



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

In the matter of)	
SUPER CITY SMOKER'S EXPRESS, L.L.C)	
2981 E. Big Beaver)	Business ID No. 220839
Troy, Michigan 48083)	
)	
Oakland County)	
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At the May 24, 2012 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

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

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission is required to impose a suspension or revocation of the SDM license held by Super City Smoker's Express, L.L.C. (licensee) at the above-noted address as the licensee was found liable for five (5) violations of MCL 436.1801(2) on different occasions within a 24-month period. Three (3) of those violations occurred on July 21, 2011 (6:30 p.m., 8:11 p.m. and 9:06 p.m.); and the other two (2) violations occurred on November 11, 2011 and November 12, 2011. Two (2) violations involved 18 year old minors; two (2) violations involved 17 year old minors; and one (1) violation involved a 16 year old minor.

The penalty hearing was held on May 24, 2012, at the Commission's Southfield office. Representing the licensee at the hearing was Attorney Alan Applebaum and sole member, Joseph Harris.

After reviewing the MLCC file and hearing arguments from Attorney Applebaum, the Commission finds that the licensee has a history which shows five (5) violations of the sale of alcohol to a person under the age of 21 since being licensed on May 16, 2011. The first three (3) violations occurred on the same day within hours from one another, and less than two (2) months after licensure. The selling clerk involved in all five (5) violations was Joseph Harris, sole member of the licensed limited liability company. Under MCL 436.1903(1), the Commission must issue a penalty of suspension or revocation in this matter. The Commission finds that based on the

overall licensing record of the licensee since issuance of the license on May 16, 2011, a revocation of the SDM license is warranted.

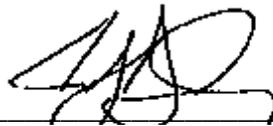
The MLCC Code, as well as the Michigan Constitution grants broad, general powers to the MLCC. The Michigan Constitution of 1963, Article IV, §40, states in part, that "the legislature may by law establish a liquor control commission which, subject to statutory limitations, shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof." MCL 436.1201(2) also states in part, that "the commission shall have 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 Commission finds that because of the extensive violation history, and the Commission's concern for the health, safety, and welfare of general public, the licensee does not meet the statutory criteria for continued licensure at the subject location. The Commission concludes that as a result of the Penalty Hearing held under MCL 436.1903(1), the SDM license should be revoked for reasons stated on the record.

THEREFORE, IT IS ORDERED that:

- A. The SDM license is REVOKED under MCL 436.1903(1).
- B. Under MCL 436.1907, the licensee shall surrender all alcoholic liquor inventory to the Commission's Enforcement Division immediately and it shall be disposed of by the agency, and no payment shall be made for that alcoholic liquor.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner

Date: May 24, 2012



Prepared by:
Terri Chase, Commission Aide