



## Legislation Text

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**File #:** 12-0428, **Version:** 1

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Resolution to Approve Renewal of Liquor License No. 199326-2011 held by RUSH 314 LLC (d/b/a Rush Street Restaurant)

The attached resolution requests approval of the renewal of Liquor License No. 199326-2011 held by RUSH 314 LLC (d/b/a Rush Street Restaurant).

On March 19, 2012, a hearing was held pursuant to the provisions of Section 436.1501(2) of the Michigan Compiled Laws, and in accordance with Chapter 109 of the Ann Arbor Code of Ordinances on the City Treasurer's objection to renewal of the License based on Section 9:79(1)(b) of the Ann Arbor City Code (delinquent taxes Tax Year 2011 and delinquent Fire Services invoice). Licensee, having been provided proper notice of the hearing date, time and location, its due process rights concerning the hearing and right to be represented, did not appear. A Finding and Recommendation was made on the testimony of the City Treasurer not to recommend renewal.

Subsequent to the close of the hearing, a co-owner of the Licensee appeared, acknowledged the delinquent tax obligation and outstanding permit fee and agreed to make full payment immediately. On receipt of confirmation of payment, the Hearing Officer reheard the matter at 1:15 p.m. on March 19, 2012. At the rehearing, the City Treasurer confirmed all delinquent obligations to the City had been paid in full and withdrew his objection to renewal. A copy of the Rehearing Findings and Recommendations and the original Findings and Recommendations issued by the Hearing Officer are attached.

Renewal of the License is recommended.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Approved by: Councilmember Derezinski, Liquor License Hearing Officer

Sponsored by: Council Liquor License Review Committee

Whereas, An administrative hearing was conducted on March 19, 2011, regarding the Class C Liquor License No. 199326-2011 held by RUSH 314 LLC (d/b/a Rush Street Restaurant);

Whereas, Proper notice of the hearing was given to the Licensee, and the Licensee being fully informed of the Liquor Administrative Hearing Rules governing the hearing and its due process rights including notice of the allegations (specific provisions of City Code with which Licensee had not complied), the ability to examine and present evidence, confront adverse witnesses and be represented by an attorney;

Whereas Licensee failed to personally appear at the scheduled hearing; and all other parties being present and prepared to proceed, the appointed Hearing Officer, under his authority as stated in the Liquor Administrative Hearing Rules deemed it appropriate to proceed, ordered testimony on the matter, and made a finding and recommendation on the record presented;

Whereas, The grounds for objection to the renewal was failure to timely pay all personal property taxes and all real property taxes and all other obligations due and payable to the City or have

outstanding any personal property tax or real property tax or obligation due and payable to the City as of the date of the annual review (Section 9:79(1)(b) of the Ann Arbor City Code;

Whereas, As of the date of the hearing Licensee was delinquent in its personal property taxes for 2011 and delinquent in permit fees to the City for Fire Services and based on the hearing record, the Hearing Officer entered Finding and Recommendations for Non-Renewal of the RUSH 314 LLC's liquor license;

Whereas, Subsequent to the close of the hearing, RUSH 314 LLC appeared, acknowledged all delinquent obligations and made payment in full;

Whereas, On evidence of payment, the Hearing Officer convened a rehearing of the matter and on the withdrawal of the City Treasurer's objection to renewal and there being no other grounds for objection to renewal made by the City Administration or the City Liquor License Review Committee under Section 9:79 of the Ann Arbor City Code entered new Findings and Recommendations for Renewal;

Whereas, The appointed Hearing Officer having presented the City Council of the City of Ann Arbor with his Findings and Recommendation in connection with the hearing, a copy of which is attached hereto and made a part hereof; and

Whereas, The City Council of the City of Ann Arbor having examined Finding and Recommendation of the Hearing Officer and being otherwise fully advised;

RESOLVED, That the City Council accepts and adopts the Findings and Recommendations of its Hearing Officer as stated in the attached record of the hearing and evidence presented; and

RESOLVED, That City Council approve the renewal of License No. 199326-2011 held by RUSH 314 LLC. (d/b/a Rush Street Restaurant).