



**CITY OF ANN ARBOR
2013 ANNUAL LIQUOR LICENSE REVIEW COMMITTEE HEARING**

IN THE MATTER OF:
The Arena, Inc.
(Business I.D. 140967)

Hearing Officer Jane Lumm
Presiding

License No. 115576-2012
Class C
Permits Sunday Sales, OD-Serv, Specific Purpose (Food)

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 March 6 2013, commencing at 8:00 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 The Arena, Inc.'s liquor license.
2. That proper and timely Notice of the City's proposed objection to the renewal of The Arena, Inc.'s liquor license, including the date, time and location of the Hearing, the ordinance violations alleged including copies of the delinquent tax bill and Default Judgment, and Licensee's due process rights were served on Licensee by personal service and regular 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: 09-90-00-075-476
Tax Yr 2011 Delinquency Amount \$7,095.95*

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

Default Judgment \$1,659.09 (entered May 13, 2011, 15th Judicial District Court, State of Michigan)

*Judgment earns interest at statutory rates, computed from the filing date of the complaint

4. That Testimony of City personnel and records of the City indicate that violations of the above subsection did occur.
5. That Licensee was directed to pay all outstanding obligations in full on or before March 18, 2013 or the Recommendation of Hearing Officer for Non-Renewal of its liquor license would be forwarded to City Council for action.

RECOMMENDATION OF THE HEARING OFFICER

Based on the Findings above, and also the submissions by Counsel for the City of Ann Arbor and statements by and arguments made by Counsel for the City and Counsel for the Licensee, which were requested by the Hearing Officer at the conclusion of the hearing, it is the recommendation of the Hearing Officer that a Resolution be presented to City Council for action at its March 18, 2013 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 The Arena, Inc.

Jane Lumm
Jane Lumm, Hearing Officer

Date: March 6, 2013