PLACE: ZOOM PLATFORM  
COMPLAINT NO. CV-508896  
BUSINESS ID NO. 132717

WASHTENAW COUNTY

CLASSC SDM SS (AM & PM)  
ADDBAR-1 OD-SERV-2 DANCE

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

- (1) On December 8, 2020, Powell's Tavern, L.L.C., 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 November 15, 2020.
- (2) On December 8, 2020, Powell's Tavern, L.L.C., 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 November 15, 2020.

**PROCEDURAL HISTORY**

On December 30, 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 John Shea, attorney at law.

### **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 8, 2020, the Licensee allowed indoor dining and had patrons indoors not wearing masks in violation of the November 15, 2020 DHHS Emergency Order (which was extended on December 7, 2020).
2. The Licensee was out of town and had turned over operations of the licensed establishment to an employee who allowed indoor dining. The staff were wearing masks.
3. The Licensee has subsequently closed to indoor dining and committed to following all executive orders and extensions. The Licensee has also retrained staff about the importance of following all Orders.
4. The Licensee acknowledged each of the two violations and agreed that a \$300 fine for each violation for a total fine of \$600 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 8, 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.

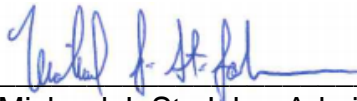
In determining penalty, the Administrative Law Judge considered the Licensee's total record, which shows one previous violation (2003 sale to a minor) and five previous violations for dishonored payments (one in 2007, one in 2010, and three in 2016) since being licensed on January 31, 2002 at the above-named location under the current ownership. The Administrative Law Judge also considers the Licensee's acknowledgement of the mistake made, the safety measures that were in place (outdoor dining and requiring staff to wear masks), and the corrective actions taken to prevent future instances of indoor dining.

In consideration of 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 but no further suspension of the license. The Licensee may resume alcohol sales upon receipt of this Order.

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 30, 2020

Date Mailed: December 30, 2020

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