



CITY OF ANN ARBOR
2016 ANNUAL LIQUOR LICENSE REVIEW COMMITTEE HEARING

IN THE MATTER OF:

5Z Restaurants Ann Arbor, LLC
d/b/a Burger Fi
(Business I.D. 232181)

Hearing Officer Jane Lumm
Presiding

License No. 230685-2015
Class C
Permits Sunday Sales, Dir-Con

Kristen Larcom (P39550)
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 26, 2016, commencing at 9:33 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 by the City Attorney there are sufficient grounds to support the City's objection to renewal of 5Z Restaurants Ann Arbor, LLC (d/b/a Burger Fi) liquor license.
2. That proper and timely Notice of the City's proposed objection to the renewal of 5Z Restaurants Ann Arbor, LLC (d/b/a Burger Fi) liquor license, including the date, time and location of the Hearing, the ordinance violations alleged, including copies of the delinquent tax bill and outstanding invoice, and Licensee's due process rights were served on Licensee by certified and regular mail.
3. That Licensee, being so advised of its rights in the matter, failed to appear at the scheduled hearing and under the authority granted me as Hearing Officer by the City of Ann Arbor and in accordance with the adopted Liquor License Review

Committee Hearing Rule AAHR 7, testimony was taken from the City witnesses in the matter.

4. 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: 09-90-00-080-456
Tax Yr 2014 Delinquency Amount \$7,903.74

*Additional penalty will accrue if taxes are not paid by 2/29/16

Invoice No. 01515000051
Outstanding Annual Liquor License Renewal Fee
Amount \$90.00

5. Testimony and service documents of City personnel and records of the City indicate that violations of the above subsection did and continue to occur.

RECOMMENDATION OF THE HEARING OFFICER

Based on the Findings above, and also the submissions by Counsel for the City of Ann Arbor and statement by Counsel for the City, which was requested by the Hearing Officer, all in accordance with City of Ann Arbor Hearing Rule AAHR 7, and Licensee failure to appear and present evidence as to why an objection should not be filed, it is the recommendation of the Hearing Officer that a Resolution be presented to City Council for action at its March 21, 2016 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 5Z Restaurants Ann Arbor, LLC (d/b/a Burger Fi) unless full payment of Invoice No. 01515000051 in the amount of \$90.00, being the outstanding Annual Liquor License Renewal Fee and established personal property tax delinquency for Tax Yr. 2014 for Parcel No: 09-90-00-080-456 in the amount of \$7,903.74, together with and any additional interest accrued after February 29, 2016 on that amount, is received in cash or certified check prior to that date.



Jane Lummm, Hearing Officer

Date: February 26, 2016