



CITY OF ANN ARBOR
2012 ANNUAL LIQUOR LICENSE REVIEW COMMITTEE REHEARING

IN THE MATTER OF:
RUSH 314 LLC
d/b/a Rush Street Restaurant

Hearing Officer Anthony A. Derezhinski
Presiding

License No. 199326-2011
Class C
Permits, AddBar, SS, Danc-Ent, Dir-Con, OD-Serv

Robert W. West (P37142)
For City of Ann Arbor

STATEMENT OF FINDINGS

This matter having been brought before the Ann Arbor City Council at a hearing 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, at the Ann Arbor City Hall on March 19, 2012, commencing at 8:00 a.m., and Councilmember Anthony A. Derezhinski presiding by resolution of the City Council,

Proper and timely Notice of the City's proposed objection to the renewal of RUSH 314 LLC liquor license, the date, time and location of this hearing, and proof of service of the same, was made on the Licensee, RUSH 314 LLC, doing business as Rush Street Restaurant at 314 S. Main, Ann Arbor, MI 48104, and Licensee having failed to appear for said hearing;

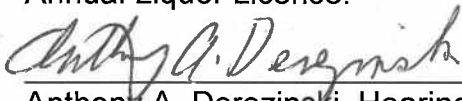
Hearing Officer, under his authority, having determined it appropriate to proceed on the record and all other parties being present and prepared to proceed, the Hearing Officer order testimony in the matter and at the close of hearing made a Finding and Recommendation for Non-Renewal of License No. 199326-2011 under Section 9:79(1) (b) of the Ann Arbor City Code.

Licensee having appeared after the date and time of the hearing and entry of the Finding and Recommendation and provided evidence of payment of all delinquencies on March 19, 2012,

City Treasurer having no objection to, and the Hearing Officer determining a rehearing in accordance with the Liquor Administrative Hearing Rules being allowed, the matter was reheard at 1:15 p.m. on March 19, 2012 and evidence of payment presented.

RECOMMENDATION OF THE HEARING OFFICER
ON REHEARING

Based on the City Treasurer's acknowledgement of payment this date of all delinquencies owed the City and having no other objections noted in the Findings above or the Findings of the original Hearing, it is the recommendation of the Hearing Officer that the City Council adopt a Resolution of Approval of the Renewal of Licensee's Annual Liquor License.



Anthony A. Derezinski, Hearing Officer

Date: March 19, 2012



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1. Proper and timely Notice of the City's proposed objection to the renewal of RUSH 314 LLC liquor license, the date, time and location of this hearing, and proof of service of the same, was made on the Licensee, RUSH 314 LLC, doing business as Rush Street Restaurant at 314 S. Main, Ann Arbor, MI 48104.
2. Notice of hearing included detailed reasons for the proposed action, included a copy of the City Ordinance citing the specific provision Licensee had not complied with and Licensee's rights at the hearing to an opportunity to defend itself by confronting adverse witnesses, present witnesses, evidence, and arguments, a copy of the Liquor Administrative Hearing Rules governing the scheduled hearing and notice of Licensee's right to be represented by counsel.

3. The Liquor Administrative Hearing Rules specifically provide that on failure of the Licensee to appear at the hearing, the Hearing Officer, may at his discretion, order testimony taken and make a finding he deems appropriate on the record and Licensee had notice of same.

4. Licensee failed to appear after proper notice of hearing on the proposed objection for renewal of its liquor license and having been fully advised of the Hearing Officer's authority to proceed with the hearing if Licensee failed to appear.

5. All other parties being present and prepared, Hearing Officer deemed it appropriate to proceed and ordered testimony on the matter.

6. The proposed objection to said renewal, as provided in the Notice, is pursuant to Sections 9.79 of Chapter 109 of the Ann Arbor Code of Ordinances allows the City to object to renewal of the liquor license for:

9:79(1) (b) Failure to timely pays 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.

Parcel No: 09-90-00-076-795

Tax Yr 2011 Delinquency Amount: \$10,834.95

Invoice: 0000057068

Invoice Delinquency – Fire Services – Amount: \$12.00

Total Amount of Delinquencies due and owing to the City: \$10,846.95

7. Testimony by the City Treasurer confirms that Tax Yr 2011 Delinquency remains outstanding. and a portion of Invoice 0000057068 Delinquency remains unpaid as of the date of the hearing.

RECOMMENDATION OF THE HEARING OFFICER

Based on the Findings above, and also the submissions by Counsel for the City of Ann Arbor, it is the recommendation of the Hearing Officer that the City Council adopt a Resolution by which the City of Ann Arbor objects to and recommends that the Michigan Liquor Control Commission not renew the liquor license of RUSH 314 LLC.


Anthony A. Derezhinski, Hearing Officer

Date: March 19, 2012