



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
AARON T. SWEKEL	)	Request ID No. 1803-02827
16030 Holz Dr #10)	
Southgate, Michigan 48195)	
)	
)	

At the May 3, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On March 6, 2018, Aaron T. Swekel ("applicant") filed a request for a new Salesperson license.

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.

At a meeting held on March 21, 2018, the Commission denied this request under MCL 436.2003 after considering the prior conviction record of Aaron T. Swekel and failure to report same to the Commission during the application process.

Aaron Swekel submitted a timely request for an appeal in this matter and represented himself at a hearing held on May 3, 2018, 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 the applicant sufficiently answered all previous questions concerning this application.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request.

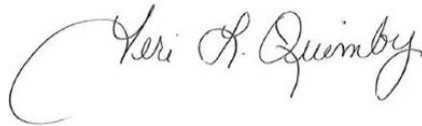
THEREFORE, IT IS ORDERED that:

- A. The denial order of March 21, 2018 issued in this matter is reversed and the applicant's request for a new Salesperson license is APPROVED.
- B. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
- C. Pursuant to administrative rule R 436.1853(2), the license is renewable by May 1, 2020, and every three (3) years thereafter.
- D. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).
- E. 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 this license.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

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Teri L. Quimby, Commissioner (dissent)

A handwritten signature in cursive script, reading "Dennis Olshove".

Dennis Olshove, Commissioner

Date Mailed: 5/9/2018

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

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In the matter of the request of)	
)	
ADJ PETROLEUM LLC)	Request ID No. 912763
57887 Red Arrow Hwy)	
Lawrence, Michigan 49064-9636)	
)	
Lawrence Township	)	Van Buren County
)	

At the May 29, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

LICENSING APPEAL ORDER

On July 7, 2017, ADJ Petroleum LLC ("applicant") filed a request to transfer ownership of the escrowed 2017 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (A.M. and P.M.), Beer and Wine Tasting Permit, and permission to maintain motor vehicle fuel pumps on or adjacent to the licensed premises issued under MCL 436.1541(3) and MCL 436.1541(4) from Lawrence Petroleum, L.L.C., located at the above-noted address.

Commission records reflect that the applicant was issued Conditional Specially Designated Distributor and Specially Designated Merchant licenses and permits under MCL 436.1525(6) at this location on September 15, 2017.

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on April 18, 2018, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant stockholder, Kuldip Singh, who is currently licensed under the applicant entity with a conditional license at this location. Commission records reflect the applicant was found responsible for one (1) violation of selling alcohol to a minor on October 26, 2017, which is contrary to MCL 436.1801(2).

The request was also denied under administrative rule R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Roger Isaac, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 29, 2018 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file with updated documents submitted, and discussion of the issue on the record, the Commission finds that the applicant adequately demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 18, 2018 issued in this matter is reversed and the applicant's request to transfer ownership of the escrowed 2018 Specially Designated

Distributor and Specially Designated Merchant licenses from Lawrence Petroleum, L.L.C. at the subject location is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission a promissory note indicating that ADJ Petroleum LLC received a loan in the amount of \$50,000.00 from applicant member, Kuldip Singh.
4. The licensee shall submit to the Commission a promissory note indicating that ADJ Petroleum LLC received a loan in the amount of \$44,000.00 from Surwan Singh.
5. The licensee shall submit to the Commission a promissory note indicating that GADJ Properties LLC received a loan in the amount of \$50,000.00 from Kuldip Singh.
6. The licensee shall submit to the Commission the required Specially Designated Distributor license and/or permit fees in the amount of \$110.40, pursuant to MCL 436.1525(1)(k).
7. The licensee shall submit to the Commission an acceptable and executed Lease Agreement, which is dated, and includes a specific commencement date and is signed by an authorized signor of the tenant entity.
8. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
9. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").

10. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.
11. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer the existing permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(3) and MCL 436.1541(4) is APPROVED, subject to compliance with the requirements contained therein.

C. The licensee's request to transfer the existing Sunday Sales Permit (P.M.) 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 licensee's request to transfer the existing Sunday Sales Permit (A.M.) to sell alcoholic liquor between 7 A.M. and Noon on Sundays, 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 A.M. and 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.

E. The licensee's request to transfer the existing Beer and Wine Tasting Permit

is APPROVED, subject to the following:

1. No charges for the tasting of the beer and wine are allowed under MCL 436.1537(5)(a).
2. The tasting samples provided to a customer must not exceed 3 servings at up to 3 ounces per serving of beer or 3 servings at up to 2 ounces of wine under MCL 436.1537(5)(b).
3. A customer must not be provided with more than a total of 3 samples of beer or wine within a 24-hour period per licensed premises under MCL 436.1537(5)(b).
4. The Commission must be notified, in writing, a minimum of 10 working days prior to the event, regarding the date, time, and location of the event MCL 436.1537(5)(d).
5. Under MCL 436.1537(6), during the time the permitted beer or wine tasting is conducted, the applicant-permit holder, or its agent or employee who has successfully completed a server training program as provided for in MCL 436.1906, shall devote full time to the beer and wine tasting activity and shall perform no other duties including the sale of alcoholic liquor for consumption off the licensed premises.
6. Beer and wine used for the permitted tasting must come from the specially designated merchant's (SDM's) inventory under MCL 436.1537(6), and all open bottles must be removed from the premises on the same business day or resealed and stored in a locked, separate storage compartment on the licensed premises when not being used for the activities allowed by the Permit.
7. The Permit holder must prohibit a wholesaler from conducting or participating in the beer and wine tastings under MCL 436.1537(7).
8. A permitted beer and wine tasting must be conducted during the legal hours for sale of alcoholic liquor by the licensee under MCL 436.1537(8).

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

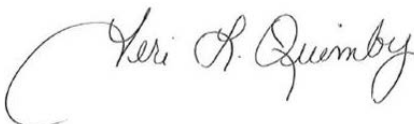
G. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

H. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

Request ID No. 912763
Page 7

A handwritten signature in black ink, appearing to read "Dennis Olshove", with a long horizontal flourish extending to the right.

Dennis Olshove, Commissioner

Date Mailed: June 21, 2018

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STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
)	
B AND E SERVICE INC.)	Request ID No. 912181
13547 E 7 Mile Rd)	
Detroit, Michigan 48205-2255)	
)	
Wayne County)	
_____)	

At the May 3, 2018 hearing of the Michigan Liquor Control Commission in
Southfield, Michigan.

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

LICENSING APPEAL ORDER

On June 15, 2017, B and E Service Inc. ("applicant") filed a request to transfer ownership of the escrowed 2017 Specially Designated Distributor ("SDD") license with Sunday Sales Permit (P.M.), only, from Chalmers Market, Inc. The applicant also requested to transfer location from 18052-18066 Chalmers, Detroit, Wayne County, to the above-noted address; to be held in conjunction with existing Specially Designated Merchant license with Sunday Sales Permit (A.M.) at that location.

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on December 20, 2017, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to two (2) existing SDD licensees located within 2,640 feet of the proposed location. Commission records indicate that JJ Sabrina, Inc. holds an SDD license 1,837 feet away from the applicant's proposed location at 12838-12840 E 7 Mile Rd, Detroit, Wayne County, and Three Star Market, Inc. holds an SDD license 1,991 feet away at 19650 Schoenherr St, Detroit, Wayne County. The applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133 relative to either SDD licensee.

The Commission also denied this request under administrative rules R 436.1105(2)(a) and R 436.1105(2)(j) after considering the violation record of the applicant at the subject location since being licensed with a SDM license on May 8, 2003. Commission records reflect that the applicant was found responsible for a 2017 violation of the sale of alcoholic liquor to a 20-year old minor; which is contrary to MCL 436.1801(2).

Peter Abbo, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at hearings held in Southfield on March 8, 2018 and May 3, 2018.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at both hearings held in this matter, the Commission finds that the applicant sufficiently demonstrated a course of action has been taken to assist in preventing further

violations of the Michigan Liquor Control Code and Administrative Rules.

The Commission further finds that the basis of denial relative to the existing SDD licensee's is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of December 20, 2017 issued in this matter is REVERSED, and the applicant's request to transfer ownership of the escrowed 2018 Specially Designated Distributor license from Chalmers Market, Inc. is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
4. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
5. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
6. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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.

C. The applicant's request to transfer location from 18052-18066 Chalmers, Detroit, Wayne County, to 13547 E 7 Mile Rd, Detroit, Wayne County, is APPROVED.

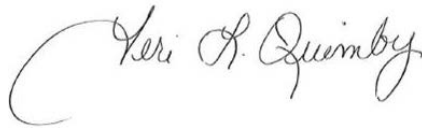
D. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

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Teri L. Quimby, Commissioner

A handwritten signature in cursive script, reading "Dennis Olshove".

Dennis Olshove, Commissioner

Date Mailed: May 24, 2018

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STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
BELLE ISLE ONE STOP, INC.	)	Request ID No. 846504
2739 Russell)	
Detroit, Michigan 48207-2614)	
)	
Wayne County)	
_____)	

At the May 1, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairperson
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On April 25, 2016, Belle Isle One Stop, Inc. ("licensee") filed a request to transfer location of the escrowed 2016 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) from 6807 E Jefferson Ave, Detroit, Wayne County, to the above-noted address. The licensee also requested a new Sunday Sales Permit (A.M.); and new permission to maintain three (3) Direct Connections to unlicensed premises.

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 (j), the licensee may sell beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on April 21, 2017, the Commission denied the subject request under administrative rule R 436.1133 because the licensee did not appear to qualify for a waiver under administrative rule R 436.1133 relative to an existing SDD licensee located within 2,640 feet of the proposed location. Commission records indicate that Joe's Liquor & Wine Shoppe, Inc. holds an SDD license 400 feet away from the licensee's proposed location at 2933 Russell St, Detroit, Wayne County, and the licensee did not appear to qualify for any applicable waivers under administrative rule R 436.1133. The denial also noted that SDD licensee, Ran, Inc., holds an SDD license 1,818 feet away at 1429 Gratiot Ave, Detroit, Wayne County, and the licensee qualified for a waiver under administrative rule R 436.1133(c) relative to that location.

Peter Ewasek, legal counsel on behalf of the licensee, submitted a timely request for an appeal in this matter and represented the licensee at the May 1, 2018 hearing held in Lansing.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file with exhibit presented, and discussion of the issue on the record at the hearing, the Commission finds that the basis of denial is now moot, and concludes the request of the licensee should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 21, 2017 issued in this matter is REVERSED, and the licensee's request to transfer location of the escrowed 2018 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) from 6807 E Jefferson Ave, Detroit, Wayne County, to 2739 Russell, Detroit, Wayne County, is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the

Commission has been provided with a notice of pending litigation involving the application.

2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. **The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that fixtures and equipment have been installed; to determine that sufficient inventory has been installed; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.**
4. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
5. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility").
6. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
7. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The licensee's request for a new Sunday Sales Permit (A.M.) 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. The licensee's request for permission to maintain three (3) Direct Connections to unlicensed premises is APPROVED

D. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner

Date Mailed: 05/14/2018

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STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
BLOOMFIELD SHELL, INC.	)	Request ID No. 903063
3690 W Maple Rd)	
Bloomfield Hills, Michigan 48301)	
)	
Bloomfield Township)	
Oakland County)	
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At the May 10, 2018 hearing of the Michigan Liquor Control Commission in
Southfield, Michigan.

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

LICENSING APPEAL ORDER

On March 29, 2017, Bloomfield Shell, Inc. ("applicant") filed a request for a new Specially Designated Distributor ("SDD") license under MCL 436.1537 with new Sunday Sales Permit (P.M.), and permission to maintain motor vehicle fuel pumps on or adjacent to the licensed premise issued under MCL 436.1541(1) at the above-noted address; to be held in conjunction with proposed new Specially Designated Merchant license issued under MCL 436.1533(7) with Sunday Sales Permit (A.M.), and permission to maintain motor vehicle fuel pumps on or adjacent to the licensed premise issued under MCL 436.1541(6) at this location.

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on August 4, 2017, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to an existing SDD licensee located within 2,640 feet of the proposed location. Commission records indicate that The Kroger Co. of Michigan holds an SDD license 0 feet away from the applicant's proposed location at 3600 W Maple Rd, Bloomfield Hills, Bloomfield Township, Oakland County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133.

Commission records further indicate that Perry Drug Stores, Inc. holds an SDD license 51 feet away from the applicant's proposed location at 3669 W Maple Rd, Bloomfield Hills, Bloomfield Township, Oakland County, and the applicant qualified for a waiver under administrative rule R 436.1133 as permitted under (c) because the two (2) locations are separated by W Maple Rd; which is a qualifying major thoroughfare of not less than 4 lanes of through traffic.

Co-applicant stockholder, Christopher Barbat, submitted a timely request for an appeal in this matter and Seth Tompkins, legal counsel on behalf of the applicant, represented the applicant at the May 10, 2018 hearing held in Southfield.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at the hearing, the Commission finds that the basis of denial is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of August 2, 2017 issued in this matter is REVERSED, and the applicant's request for a new Specially Designated Distributor license is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. **The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that the applicant has purchased, installed, and will maintain an approved type inventory of at least \$250,000.00, at cost, on the licensed premises, including an itemized breakdown of the installed inventory; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.**
4. The licensee shall agree to purchase an initial minimum order of \$5,000.00 of spirits divided among not less than 50 brands as a condition precedent to receiving a license, under administrative rule R 436.1139.
5. The licensee shall submit to the Commission two (2) 5" x 7" photographs of the establishment (1 interior and 1 exterior), pursuant to administrative rule R 436.1137.
6. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
7. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").

8. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility").
9. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
10. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request for a new Sunday Sales Permit (P.M.) 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.

C. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1) is APPROVED, subject to compliance with the requirements contained therein. The licensee shall maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

D. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the

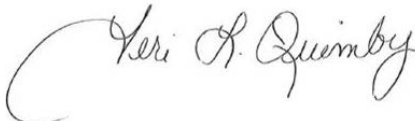
location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: June 21, 2018

tlc



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
BORCULO FUEL SERVICES, LLC	)	Request ID No. 906881
6398 Ninety Sixth)	
Zeeland, Michigan 49464)	
)	
Blendon Township)	
Ottawa County)	
<hr/>		

At the May 1, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairperson
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On May 1, 2017, Borculo Fuel Services, LLC (“applicant”) filed a request for a new Specially Designated Distributor (“SDD”) license under MCL 436.1537 with new Sunday Sales Permit (P.M.), and permission to maintain motor vehicle fuel pumps on or adjacent to the licensed premise issued under MCL 436.1541(1) at the above-noted address; to be held in conjunction with existing 2018 Specially Designated Merchant license with permission to maintain motor vehicle fuel pumps on or adjacent to the licensed premise issued under MCL 436.1541(1). This also correct records to reflect existing permission to maintain motor vehicle fuel pumps held with the Specially Designated Merchant license is now issued under MCL 436.1541(6).

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on September 20, 2017, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to an existing SDD licensee located within 2,640 feet of the proposed location. Commission records indicate that Borculo Liquor LLC holds an SDD license 1,158 feet away from the applicant's proposed location at 6210 Ninety Sixth, Zeeland, Blendon Township, Ottawa County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133.

Brennen Gorman, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 1, 2018 hearing held in Lansing.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at the hearing, the Commission finds that the basis of denial is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of September 20, 2017 issued in this matter is REVERSED, and the applicant's request for a new Specially Designated Distributor license is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.

2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. **The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that the applicant has purchased, installed, and will maintain an approved type inventory of at least \$250,000.00, at cost, on the licensed premises, including an itemized breakdown of the installed inventory; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.**
4. The licensee shall agree to purchase an initial minimum order of \$5,000.00 of spirits divided among not less than 50 brands as a condition precedent to receiving a license, under administrative rule R 436.1139.
5. The licensee shall submit to the Commission two (2) 5" x 7" photographs of the establishment (1 interior and 1 exterior), pursuant to administrative rule R 436.1137.
6. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
7. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
8. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
9. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request for a new Sunday Sales Permit (P.M.) 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.

C. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1) is APPROVED, subject to compliance with the requirements contained therein. The licensee shall maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

D. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

A handwritten signature in black ink, appearing to read "Dennis Olshove", with a long horizontal flourish extending to the right.

Dennis Olshove, Commissioner

Date Mailed: May 23, 2018

tlc



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

* * * * *

In the matter of the request of)	
)	
DETROIT WILD WINGS, LLC	)	Request ID No. 1802-01217
15402 Mack Ave)	
Grosse Pointe Park, Michigan 48230-6205)	
)	
Wayne County)	
_____)	

At the May 10, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On January 30, 2018, Detroit Wild Wings, LLC ("licensee") filed a request for a conditional license under MCL 436.1525(6), as well as a transfer of ownership of the escrowed 2017 Class C license with Sunday Sales Permit (P.M.), Dance-Entertainment Permit, and Topless Activity Permit from Estate Limited Corporation with Loren M. Dickstein, Receiver; transfer location (governmental unit) under MCL 436.1531(1) from 5311-5313 E. Outer Dr., Detroit, Wayne County to the above-noted address; cancel Topless Activity Permit; and request new Sunday Sales Permit (A.M.).

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.

At a meeting held on March 9, 2018, the Commission denied this request under MCL 436.2003 because the applicant failed to indicate on the Church or School Proximity Affidavit that the proposed licensed premises is located within 500 feet of a Spirit of Love Church, and the applicant does not qualify for a conditional license involving a transfer of location of a license because the proposed licensed premises is located within 500 feet of a church.

The request was also denied under administrative rule R 436.1041 because it appeared the applicant may be attempting to obtain a license for the use or benefit of another person whose name will not appear on the license and who may not otherwise qualify for a license; specifically, Elias Zedan, spouse of applicant member, Jamila Zedan, was found responsible for multiple violations under the licenses held by D & Z LLC, Zedan Brothers No. II, LLC, and Zedan Brothers, L.L.C.

Further, the request was denied under administrative rule R 436.1105(2)(j) after considering the effects that the issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Joseph Shallal, legal counsel on behalf of the applicant, submitted a request for an appeal in this matter and represented the applicant at the May 10, 2018 hearing held in Southfield.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that Spirit of Love Church, located at 15635 Mack Ave, Detroit, Wayne County, is located within 500 feet of the proposed conditional license transfer of location.

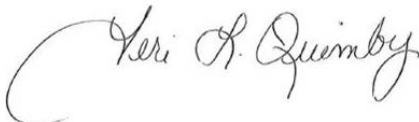
The Commission does not find error with the application of the MLCC Code or Administrative Rules, and for the reasons stated on the record, the previous order is affirmed.

THEREFORE, IT IS ORDERED that the denial order of March 9, 2018 issued in this matter is AFFIRMED.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: June 22, 2018

tlc



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
HAMMER & NAIL LLC	)	Request ID No. 908495
3800 Woodward Ave)	
Detroit, Michigan 48226-2061)	
)	
Wayne County)	
_____)	

At the May 10, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

LICENSE APPEAL ORDER

On May 24, 2017, Hammer & Nail LLC ("applicant") filed a request to transfer ownership of the escrowed 2017 Class C and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.), Entertainment Permit, and Specific Purpose Permit (Food) from Fun Eats And Drinks LLC (A Wyoming Limited Liability Company) who was awarded the license through Bankruptcy Court Order for Case No. 16-11844(KG) from Last Call Operating Co I., Inc. (A Delaware Corporation), to be held in escrow. The applicant also requested to transfer location (governmental unit) under MCL 436.1531(1) from 1777 N Canton Center Rd, Canton, Canton Township, Wayne County, to the above-noted address; and requested a new Dance Permit; permission to maintain one (1) new Direct Connection to unlicensed premises; and authorization for the outdoor sale, service, and consumption of alcoholic beverages in an area of unknown dimensions.

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

At a meeting held on April 6, 2018, the Commission denied the request under administrative rule R 436.1103(2) because the applicant failed to provide all information necessary for investigation and processing of the application.

J. Patrick Howe, 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, 2018 hearing, held at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file with updated documents provided at the hearing, and discussion of the issue on the record, the Commission finds that the applicant provided a complete address and diagram of the proposed licensed premises, describing a first floor restaurant bar space, basement office/storage area, and measurements of the proposed Outdoor Service Area. The applicant also provided a budget indicating the source of funds to be used for this transaction. Further, the applicant requested to cancel the Specific Purpose Permit (Food) and Dance Permit, and indicated any entertainment to be offered on the premises will be low key, live music during special events. The applicant further indicated they expect to be ready to operate in September, and is requesting this application be approved for active operation, subject to a final inspection by the Commission.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 6, 2018 issued in this matter is reversed and the applicant's request to transfer ownership of the escrowed 2018 Class C and Specially Designated Merchant licenses from Last Call Operating Co I., Inc. (A Delaware Corporation) is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. **The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine renovations have been completed as proposed; to determine the total cost and method of financing; to determine all furniture, fixtures and equipment have been installed; to determine the location of the Direct Connection; to determine the final dimensions of the licensed premises; to determine the final dimensions of the Outdoor Service area; to determine seating capacity has been established and is posted; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.**
4. The licensee shall submit to the Commission an acceptable and executed Lease Agreement with all addendums.
5. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility").
6. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
7. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
8. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").
9. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers,

electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

10. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the licenses, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the license shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the licenses and permits.

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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.

C. The licensee's request to transfer the existing Sunday Sales Permit (A.M.) 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 A.M. and 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.

D. The applicant's request to transfer the existing Entertainment Permit is APPROVED, subject to the following:

E. The applicant's request to transfer location (governmental unit) under MCL 436.1531(1) from 1777 N Canton Center Rd, Canton, Canton Township, Wayne County to 3800 Woodward Ave, Detroit, Wayne County, is APPROVED.

F. The applicant's request for permission to maintain one (1) new Direct Connection to unlicensed premises is APPROVED.

G. The applicant's request for authorization for the outdoor sale, service, and consumption of alcoholic beverages in an area measuring approximately 10' x 73', and enclosed by a 3 ft. barrier consisting of the building wall, fencing, and planters/landscaping is APPROVED, subject to the following:

1. The outdoor service area shall remain well-defined and clearly marked.
2. The licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined area only.
3. The licensee is prohibited from allowing the sale, service, possession or consumption of alcoholic beverages in any portion of the approved outdoor service area designated for the playing of sporting activities or for sporting events, including any break or intermission.
4. The licensee shall take all necessary actions to ensure the health, safety and welfare of all patrons and guests.

H. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of

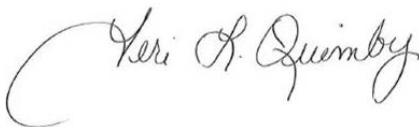
occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

I. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: June 22, 2018

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OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
)	
HOLLY FOODS, INC.)	Request ID No. 670891
15191 N Holly Rd)	
Holly, Michigan 48442-1140)	
)	
Oakland County)	

At the May 1, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairperson
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On October 9, 2012, Holly Foods, Inc. ("applicant") filed a request for a new Specially Designated Distributor ("SOD") license with new Sunday Sales Permit (P.M.), to be held in conjunction with existing Specially Designated Merchant license with Sunday Sales Permit (A.M.), at the above-noted address.

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

At a meeting held on August 21, 2015, the Commission denied the subject request

under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to an existing SOD licensee located within 2,640 feet of the proposed location. Commission records indicate that at the time of the denial, Harry A. Jaboro held an SOD license 446 feet away from the applicant's proposed location at 15228 N Holly Rd, Holly, Oakland County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133. Commission records reflect that Harry A. Jaboro transferred ownership of that SOD license to Stage Coach Market, Inc. (BID# 244832) on May 16, 2017.

Peter Ewasek, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 1, 2018 hearing held in Lansing..

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the LCC file, and discussion of the issue on the record at the hearing, the Commission finds that the basis of denial is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of August 21, 2015 issued in this matter is REVERSED, and the applicant's request for a new Specially Designated Distributor license is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall agree to purchase an initial minimum order of

\$5,000.00 of spirits divided among not less than 50 brands as a condition precedent to receiving a license, under administrative rule R 436.1139.

4. The licensee shall submit to the Commission two (2) 5" x 7" photographs of the establishment (1 interior and 1 exterior), pursuant to administrative rule R 436.1137.
5. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
6. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
7. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request for a new Sunday Sales Permit (P.M.) to sell alcoholic liquor after 12:00 Noon on Sundays is APPROVED, subject to the following:

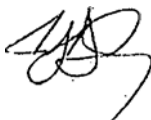
1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine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

C. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule

R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

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, 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



Dennis Olshove, Commissioner

Date Mailed:

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

* * * * *

In the matter of the request of)	
)	
JK VANCE COMPANY, LLC	)	Request ID No. 1803-02642
61088 Indian Lake Rd)	
Niles, Michigan 49120-9193)	
)	
Pokagon Township)	
Cass County)	
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At the May 15, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

CONDITIONAL LICENSE APPEAL ORDER

On March 1, 2018, JK Vance Company, LLC ("applicant") filed an application for a conditional license under MCL 436.1525(6), as well as a transfer of ownership from J & V, Inc. The location at the above-noted address is the same location as the existing license.

The Commission finds that J & V, Inc. is the holder of 2018 Class C and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) and Living Quarters Permit issued by the Commission. The licenses, permits, and approvals held by the existing licensee will be reviewed and considered under the conditional license application.

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 applicant is authorized to do business in Michigan, as required under MCL

436.1535 for licensure. Under MCL 436.1537(1)(b), the licensee may sell beer, wine, mixed spirit drink, and spirits for consumption on the premises. Under MCL 436.1537(1)(f), the licensee may sell beer and wine for consumption off the premises.

At a meeting held on March 30, 2018, the Commission denied the conditional license request under MCL 436.1525(6). The request was also denied under MCL 436.2003 and administrative rules R 436.1105(2)(g) and R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit, after considering the prior conviction record of applicant member, Jason Vance, and failure to report same to the Commission during the application process.

Jeffrey Holmstrom, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at a hearing held in Lansing on May 15, 2018.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant provided mitigating circumstances regarding the subject conviction record, and indicated failure to disclose the conviction on the application form was a clerical error made by counsel staff.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's conditional license request.

THEREFORE, IT IS ORDERED that:

A. The denial order of March 30, 2018 issued in this matter is reversed and the applicant's request for conditional Class C and Specially Designated Merchant licenses under MCL 436.1525(6) is APPROVED, subject to the following:

1. The existing licenses and separate permits shall be submitted to the Commission before or at the time of the issuance of the conditional license, to remain in escrow under administrative rule R 436.1107 until one of the expiration factors is reached under MCL 436.1525(8).
2. Receipt of form LCC-108 ("Request to Place License in Escrow").

3. The conditional license is non-transferable and nonrenewable.
4. The conditional license shall expire under one of the following expiration factors, whichever occurs first, pursuant to MCL 436.1525(9):
 - a. One (1) year after the date the conditional license was issued, notwithstanding any suspension of the conditional license by the Commission.
 - b. The Commission issues the license for which the applicant submitted the license application that serves as the basis of the conditional license.
 - c. After all administrative remedies before the Commission have been exhausted when the Commission issues an order of denial of the license application that serves as the basis for the conditional license.
 - d. When the licensee or conditional licensee notifies the Commission in writing that the initial or conditional application should be cancelled.
5. The conditional licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the conditional license, as provided in administrative rule R 436.1060. Pursuant to MCL 436.1525(8), the conditional license is required to comply with the server training requirements beginning on the date the conditional license is issued regardless of whether the conditional licensee is actively operating under the conditional license.
 - a. The conditional licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.

b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the conditional license shall result in the conditional licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license.

6. The conditional licensee shall maintain proof of financial responsibility, under MCL 436.1803.

B. The applicant's request for a conditional Sunday Sales Permit (P.M.) 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.

C. The applicant's request for a conditional Living Quarters Permit is APPROVED.

D. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

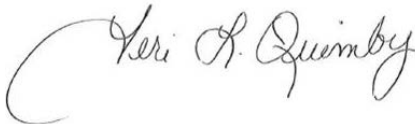
E. Failure by the conditional licensee to comply with all laws and rules may result in the revocation of the approval contained in this order.

F. The approval of this conditional license does not guarantee approval by the Commission of the request to transfer the existing license. Any investments made by the conditional license applicant are done at the applicant's risk.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: 06/08/2018

tlc



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

* * * * *

In the matter of the request of)	
)	
KENNETH H. MATTIS, INC.	)	Request ID No. 1801-00199
2099 E US 23)	
East Tawas, Michigan 48730-9303)	
)	
Baldwin Township Iosco County)	
)	

At the May 8, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

LICENSING APPEAL ORDER

On January 3, 2018, Kenneth H. Mattis, Inc. ("applicant") filed a request for a new Specially Designated Merchant license issued under MCL 436.1533(5) with new Sunday Sales Permit (A.M.) and permission for motor vehicle fuel pumps on or adjacent to the licensed premises issued under MCL 436.1541(6), to be held at the above-noted address.

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

At a meeting held on April 4, 2018, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant stockholder, Dennis W. Mattis Living Trust, Dennis W Mattis, Trustee, who has been licensed as a stockholder of Kenneth H. Mattis, Inc. under five (5) different licensed locations; and Dennis Mattis licensed as a stockholder of Elliott Gas & Oil Co.

Commission records reflect a cumulative total of eight (8) violations of the sale of alcohol to minors, which is contrary to MCL 436.1801(2); a 1998 violation for selling/possessing alcoholic liquor without fully complying with the provisions of the Michigan Liquor Control Code; a 2002, 3-count violation of engaging in cooperative advertising with a retail licensee - Alpena Beverage Co, Inc. by advertising Miller High Life without a written order of the Commission, and accepting and using signs on the licensed premises for its own advertising purposes; and a 2005 violation of allowing alcoholic liquor to be kept or stored off the licensed premises without prior written order of the commission.

The request was also denied under administrative rule R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Roger Isaac, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 8, 2018 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file with updated documents presented, and discussion of the issue on the record, the Commission finds that the applicant adequately demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 4, 2018 issued in this matter is reversed and the applicant's request for a new Specially Designated Merchant license issued under MCL 436.1533(5) at the subject location is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission a copy of a signed land contract, real estate mortgage, warranty deed, or quit claim deed.
4. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility").
5. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.
6. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
7. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").
9. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request for a new Sunday Sales Permit (A.M.) 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. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(6) is APPROVED subject to compliance with the requirements contained therein.

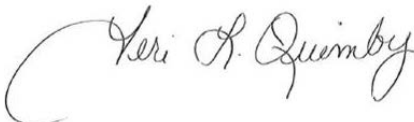
D. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



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

* * * * *

In the matter of the request of)	
)	
KENNETH H. MATTIS, INC.	)	Request ID No. 1801-00201
2099 E US 23)	
East Tawas, Michigan 48730-9303)	
)	
Baldwin Township Iosco County)	
<hr/>		

At the May 8, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

LICENSING APPEAL ORDER

On January 3, 2018, Kenneth H. Mattis, Inc. ("applicant") filed a request for a new Specially Designated Distributor license issued under MCL 436.1533 with new Sunday Sales Permit (P.M.) and permission for motor vehicle fuel pumps on or adjacent to the licensed premises issued under MCL 436.1541(3), to be held at the above-noted address.

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

At a meeting held on April 4, 2018, the Commission denied this request under administrative rule R 436.1105(2)(a) after considering the operating record of applicant

stockholder, Dennis W. Mattis Living Trust, Dennis W Mattis, Trustee, who has been licensed as a stockholder of Kenneth H. Mattis, Inc. under five (5) different licensed locations; and Dennis Mattis licensed as a stockholder of Elliott Gas & Oil Co.

Commission records reflect a cumulative total of eight (8) violations of the sale of alcohol to minors, which is contrary to MCL 436.1801(2); a 1998 violation for selling/possessing alcoholic liquor without fully complying with the provisions of the Michigan Liquor Control Code; a 2002, 3-count violation of engaging in cooperative advertising with a retail licensee - Alpena Beverage Co, Inc. by advertising Miller High Life without a written order of the Commission, and accepting and using signs on the licensed premises for its own advertising purposes; and a 2005 violation of allowing alcoholic liquor to be kept or stored off the licensed premises without prior written order of the commission.

The request was also denied under administrative rule R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Roger Isaac, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 8, 2018 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file with updated documents presented, and discussion of the issue on the record, the Commission finds that the applicant adequately demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 4, 2018 issued in this matter is reversed and the applicant's request for a new Specially Designated Distributor license issued under MCL 436.1533 at the subject location is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the

Commission has been provided with a notice of pending litigation involving the application.

2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission a copy of a signed land contract, real estate mortgage, warranty deed, or quit claim deed.
4. The licensee shall submit to the Commission two (2) photographs of the licensed premises; one (1) interior and one (1) exterior pursuant to administrative rule R 436.1137.
5. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility").
6. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.
7. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
8. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").
9. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request for a new Sunday Sales Permit (P.M.) 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.

C. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(3) is APPROVED subject to

compliance with the requirements contained therein.

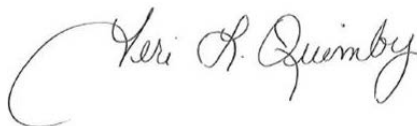
D. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 license and permit.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



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

* * * * *

In the matter of the request of)	
)	
MARKET BAR, LLC	)	Request ID No. 1802-01849
329 E State St)	
Traverse City, Michigan 49684-2516)	
)	
Grand Traverse County)	
_____)	

At the May 1, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On February 12, 2018, Market Bar, LLC ("applicant") filed a request to add space to the physical structure; and permission to maintain one (1) Direct Connection to unlicensed premises; in conjunction with the 2017 Class C and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.), Dance-Entertainment Permit, and Outdoor Service (1 Area) located at the above-noted address.

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

At a meeting held on April 4, 2018, the Commission denied this request under administrative rules R 436.1023(2)(a) and R 436.1039(1) after considering that the space that the licensee is requesting to add and the direct connection to unlicensed premises is not well defined and clearly marked with any permanent structure to distinguish the proposed add space and direct connection of the licensee from the adjacent unlicensed areas.

Brennen Gorman, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 1, 2018 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file with updated documents submitted, and discussion of the issue on the record, the Commission finds that the applicant provided a written demonstration that the applicant is no longer requesting the added space portion of this request.

The Commission further finds that the applicant sufficiently demonstrated that the applicant is separated from the adjacent licensed premises by a floor to ceiling door wall in addition to a keg cooler, and the door wall will remain locked at all times.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request, as amended.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 4, 2018 issued in this matter is reversed and the applicant's request for permission to maintain one (1) Direct Connection to unlicensed premises is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.

4. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

C. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner

Date Mailed: June 20, 2018

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Request ID No. 1802-01849
Page 4

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

* * * * *

In the matter of the request of)	
)	
MARY T. MASHNI, INC.	)	Request ID No. 854097
R 1, 5947 N Lapeer Rd)	
North Branch, Michigan 48461-9778)	
)	
Deerfield Township Lapeer County)	
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At the May 3, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On August 3, 2016, Mary T. Mashni, Inc. ("applicant") filed a request to transfer ownership of the escrowed 2016 Specially Designated Distributor ("SDD") license, only, with Sunday Sales Permit (P.M.) from Emil J. Miklovich, Jr. and Karen Miklovich; transfer location (governmental unit) under MCL 436.1531(18) from 9671 Main St, Clifford, Lapeer County; and permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1); to be held in conjunction with existing Specially Designated Merchant license with Sunday Sales Permit (A.M.) and permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(6) at the above-noted address.

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on November 2, 2016, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to an existing SDD licensee located within 2,640 feet of the proposed location. Commission records indicate that J.F.B., Inc. holds an SDD license 772 feet away from the applicant's proposed location at 6002 N Lapeer Rd, North Branch, Deerfield Township, Lapeer County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133.

Applicant stockholder, Boulos Mashni, submitted a timely request for an appeal in this matter and represented the applicant at the May 3, 2018 hearing held in Southfield.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at the hearing, the Commission finds that the basis of denial is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of November 2, 2016 issued in this matter is REVERSED, and the applicant's request to transfer ownership of the escrowed 2018 Specially Designated Distributor license from Emil J. Miklovich, Jr. and Karen Miklovich is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.

2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
4. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
5. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
6. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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.

C. The applicant's request to transfer location (governmental unit) under MCL 436.1531(18) from 9671 Main St, Clifford, Lapeer County, to R 1, 5947 N Lapeer Rd, North Branch, Deerfield Township, Lapeer County, is APPROVED.

D. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1) is APPROVED, subject to compliance with the requirements contained therein. The licensee shall maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

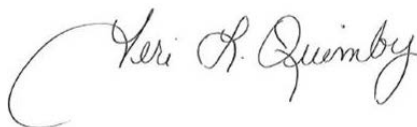
E. Under administrative rule R 436.1003(1), the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: May 23, 2018

tlc



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

* * * * *

In the matter of the request of)	
)	
NICK NAJJAR	)	Request ID No. 918126
20125 Ann Arbor Trl)	
Dearborn Heights, Michigan 48127-2675)	
)	
Wayne County)	
_____)	

At the May 17, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

LICENSING APPEAL ORDER

On September 15, 2017, Nick Najjar (“applicant”) filed a request to transfer ownership of the escrowed 2017 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. and P.M.) from Joeljo LLC, with licenses to be held in escrow at the above-noted address. The applicant also requested to cancel the existing Sunday Sales Permits (A.M. and P.M.).

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.

At a meeting held on April 11, 2018, the Commission denied this request under administrative rule R 436.1105(1)(c) because it appeared that the applicant failed to demonstrate an adequate physical plant or plans for an adequate physical plant appropriate for the type and size of the proposed licensed business. Commission records

reflect the applicant stated he does not plan to actively operate the license upon the transfer of ownership and wants the license to remain in escrow. The applicant does not currently have rights to the property as the lease received is proposed and will only be executed if the applicant decides to remove the license from escrow and actively operate. There is currently a grocery store actively operating at the proposed location.

Shamil Halabu, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at May 17, 2018 hearing, held at the Commission's Southfield office.

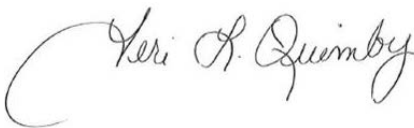
After hearing arguments, reviewing the MLCC file with updated documents submitted, and discussion of the issue on the record, the Commission finds that this application should be returned to commission staff for further processing.

THEREFORE, IT IS ORDERED that the denial order of April 11, 2018 issued in this matter is REVERSED and this application is REMANDED to commission staff for further processing.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner



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

* * * * *

In the matter of the request of)	
)	
PARADIGM INVESTMENT COMPANY INC.	)	Request ID No. 903013
436 W Columbia St)	
Detroit, Michigan 48201-3324)	
)	
Wayne County)	
_____)	

At the May 10, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

LICENSING APPEAL ORDER
TRANSFER OF OWNERSHIP APPROVAL ORDER &
ACTIVE OPERATION DENIAL ORDER

On March 29, 2017, Paradigm Investment Company Inc. ("applicant") filed a request to transfer ownership of escrowed 2016 Class C and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.) and Entertainment Permit from Marcia Inc. The applicant also requested to transfer location from 19665 Mount Elliott, Detroit, Wayne County to the above-noted address; cancel existing Entertainment Permit; and requested one new Additional Bar (for a total of 2 Bars).

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.

At a meeting held on March 21, 2018, the Commission denied this request under administrative rule R 436.1103(2) because it appeared that the applicant failed to provide all information necessary for investigation and processing of the application. Commission records reflect that. The applicant indicated the licensed establishment will consist of a bar business run by the applicant and a restaurant run by the landlord, Piquette Corner LLC. Further, the applicant reported that the businesses would be run separately, but failed to provide a detailed plan of operation or a participation/concession agreement to clarify the roles of each party, how profits would be credited, and who would have control over the licensed premises.

Steven Grobbel, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at May 10, 2018 hearing, held 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 the applicant provided a valid lease agreement for 436 Columbia St, Detroit. The applicant also requested to amend the application to approve the transfer of the license, with the license to be held in escrow at the Columbia St address until the applicant secures a new location or possibly sells the license to another party.

The Commission concludes the applicant adequately addressed the Commission's concerns to support approval of the transfer as a property right transfer, only, with the license to remain in escrow and not for active operation.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request as a property right transfer only.

THEREFORE, IT IS ORDERED that:

A. The denial order of March 21, 2018 issued in this matter is REVERSED and the applicant's request to transfer ownership of the escrowed 2018 Class C and Specially Designated Merchant with Sunday Sales Permits (A.M. & P.M.) licenses from Marcia Inc., request to transfer location from 19665 Mount Elliott, Detroit, Wayne County to 436 W

Columbia St, Detroit, Wayne County; and request for one new Additional Bar (for a total of 2 Bars), with the licenses and permits to be held in escrow is APPROVED as a property right transfer, only, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
4. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").
5. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

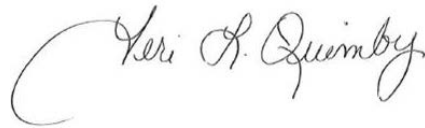
B. Paradigm Investment Company Inc. has not been granted approval for active operation of the escrowed 2018 Class C and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.) with two (2) Bars at this location.

C. Paradigm Investment Company Inc. shall pay all license fees by April 30th each calendar year pursuant to administrative rule R 436.1107.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

A handwritten signature in cursive script, reading "Teri L. Quimby".

Teri L. Quimby, Commissioner

A handwritten signature in cursive script, reading "Dennis Olshove".

Dennis Olshove, Commissioner

Date Mailed: 06/28/2018

tlc



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

* * * * *

In the matter of the request of)	
)	
PARDESH, INC.	)	Request ID No. 821922
1012 Wealthy St SE)	
Grand Rapids, Michigan 49506-1517)	
)	
Wayne County)	
_____)	

At the May 8, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

LICENSING APPEAL ORDER

On February 3, 2016, Pardesh, Inc. ("applicant") filed a request to transfer ownership of the escrowed Specially Designated Distributor ("SDD") license with Sunday Sales Permit (P.M.), only, from Payal's Gordy LLC. The applicant also requested to transfer location (governmental unit) under MCL 436.1531(18) from 4241 Division Ave S, Wyoming, Kent County, to the above-noted address; to be held in conjunction with existing Specially Designated Merchant license with Sunday Sales Permit (A.M.) at that location.

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on May 25, 2016, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to an existing SDD licensee located within 2,640 feet of the proposed location. Commission records indicate that Art of the Table Inc. holds an SDD license 2,630 feet away from the applicant's proposed location at 606 Wealthy St Se, Grand Rapids, Kent County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133.

Kenneth Hoogeboom, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at hearings held in Lansing on July 26, 2016 and May 8, 2018.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at both hearings held in this matter, the Commission finds that the basis of denial relative to the existing SDD licensee is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of May 25, 2016 issued in this matter is REVERSED, and the applicant's request to transfer ownership of the escrowed 2018 Specially Designated Distributor license from Payal's Gordy LLC is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.

2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
4. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
5. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
6. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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.

C. The applicant's request to transfer location (governmental unit) under MCL 436.1531(18) from 4241 Division Ave S, Wyoming, Kent County, to 1012 Wealthy St SE, Grand Rapids, Kent County, is APPROVED.

D. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the

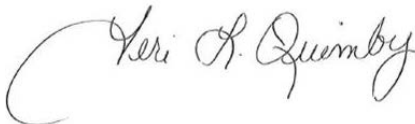
location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: June 1, 2018

tlc



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

* * * * *

In the matter of the request of)	
)	
ROA LIQUOR, INC.	)	Request ID No. 1711-03266
3205 W McNichols Rd)	
Detroit, Michigan 48221-3042)	
)	
Wayne County)	
_____)	

At the May 31, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

PRESENT: Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On November 6, 2017, ROA Liquor, Inc. ("applicant") filed a request to transfer ownership of the 2017 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.) from RYTM, Inc., at the above-noted location.

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 applicant 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 beer, wine, spirits, and mixed spirit drink for consumption off the premises, only.

At a meeting held on May 9, 2018, the Commission denied this request under administrative rules R 436.1105(2)(a) and R 436.1105(2)(j) after considering the operating record of applicant stockholder, Razek Razook, and the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Commission records reflect that Razek Razook was found responsible for multiple violations at ARZ Management, including three (3) sale to minor violations, which is contrary to MCL 436.1801(2); and four (4) non-sufficient funds violations totaling \$11,776.56, which is contrary to administrative rule R 436.1059.

Randal Toma, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 31, 2018 hearing, held 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 the applicant adequately demonstrated a course of action has been taken to assist in preventing further violations of the Michigan Liquor Control Code and Administrative Rules.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request.

THEREFORE, IT IS ORDERED that:

A. The denial order of May 9, 2018 issued in this matter is reversed and the applicant's request to transfer ownership of the 2018 Specially Designated Distributor and Specially Designated Merchant licenses from RYTM, Inc. at the subject location is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission documentary proof (Promissory Note) that ROA Liquor, Inc. received a loan in the amount of \$100,000.00 from applicant stockholder, Razek Razook.
4. The licensee shall submit to the Commission documentary proof (Promissory Note) that ROA Liquor, Inc. received a loan in the amount of \$40,000.00 from applicant stockholder, Aswan Patak.
5. The licensee shall submit to the Commission an acceptable and executed Lease Agreement.
6. The licensee shall submit to the Commission the required Specially Designated Distributor license and/or permit fees in the amount of \$1,762.95, pursuant to MCL 436.1525(1)(k).
7. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility").
8. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.
9. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
10. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").
11. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers,

electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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.

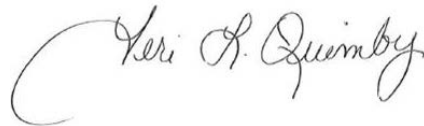
C. The applicant's request to transfer the existing Sunday Sales Permit (A.M.) is APPROVED pursuant to Public Act 213 of 2010, MCL 436.2111-2115. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village, township, or the local 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.

D. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive

these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

E. 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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: June 26, 2018

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

* * * * *

In the matter of the request of)	
)	
SALUT 2, LLC	)	Request ID No. 912559
3108 S Westnedge Ave)	
Kalamazoo, Michigan 49008)	
)	
Kalamazoo County)	
_____)	

At the May 15, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

LICENSING APPEAL ORDER

On June 19, 2017, Salut 2, LLC ("applicant") filed a request to transfer ownership of escrowed 2017 Class C license from Three Rivers Ventures, LLC. The applicant also requested to transfer location from 427 E Michigan Ave, Kalamazoo, Kalamazoo County to the above-noted address; requested a new Specially Designated Merchant license issued under MCL 436.1533(5)(a); new Sunday Sales Permits (A.M. & P.M.); and permission to maintain one (1) Direct Connection to unlicensed premises.

Commission records indicate that the applicant was issued a Conditional License under the provisions of MCL 436.1525(6) at this location on November 2, 2017.

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.

At a meeting held on March 21, 2018, the Commission denied this request under administrative rules R 436.1103(2) and R 436.1105(1)(b) because the applicant failed to provide all financial information and documents necessary to complete the investigation of this application.

The request was also denied under administrative rule R 436.1105(2)(a) after considering the operating record of applicant members, Joseph Snyder, Gabriel Pedraza, Gary Bowman, Wesam Abu-Alsaud, and Stephen Ticknor who are currently licensed as members under Gull Road Wine & Spirit LLC. Commission records reflect that Gull Road Wine & Spirit LLC was found responsible for a 2015 violation of the sale of alcohol to a 20-year old minor, which is contrary to MCL 436.1801(2); and ten (10) violations for writing non-sufficient funds checks to the Commission, which is contrary to administrative rule R 436.1059.

Further, the request was denied under administrative rule R 436.1105(2)(j) after considering the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

Brian McMahon, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at May 15, 2018 hearing, held at the Commission's Lansing office.

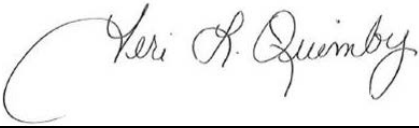
After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that this application should be returned to Commission staff for further processing.

THEREFORE, IT IS ORDERED that the denial order of March 21, 2018 issued in this matter is REVERSED and this application is REMANDED to Commission staff for further processing.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

tlc



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
SPRUCERIDGE VINEYARDS LLC	)	Request ID No. 1801-00341
8753 Indian Reserve Rd)	
Alpena, Michigan 49707-9557)	
)	
Wilson Township)	
Alpena County)	
<hr/>		

At the May 29, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

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

LICENSING APPEAL ORDER

On January 8, 2018, Spruceridge Vineyards LLC (“applicant”) filed a request for a new Small Wine Maker license with permission to maintain one (1) Direct Connection to unlicensed premises (Family Dwelling), to be held at the above-noted location.

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.

At a meeting held on April 4, 2018, the Commission denied this request under MCL 436.1201(2), and administrative rules R 436.1728(1), R 436.1003(1) and R 436.1105(2)(j),

because the Commission had concerns over the access to the licenses premises due to its proposed location being in a personal residence, and whether the proposed licensed premises will comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances. Further, it appeared that the applicant did not provide evidence to verify it will qualify for a Federal Basic Permit from the Alcohol and Tobacco Tax and Trade Bureau (TTB) or applicable license approvals from the Michigan Department of Agriculture and Rural Development (MDARD) or the Department of Environmental Quality (DEQ) for wine making at the proposed location.

Applicant members, Kurt and Diane Shields, submitted a timely request for an appeal in this matter and represented the applicant at the May 29, 2018 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file with updated documents submitted, and discussion of the issue on the record, the Commission finds that the applicant demonstrated through a diagram that there are separate entrances to the family dwelling (house) and proposed licensed area (garage). The applicant also provided a Basic Permit issued by the Department of Treasury – Alcohol and Tobacco Tax and Trade Bureau, issued to the applicant on February 27, 2018.

For the reasons stated on the record, the Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the request.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 4, 2018 issued in this matter is reversed and the applicant's request for a new Small Wine Maker at the subject location is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.

2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission form LC-MW-816 ("Surety Bond for Non-Retail License").
4. The licensee shall submit to the Commission form LC-95 ("Proof of Financial Responsibility") with new location address.
5. The licensee shall maintain proof of financial responsibility, under MCL 436.1803.
6. The licensee shall submit to the Commission form LCC-301 ("Report of Stockholders/Members/Partners").
7. The licensee shall submit to the Commission form LCC-107 ("Closing Form for New License or License Sale").
8. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).
9. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the license, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the license shall result in the

licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license.

10. The licensee is allowed to produce not more than 50,000 gallons of wine in one calendar year; may provide samples to consumers at the licensed premises of the wine they manufacture; and also sell that wine for consumption off the licensed premises as defined under MCL 436.1113 (9) and MCL 436.1537.
11. The licensee shall file a report of operations with the Commission no later than the fifteenth day of each month reporting the preceding month's activity. A copy of each invoice shall accompany the report along with payment of the wine excise tax as required under MCL 436.1301 and administrative rule R 436.1725 (1).
12. The licensee shall label all wine products in accordance with the federal wine regulations published in 27 C.F.R. prior to the sale in Michigan under administrative rule R 436.1719.
13. The licensee shall receive a registration number of approval for all wine products from the Commission prior to the sale in Michigan under administrative rule R 436.1719.
14. The licensee shall file a schedule of the net cash prices to retail licensees for all sales of wine before January 1, April 1, July 1, and October 1 of each year under administrative rule R 436.1726 (1).

B. The applicants request for permission to maintain one (1) Direct Connection to unlicensed premises (Family Dwelling) is APPROVED.

C. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of

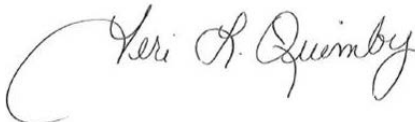
occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

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, 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



Dennis Olshove, Commissioner

Date Mailed: 06/21/2018

tlc



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

* * * * *

In the matter of the request of)	
)	
WESCO, INC.	)	Request ID No. 845095
660 W 7 th St)	
Evart, Michigan 49631-9408)	
)	
Osceola County)	
_____)	

At the May 1, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairperson
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On June 13, 2016, Wesco, Inc. ("applicant") filed a request to transfer ownership of escrowed Specially Designated Distributor license, only, from Sunrise County Store, LLC; transfer location (governmental unit) under MCL 436.1531(18) from 12505 15 Mile Rd, Leroy, Rose Lake Township, Osceola County, to the above-noted address; requested a new Sunday Sales Permit (P.M.); and requested permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(3); to be held in conjunction with existing Specially Designed Merchant license with Sunday Sales Permit (A.M.), permission to maintain two (2) Direct Connections to unlicensed premises, and permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(3). This also corrects records to reflect that the permission for motor vehicle fuel pumps on or adjacent to the licensed premises held in conjunction with the existing Specially Designated Merchant license is now issued under MCL 436.1541(6).

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

At a meeting held on July 20, 2016, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to one (1) of the two (2) existing SDD licensees located within 2,640 feet of the proposed location.

Commission records indicate that Karen Marie Copeman holds an SDD license 1,310 feet away from the applicant's proposed location at 303 W 7th St, Evart, Osceola County, and the applicant qualified for a waiver under administrative rule R 436.1133 as permitted under (c) because the two (2) locations are separated by 7th Street; which is a qualifying major thoroughfare of not less than 4 lanes of through traffic.

Commission records further indicate that VR Cornerstore, LLC holds an SDD license 2,565 feet away from the applicant's proposed location at 146 N Main St, Evart, Osceola County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133 relative to that location.

Michael Brower, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at a hearing held in Lansing on September 6, 2016.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at the hearing, the Commission tabled this matter and reconvened on May 1, 2018 in Lansing. Attorney Brennen Gorman represented the applicant at this hearing.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at both hearings held in this matter, the Commission finds that the basis of

denial is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of July 20, 2016 issued in this matter is REVERSED, and the applicant's request to transfer ownership of the escrowed 2018 Specially Designated Distributor license from Sunrise County Store, LLC is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
4. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
5. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer location (governmental unit) under MCL 436.1531(18) from 12505 15 Mile Rd, Leroy, Rose Lake Township, Osceola County, to 660 W 7th St, Evart, Osceola County, is APPROVED.

C. The applicant's request for a new Sunday Sales Permit (P.M.) 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 applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(3) is APPROVED, subject to compliance with the requirements contained therein.

E. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner

Date Mailed: May 17, 2018

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

* * * * *

In the matter of the request of)	
)	
WESCO, INC.	)	Request ID No. 907711
21380 Perry Ave)	
Big Rapids, Michigan 49307-9262)	
)	
Big Rapids Township Mecosta County)	
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At the May 1, 2018 hearing of the Michigan Liquor Control Commission in
Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairperson
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On May 15, 2017, Wesco, Inc. ("applicant") filed a request to transfer ownership of escrowed Specially Designated Distributor license, only, with Sunday Sales Permit (P.M.) from Barryton Store, Inc.; transfer location (governmental unit) under MCL 436.1531(18) from 19980 N 30th Ave, Barryton, Mecosta County, to the above-noted address, and requested permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1); to be held in conjunction with existing Specially Designed Merchant license with Sunday Sales Permit (A.M.), permission to maintain two (2) Direct Connections to unlicensed premises, and permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(3). This also corrects records to reflect that the permission for motor vehicle fuel pumps on or adjacent to the licensed premises held in conjunction with the existing Specially Designated Merchant license is now issued under MCL 436.1541(6).

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

At a meeting held on September 6, 2017, the Commission denied the subject request under administrative rule R 436.1133 because the applicant did not appear to qualify for a waiver under administrative rule R 436.1133 relative to two (2) existing SDD licensees located within 2,640 feet of the proposed location.

Commission records indicate that Wal-Mart Stores East, Limited Partnership holds an SDD license 0 feet away from the applicant's proposed location at 21400 Perry Ave, Big Rapids, Big Rapids Township, Mecosta County; and Meijer, Inc. holds an SDD license 1,950 feet away from the applicant's proposed location at 15400 Waldron Way, Big Rapids, Big Rapids Township, Mecosta County, and the applicant did not appear to qualify for any applicable waivers under administrative rule R 436.1133 relative to either location.

Brennen Gorman, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at a hearing held in Lansing on May 1, 2018.

Rule R 436.1133 of the Michigan Administrative Code has been rescinded. The rescission was effective April 17, 2018 by authority conferred on the Liquor Control Commission by section 215(1) of 1998 PA 58, MCL 436.1215(1), and Executive Reorganization Order No. 2011-4, MCL 445.2030.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record at the hearing, the Commission finds that the basis of denial is now moot, and concludes the request of the applicant should be approved.

THEREFORE, IT IS ORDERED that:

A. The denial order of September 6, 2017 issued in this matter is REVERSED, and the applicant's request to transfer ownership of the escrowed 2018 Specially

Designated Distributor license from Barryton Store, Inc. is APPROVED, subject to the following:

1. Pursuant to administrative rule R 436.1050, this approval is valid for two (2) years from the date of this approval order unless the Commission has been provided with a notice of pending litigation involving the application.
2. The licensee shall pay all license fees by April 30th each year pursuant to administrative rule R 436.1107.
3. **The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that the applicant has purchased, installed, and will maintain an approved type inventory of at least \$250,000.00, at cost, on the licensed premises, including an itemized breakdown of the installed inventory; and to determine the licensed premises meets all requirements of the Michigan Liquor Control Code and Administrative Rules.**
4. The licensee shall submit to the Commission form LCC-107 "Closing Form for License Sale".
5. The licensee shall maintain proof of financial responsibility, as required under MCL 436.1803.
6. The licensee has a continuing duty to provide the Commission with up-to-date contact information and must notify the Commission in writing of any changes to its mailing address, phone numbers, electronic mail address, and other contact information it provides the Commission, pursuant to administrative rule R 436.1048(2).

B. The applicant's request to transfer the existing Sunday Sales Permit (P.M.) 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.

C. The applicant's request to transfer location (governmental unit) under MCL 436.1531(18) from 19980 N 30th Ave, Barryton, Mecosta County, to 21380 Perry Ave, Big Rapids, Big Rapids Township, Mecosta County, is APPROVED.

D. The applicant's request for permission for motor vehicle fuel pumps on or adjacent to the licensed premises under MCL 436.1541(1) is APPROVED, subject to compliance with the requirements contained therein. The licensee shall maintain on the licensed premises at all times, a minimum inventory of at least \$250,000.00, at cost, of goods and services customarily marketed by approved types of businesses, excluding alcoholic liquor, motor vehicle fuel, inventory on a consignment, or inventory owned by others, as required for licensure under MCL 436.1541(1)(a)(ii).

E. Under administrative rule R 436.1003(1), 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 enforcement officials who have jurisdiction over the licensee. Under administrative rule R 436.1003(2), a licensee shall not use a license at the licensed premises unless a temporary or permanent certificate of occupancy has been issued by the local unit of government having jurisdiction over the location of the licensed premises or the licensed premises complies with administrative rule R 436.1003(1). Approval by the Michigan Liquor Control Commission does not waive these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before opening the business for operation.

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 permits.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

Request ID No. 907711
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A handwritten signature in black ink, appearing to read "Dennis Olshove", with a long horizontal flourish extending to the right.

Dennis Olshove, Commissioner

Date Mailed: May 17, 2018
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