



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

In the matter of)	
)	
125 MICHIGAN, LLC)	Business ID No. 224003
D/B/A GARDEN PUB)	
125-129 Michigan Ave)	
Detroit, Michigan 48226-2611)	
)	
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

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission shall impose a suspension or revocation of the 2017 Class C and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) and Specific Purpose Permit (Food) held by 125 Michigan, LLC, d/b/a Garden Pub (“licensee”) at the above-noted address, as the licensee was found liable for three (3) violations of MCL 436.1801(2) on different occasions within a 24-month period. Those violations occurred on November 11, 2016, June 9, 2017 and September 8, 2017.

The penalty hearing was held on May 17, 2018 at the Commission’s Southfield office. Representing the licensee at the hearing was Attorney Carolyn Chapman Marsh. Sole licensee member, Deone Larkins, was not present at this hearing due to incarceration.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, the Commission finds that the

licensee has demonstrated reasons to order a REVOCATION in this matter for the following reasons:

- The Commission finds that the licenses were originally issued to the licensee on February 15, 2012. The three (3) minors were sold alcoholic beverages in violation of MCL 436.1801(2) within a timeframe of less than 10 months. There is no indication that any remedial actions were taken after the first, second or third sale to minor violation.
- The Commission finds that the minors who were sold alcoholic beverages were all 20 years of age. Identification was not requested in any of the incidents.
- The Commission finds that the employees who sold alcoholic beverages in the June 9, 2017 and September 8, 2017 incidents were terminated.
- The Commission finds that the licensee failed to demonstrate policies and procedures for prevention of selling to minors, and further finds that the Commission has no confidence that the licensee takes these matters seriously or would be able to prevent future violations. The record of irresponsible actions by the licensee is lengthy.
- The Commission finds that the licensee failed to demonstrate any policies and procedures to ensure control over the establishment and its employees to ensure compliance with the code and rules, and to prevent future violations.
- The Commission finds that there have been multiple incidents of the licensee failing to cooperate with law enforcement or with the Commission during investigations occurring on the premises.
- Commission records indicate that the subject licenses and permits have been suspended since April 30, 2018 for 85 days as an alternative penalty for failure to submit fines associated with the June 9, 2017 and September 8, 2017 violations.

- Commission records indicate that the subject MLCC licenses and permits were not renewed by April 30, 2018 for the 2018-2019 licensing year as required under MCL 436.1501(2).
- Commission records indicate that according to LARA/Corporations, Securities & Commercial Licensing Bureau, the business entity for 125 Michigan, LLC is not in good standing as of March 29, 2018, as required under MCL 436.1535 for licensure.
- The Commission finds that the licensee did not demonstrate the current status of server training as required for licensure under MCL 436.1501(1) and administrative rule R 436.1060.
- The Commission finds that sole licensee member, Deone Larkins, has been incarcerated since March 14, 2018 and is housed at William Dickerson Detention Facility (Wayne County) as a result of multiple City of Detroit business violations and is expected to be released on June 11, 2018.

Under MCL 436.1903(1), the Commission shall issue a penalty of suspension or revocation in this matter. The Commission finds that a REVOCATION is warranted for the reasons stated on the record, to be effectuated immediately.

THEREFORE, IT IS ORDERED that:

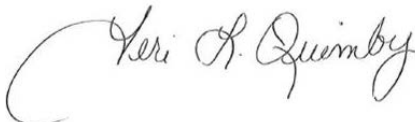
- A. The 2017 Class C and Specially Designated Merchant licenses with Sunday Sales Permit (P.M.) and Specific Purpose Permit (Food) held by 125 Michigan, LLC, d/b/a Garden Pub located at 125-129 Michigan Ave Detroit, Wayne County, is IMMEDIATELY REVOKED under MCL 436.1903(1).
- B. Under MCL 436.1907(1), any and all privileges conferred by the license shall be forfeited and the Commission shall seize any and all alcoholic liquor found in the possession of the licensee.

- C. The licensee shall cooperate with the Commission's Investigators in the seizure of all alcoholic liquor, and any other efforts related to this order of revocation.
- D. Under MCL 436.1907(2), the Commission shall remit to the licensee the purchase price less 10% paid by the licensee to the Commission for all alcoholic liquor seized. All other alcoholic liquor seized shall be disposed of in accordance with the law and no payment shall be made for that alcoholic liquor.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed: May 18, 2018

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