



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

April 13, 2023

Licensee / Applicant Name: PENDY'S RESTAURANT GROUP LLC
Request ID: 2302-01840

Please return a copy of this notice with the forms and/or documents

NOTICE:

The Liquor Control lobby is currently closed. See below for document submission and fee payments.

It is important that you read the attached order in its entirety. The order contains provisions that you must follow in order to comply with the Liquor Control Code and administrative rules. Failure to comply with this order may result in your business being cited for violations that will have financial penalties and could cause your license to be suspended or revoked.

Completion of your request is subject to receipt of all forms, documents, and/or fees outlined in the order, which will be contained in Section A of the order and listed below:

1. The existing license and any separate permit documents 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(9).
2. Form LCC-108 (Request to Place License in Escrow).
3. Acceptable, executed lease agreement with a specific commencement date.

FORM QUICK LINKS: [LC-95](#) [LCC-107](#) [LCC-108](#) [LCC-301](#) [Credit Card Authorization](#)

Forms, Documents, and fees - You must submit all items as ordered, otherwise the license cannot be issued. Forms are available on our website at www.michigan.gov/lcc. To submit the forms, documents, and/or fees required in the approval order, you may submit them one of the following ways:

Documentation submission only (no fees):

Email: MLCCLicensingUnit4@michigan.gov

Fax: 517-763-0059

Mail: P.O. Box 30005, Lansing, MI 48909

In person: **LOBBY IS CURRENTLY CLOSED - PLEASE SUBMIT DOCUMENTS VIA EMAIL, FAX OR MAIL.**

Additional SDD and Sunday Sales Permit (P.M.) fees may be required once the final purchase data for 2020 has been calculated for the seller pursuant to MCL 436.1525(1)(k). If additional fees are required, you will receive a separate letter requesting the fees in late February.

MICHIGAN LIQUOR CONTROL COMMISSION
PAT GAGLIARDI, CHAIRMAN
525 W. Allegan St. • P.O. BOX 30005 • LANSING, MICHIGAN 48909
www.michigan.gov/lcc • 866-813-0011

Final Inspection - If a final inspection is required, please notify the Enforcement Division via the email address below when you are ready for an inspection of your establishment.

LARA-MLCC-EnforcementFinalInspectionRequests@michigan.gov.

Electronic Funds Transfer (EFT) Authorization Form/ Spirit Ordering Requirements (spirit ordering licensees only) – This form is not sent to the licensing division as part of the closing packet, please submit as directed below. Effective November 1, 2021, Electronic Funds Transfer (EFT) will be the only method of payment accepted for spirit purchases made by liquor licensees. Please allow for a minimum of 3 business days for your EFT account to be authorized. You may submit this form in one of the following ways to the MLCC Finance Division:

EFT Form: <https://www.michigan.gov/lara/-/media/Project/Websites/lara/lcc/Finance-Division-Forms/Electronic-Fund-Transfer-EFT-Authorization-for-Spirits-Purchases-by-Liquor-Licensee.pdf>

Email: LARA-MLCC-EFT-Requests@michigan.gov

Fax: 517-763-0061 or 517-763-0062

Mail: MLCC – Finance Division P.O. Box 30005, Lansing, MI 48909

Questions related to completing and submitting the EFT authorization forms, please call 517-284-6260. **To verify that your EFT is set up, please contact your bank (DO NOT call the MLCC for verification).**

Denials/Appeals - You may appeal any provision contained in the order within 20 days from the date of the mailing of the order pursuant to administrative rule R 436.1925. This appeal must be made in writing and sent to the attention of the **Hearings & Appeals Division** at the address listed below or by email at MLCChearingsappeals@michigan.gov.

If your application is a transfer of ownership of a liquor license from another licensee to you and the transfer is not completed before the next annual license renewal deadline that occurs on April 30 every year, the seller must renew the license on or before April 30 or it will be terminated. This applies whether the seller's license is active or has been placed into escrow and for applications where you may have already been issued a conditional license.

Server Training/age verification systems- If the Commission has ordered the licensee/applicant to provide Server Training Certification or Age Verification Systems, please provide this information via email to our Server Training Coordinator at MLCCServerTraining@michigan.gov . Should you have questions regarding Server Training Certification or Age Verification Systems please contact the Server Training Coordinator via email or by phone at 517-284-6348.



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

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In the matter of the request of)
PENDY’S RESTAURANT GROUP, LLC)
20930-20934 Mack Ave.) Request ID No. 2302-01840
Grosse Pointe Woods, MI 48236-1315)
Wayne County)

At the April 11, 2023 meeting of the Michigan Liquor Control Commission in Lansing, Michigan.

PRESENT: Pat Gagliardi, Chair
Dennis Olshove, Commissioner
Kristin Beltzer, Commissioner

CONDITIONAL LICENSE APPROVAL ORDER

Pendy’s Restaurant Group, LLC (“applicant”) has filed an application for a conditional license under MCL 436.1525(6), as well as for transfer of ownership from 20930 Mack Avenue, Inc. The location at the above noted address is the same location as the existing license.

The Commission finds that 20930 Mack Avenue, Inc. is the holder of a 2022 Class C license with Sunday Sales Permit (P.M.) held in conjunction with the Class C license and Outdoor Service (1 Area) issued by the Commission. The license, permits, and approvals held by the existing licensee will be reviewed and considered under the conditional license application.

The requirements for a conditional license are the filing of a completed application as defined in MCL 436.1525(13) for both a conditional license and the transfer of an existing license, an acceptable proof of financial responsibility as required by MCL

436.1803, an executed property document as required by MCL 436.1525(6), paying the \$300 fee as required by MCL 436.1525(1)(cc), and Commission review and consideration of the arrest and conviction records or previous violation history in the management, operation, or ownership of a licensed business as required under MCL 436.1525(6).

The Commission shall also consider all the factors contained in administrative rule R 436.1105, as well as the criteria established in MCL 436.1525(6), in determining whether or not to issue any license, including a conditional license, to the applicant. The Commission finds that it has considered all of these provisions in its review of this request.

Further, the Commission finds that any new requests pending with the transfer application will not be reviewed and considered at this time under the conditional license application pursuant to MCL 436.1525(6). New requests will be processed with the transfer 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.

After reviewing the file and discussion of the issues at the meeting, the Commission finds that all the requirements have been met and this request should be approved.

THEREFORE, IT IS ORDERED that:

- A. Approval and completion of this request is subject to receipt of the following:
1. The existing license and any separate permit documents 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(9).
 2. Form LCC-108 (Request to Place License in Escrow).

3. Acceptable, executed lease agreement with a specific commencement date.

B. The applicant's request for a conditional Class C license under the provisions of MCL 436.1525(6) is APPROVED subject to the following:

1. The existing escrowed license held by 20930 Mack Avenue, Inc. must be renewed by April 30 if the applicant's application to transfer the license is not completed by that date. Failure to renew the escrowed license will result in the expiration of the conditional license and the applicant will be required to cease the sale of alcoholic liquor.

2. The conditional license is non-transferable and nonrenewable.

3. 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.

4. 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.
- C. The applicant's request for a conditional Sunday Sales Permit (P.M.) held in conjunction with the Class C license 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 a conditional Outdoor Service (1 Area) is APPROVED subject to the following:
1. The outdoor service area approved by the Commission is part of the licensed premises and the licensee must comply with all requirements of the Michigan Liquor Control Code and administrative rules in relation to the approved outdoor service area.
 2. The conditional licensee will not permit the sale, service, or consumption of alcoholic liquor outdoors, except in the well-defined and clearly marked area pursuant to the provisions of administrative rule R 436.1419(1).

3. The conditional licensee shall not allow alcoholic beverages purchased for consumption in this proposed Outdoor Service area to be removed from and taken to any adjacent unlicensed area(s).
 4. 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.
 5. The licensee shall take all necessary actions to ensure the health, safety and welfare of all patrons and guests.
- 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 by the conditional licensee to comply with all laws and rules may result in the revocation of the approval contained in this order.
- G. 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



Pat Gagliardi, Chair



Dennis Olshove, Commissioner



Kristin Beltzer, Commissioner

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Date Mailed: 4/13/2023