



CITY OF ANN ARBOR
2014 ANNUAL LIQUOR LICENSE REVIEW COMMITTEE HEARING

IN THE MATTER OF:

Banfield A.C., Inc.

d/b/a Banfield Bar & Grill
(Business I.D. 3579)

Hearing Officer Jane Lumm
Presiding

License No. 5492-2013 (Class C)

Permits Sunday Sales, Dance, AddBar, Sunday Sales (AM)

Robert W. West (P31009)
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 February 25, 2014, commencing at 9:15 a.m., and Councilmember Jane Lumm presiding by resolution of the City Council, makes the following findings:

1. That based on the testimony presented and the records entered into evidence there are sufficient grounds to support the City's objection to renewal of Banfield A.C., Inc.'s liquor license.
2. That proper and timely Notice of the City's proposed objection to the renewal of Banfield A.C. Inc.'s liquor license, including the date, time and location of the Hearing, the ordinance violation alleged including a copy of the delinquent tax bill and Licensee's due process rights were served on Licensee by personal service and certified mail.
3. The proposed objection to said renewal, as provided in the Notice, is pursuant to Sections 9.79(1) of Chapter 109 of the Ann Arbor Code of Ordinances authorizes the City to object to renewal of a liquor license for:

(b) 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. Specifically the tax and obligations below:


Tax Parcel No: 09-90-00-006-959
Tax Yr 2012 Delinquency Amount \$1,426.73*

*Additional penalty will accrue if taxes are not paid by 2/28/13

4. Testimony and service documents of City personnel and records of the City indicate that violations of the above subsection did and continue to occur.
5. That Licensee failed to appear at the scheduled hearing.

RECOMMENDATION OF THE HEARING OFFICER

Based on the Findings above, and also the submissions by Counsel for the City of Ann Arbor, and the failure of Licensee to appear at the schedule hearing and present any evidence, witnesses or statements on the matter, it is the recommendation of the Hearing Officer that a Resolution be presented to City Council for action at its March 3, 2014 regular meeting citing the Findings above and recommending to City Council that the City of Ann Arbor object to and recommend that the Michigan Liquor Control Commission not renew the liquor license of Banfield A.C., Inc. unless the entire outstanding delinquency amount, including all interest accrued after February 28, 2014, is received in the form of cash or certified check, the sufficiency of which is acknowledged in writing by the City Treasurer to the City Clerk, on or before 5:00 p.m., Thursday, March 13, 2014. A copy of this Findings and Recommendation shall be served on Banfield A.C. Inc. on or before Wednesday, February 26, 2014.



Jane Lumm, Hearing Officer

Date: February 25, 2014



CITY OF ANN ARBOR, MICHIGAN

301 E. Huron Street, P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734)794-6140 Fax (734)994-8296

www.a2gov.org

City Clerk

February 7, 2014

Banfield A.C., Inc.
3140 Packard St.
Ann Arbor, MI 48104

Attn.: William G. Banfield

Re: Banfield Bar & Grill (Business I.D. 3579)
Liquor License No. 5492-2013 (Class C)

NOTICE OF OBJECTION TO RENEWAL OF LIQUOR LICENSE BY THE CITY OF ANN ARBOR

Dear Mr. Banfield:

On January 17, 2014 the Ann Arbor City Council Liquor License Review Committee met to review service area recommendations for annual renewal, revocation or non-renewal of liquor licenses. At that time, service areas presented the following objection(s) to the annual renewal of your liquor license:

Chapter 109, Section 9:79 - Chapter 109, Section 9:79, Annual renewal; license revocation, appeal and fees:

- (b) 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

On February 3, 2014, City Council received the above recommendation and approved the matter for hearing.

In accordance with state and local law and regulations, a hearing has been scheduled for February 25, 2014, at 9:00 a.m. in Council Chambers, 2nd floor of the Guy Larcom City Hall Building located at 301 E. Huron St. on the objection of the City of Ann Arbor to the renewal of your Class C liquor license. At the hearing the City will present its evidence/testimony in support of the City objection based on the above stated provisions of the ordinance.

You have the right to be present at the hearing, present evidence/witnesses, and confront the City's witnesses, and present arguments as to why an objection should not be filed. If you so choose, you may be represented by a licensed attorney.

You also have the right to waive a hearing and acknowledge the violation, with or without an explanation.

Notice of Objection to Renewal of Liquor License
February 7, 2014
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A determination will be made by the Hearing Board/Officer on the record and presented for final City Council approval on or before March 17, 2014. City Council resolution will be forwarded to the Michigan Liquor Control Commission on or before March 31, 2014.

Sincerely,
CITY COUNCIL LIQUOR LICENSE REVIEW COMMITTEE



Jacqueline Beaudry, City Clerk

Encl.



CITY OF ANN ARBOR

CITY CODE LIQUOR VIOLATION REPORT

License No. 5492-2013 Type of License Class C
Permits: Sunday Sales , Sunday Sales (AM), AddBar, Danc-

Name of Licensee: Banfield A.C., Inc. (Business I.D. 3579)

Doing Business As: Banfield Bar & Grill
3140 Packard St., Ann Arbor, MI 48108

Mailing Address: 3140 Packard St., Ann Arbor, MI 48108

City Code Section 9:79 Violations

(must attach supporting documentation: police reports, compliance violation citations, tax delinquency notices, court filings).

- (a) Failure to comply with all standards plans and conditions established and approved at the time of the issuance of the license or at a time of later city approval.

License Recommendation Resolution R _____

Required Actions (specify) _____

- (b) 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.

Parcel No: 09-90-00-006-959

Tax Yr 2012 Delinquency Amount \$1,426.73*

***Additional penalty will accrue if taxes are not paid by 2/28/14**

- (c) Repeated violation of the state liquor law.

(d) Violations of this chapter or other City ordinance.

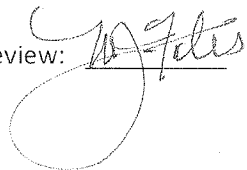
(e) Maintenance of a nuisance upon or in connection with the licensed premises, including but not limited, to any of the following:

- i. Existing violations of the building code, electrical code, fire prevention code, mechanical code, plumbing code, health code or other applicable code.
- ii. Violation of the zoning ordinance.
- iii. A pattern of patron conduct in the neighborhood of the licensed premises which is in violation of the law and/or disturbs the peace, order and tranquility of the neighborhood.
- iv. Failure to maintain the grounds and exterior of the licensed premises, including litter, debris, or refuse blowing or being deposited upon adjoining properties.
- v. Entertainment on the licensed premises without a permit and/or entertainment which disturbs the peace, order and tranquility of the neighborhood of the licensed premises.
- vi. Any advertising, promotion, or activity in connection with the licensed premises which by its nature causes, creates or contributes to disorder, disobedience of rules, ordinances or laws, or contributes to the disruption of normal activity of those in the neighborhood of the licensed premises.
- vii. Numerous police contact with the licensed premises or the patrons of the premises.
- viii. Repeated reports that the licensee is serving minors or intoxicated persons.
- ix. Failure by the licensee to permit the inspection of the licensed premises by the City's employees, agents and/or representatives in connection with the enforcement of this chapter.

Witness List: Matt Horning, City Treasurer; Jacqueline Beaudry, City Clerk

Evidence: City Delinquent Tax Notice (attached)

City Attorney Review:



Date:

02/07/14

**CITY OF ANN ARBOR
DELINQUENT TAX NOTICE**

CITY OF ANN ARBOR TREASURER
ATTN: DELINQUENT TAX PAYMENTS
301 EAST HURON - PO BOX 8647
ANN ARBOR MI 48107-8647
734-994-2833

DELINQUENT TAXES DUE

TAX YEAR	TAX DUE	TOTAL DUE	TOTAL DUE	TOTAL DUE
		IF PAID BY	IF PAID BY	IF PAID BY
		02/28/14	03/31/14	04/30/14
2012	1,167.73	1,426.73	1,439.37	1,452.00

BANFIELDS BAR/GRILL

3140 PACKARD RD
Ann Arbor MI 48108

PROPERTY INFORMATION

Property Number: 09-90-00-006-959
School Dist: 81010
Property Address:
3140 PACKARD RD
Ann Arbor MI 48108

TOTAL	1,167.73	1,426.73	1,439.37	1,452.00
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LEGAL DESCRIPTION:

FAILURE TO PAY WILL RESULT IN LEGAL ACTION WHICH MAY INCLUDE
LAWSUIT AND/OR SEIZURE AND AUCTION OF PERSONAL PROPERTY TO
COLLECT THE AMOUNTS OWED.

PARTIAL PAYMENTS ARE ACCEPTED.

Please detach along perforation. Keep the top portion for your records.

Pay this tax to:

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT. THANK YOU.

CITY OF ANN ARBOR TREASURER
ATTN: DELINQUENT TAX PAYMENTS
301 EAST HURON - PO BOX 8647
ANN ARBOR MI 48107-8647

Delinquent Tax for Property Number:
09-90-00-006-959

TAXPAYER NOTE: Are your name & mailing address correct? If
not, please make corrections below. Thank You.

Due if paid by 02/28/14	1,426.73
Due if paid by 03/31/14	1,439.37
Due if paid by 04/30/14	1,452.00

Property Address:
3140 PACKARD RD
Ann Arbor MI 48108

BANFIELDS BAR/GRILL

3140 PACKARD RD
Ann Arbor MI 48108

Make check payable to:
CITY OF ANN ARBOR TREASURER

Amount Remitted: _____