



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

* * * * *

In the matter of the request of)	
)	
LOG CABIN CONVENIENCE STORE, INC.)	Request ID No: 775433
R 2, 12798 Old Fourteen Mile)	
Greenville, Michigan 48838)	
)	
Oakfield Township Kent County)	
<hr/>		

At the August 11, 2015 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On January 26, 2015, Log Cabin Convenience Store, Inc. (applicant) filed a request to transfer ownership of the Specially Designated Distributor and Specially Designated Merchant licenses with Gas Pumps (originally issued prior to 1978) and Sunday Sales Permit (P.M.), from Michael Charles Malone Enterprises, Inc. at the above-noted address.

The applicant was issued Conditional Specially Designated Distributor and Specially Designated Merchant licenses under MCL 436.1525(6) on February 27, 2015, and has been cited and found responsible for four (4) violations of issuing non-sufficient funds checks to the Commission; which is contrary to administrative rule R 436.1059.

Therefore, at a meeting held on July 22, 2015, the Commission denied this request under administrative rule R 436.1105(2)(a) and administrative rule R 436.1105(2)(c) after considering the operating record and general business reputation of the applicant since being issued the Conditional licenses.

Applicant stockholder, Marc A. Vander Velde, submitted a timely request for an appeal in this matter and represented the applicant at the August 11, 2015 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 presented mitigating circumstances regarding the dishonored payments, and sufficiently demonstrated that a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

The licensee is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) and (g), the licensee may sell spirits, mixed spirit drink, beer and wine for consumption off the premises only.

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 July 22, 2015 issued in this matter is reversed and the applicant's request to transfer ownership of the Specially Designated Distributor and Specially Designated Merchant licenses from Michael Charles Malone Enterprises, Inc. is APPROVED, subject to the following:

1. The licensee shall submit to the Commission the remaining Specially Designated Distributor license and/or permit fees in the amount of \$563.05, pursuant to MCL 436.1525(1)(k).
2. The licensee shall provide verification that Log Cabin Convenience

Stores, Inc. received a loan in the amount of \$325,000.00 from Independent Bank.

3. The licensee shall provide verification that Cornelius Vander Velde received a loan in the amount of \$75,000.00 from Prudential Whole Life Insurance Company.
4. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
5. The licensee shall submit to the Commission form LCC-3012 "Closing Form for License Sale".
6. The licensee shall maintain 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.

B. The applicant's request to transfer the existing Gas Pumps (originally issued prior to 1978) is APPROVED.

C. The applicant's request to transfer the existing permit to sell alcoholic liquor after 12:00 Noon on Sundays is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

D. The Conditional Licenses shall cancel within 20 business days from the issuance date of this order.

E. 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

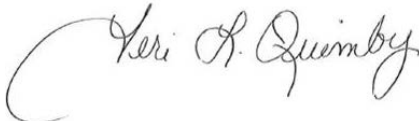
licensee. Approval of the licenses and permit by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

F. 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, 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



Dennis Olshove, Commissioner

Date Mailed:

tlc