



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

In the matter of )  
)  
**ASJJ HOTEL PROPERTIES, INC.** ) Business ID No. 142615  
**D/B/A SILVER BEACH HOTEL** )  
100 Main St )  
Saint Joseph, Michigan 49085 )  
)  
Berrien County )  
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At the November 2, 2017 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

**PENALTY HEARING ORDER**

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.

Under MCL 436.1903(1), the Commission shall impose a suspension or revocation of the 2017 Resort B-Hotel license with Sunday Sales Permit (P.M.), Specific Purpose Permit (Food) and Dance-Entertainment Permit held by ASJJ Hotel Properties, Inc., d/b/a Silver Beach Hotel ("licensee") at the above-noted address, as the licensee was found liable for four (4) violations of MCL 436.1801(2) on different occasions within

a 24-month period. Those violations occurred on January 27, 2016, March 17, 2016, October 27, 2016 and June 4, 2016.

The penalty hearing was properly noticed and held on November 2, 2017 at the Commission's Southfield office. Representing the licensee at the hearing were Attorney Jason Canvasser and sole stockholder, Ramzi Fakhouri.

After reviewing the record of the four (4) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from legal counsel and the licensee, and review of the MLCC file, the Commission finds that revocation of the license is not necessary in this matter. However, the Commission further finds that a suspension of the license is required, and the licensee has demonstrated reasons to order a suspension in this matter for the following reasons:

- The Commission finds that the license was originally issued to the licensee on February 10, 2003.
- The Commission finds that the minors who were sold and served alcoholic beverages were 18, 19 and 20 years of age. It appears that identification was not requested in the incidents occurring on January 27, 2016 and March 17, 2016. It also appears identification was requested in the incident occurring on October 27, 2016, indicating either a careless disregard of the law or deliberate actions of the bartender inasmuch as the Driver's License was vertical and indicated "Under 21 until May 3, 2017".
- The Commission finds that the incident that occurred on June 4, 2016 involved the sale and service of alcoholic beverages to an intoxicated patron. Saint Joseph Police Incident No. 16-001876 indicates the patron was so intoxicated that he had to be leaned against the police vehicle because he was unable to stand.
- The Commission finds that all employees who sold and served alcoholic beverages have been terminated.
- The Commission finds that representatives on behalf of the licensee demonstrated that signage is posted on entrance doors to the bar indicating "No I.D. No Entry".

- The Commission finds that representatives on behalf of the licensee demonstrated that a policy is in place requiring employees to check identification of all customers purchasing alcoholic beverages and to monitor patrons for signs of intoxication.
- The Commission finds that MLCC records indicate the licensee has passed one (1) controlled-buy operation for alcohol conducted by the Commission's Enforcement Division on October 9, 2013.

Under MCL 436.1903(1), the Commission shall issue a penalty of suspension or revocation in this matter. The Commission finds that a nineteen (19) day suspension is warranted for the reasons stated on the record, to be served November 9, 2017 through November 27, 2017; with the licenses to be returned on November 28, 2017.

THEREFORE, IT IS ORDERED THAT:

A. The 2017 Resort B-Hotel license with Sunday Sales Permit (P.M.), Specific Purpose Permit (Food) and Dance-Entertainment Permit held by ASJJ Hotel Properties, Inc., d/b/a Silver Beach Hotel at the above-noted address, is SUSPENDED for nineteen (19) days to be served November 9, 2017 through November 27, 2017; with the license to be returned on November 28, 2017.

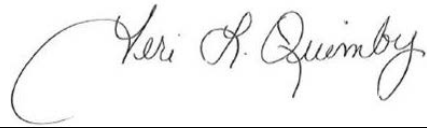
B. The suspension is to run consecutively and not concurrently with any other suspension ordered by the Michigan Liquor Control Commission for this licensee.

MICHIGAN LIQUOR CONTROL COMMISSION



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Andrew J. Deloney, Chairman



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Teri L. Quimby, Commissioner



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Dennis Olshove, Commissioner

Date Mailed: November 3, 2017

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