



Legislation Text

File #: 12-0430, **Version:** 1

Resolution Requesting Non-Renewal of Liquor License No. 186555-2011 held by V.R. Entertainment Network, Inc. (d/b/a Dream NiteClub & Lounge)

The attached resolution requests acceptance and adoption of the Findings and Recommendations of the Liquor Hearing Officer for the City of Ann Arbor in connection with the objection to the Renewal of Liquor License No. 186555-2011 held by V.R. Entertainment Network, Inc. (d/b/a Dream NiteClub & Lounge).

Objections to renewal were recommended by the City Administration and the City Liquor License Review Committee in accordance with the procedures set forth in Section 9:79 of the Ann Arbor City Code based on violations of Section 9:79(1)(c), 9:79(1)(d) and 9:70(1)(e)(iii) and (iv).

A hearing was held on the matter on March 19, 2012, after proper notice, including the proposed objection to non-renewal and the detailed reasons for the proposed action, before the duly appointed Hearing Officer for the City. Licensee was represented by Counsel and afforded the opportunity to defend itself by confronting adverse witness, present witnesses, evidence and arguments. Licensee presented no witnesses but did cross-examine the City's witnesses and present arguments.

Hearing Officer, after deliberation, has issued his Findings and Recommendations in the matter. A copy of which is attached.

Objection to Renewal of Liquor License No. 186555-2011 is recommended.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Council member Derezinski, 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. 186555-2011 held by V.R. Entertainment Network, Inc. (d/b/a Dream Niteclub & Lounge);

Whereas, Proper notice of the hearing was given to the Licensee, and Licensee being present and represented by counsel and given its due process rights including notice of the allegations, the ability to examine and present evidence, confront adverse witnesses and be represented by an attorney;

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 on the objection to renewal of Class C Liquor License No. 186555-2011 ("License") held by V. R.

Entertainment, Inc. (d/b/a Dream Niteclub & Lounge);

RESOLVED, That the City Council of the City of Ann Arbor finds that the License is not being used in accordance with the Ann Arbor City Code and the Michigan Liquor Code and specifically objects to the renewal of License No. 186555-2011 on the following grounds:

Violations of Chapter 109, Liquor, of the Ann Arbor City Code, being:
Section 9:79(c) Repeated violation of the state liquor law.

Section 9:79(d) Violations of this chapter or other City ordinance as alleged in City of Ann Arbor v. Jeff Mangray; V.R. Entertainment Network, Inc., d/b/a Dream NiteClub & Lounge, formerly known as Studio 4; Vickash Mangray; Moonie Mangray; Dean Zahn Properties, L.L.C.; Matthew W. Zahn; Maude's Restaurant, Inc.; and Dennis T. Serras

Section 9:79(e) Maintenance of a nuisance upon or in connection with the licensed premises, including but not limited, to any of the following:

- 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;
- vii. Numerous police contact with the licensed premises or the patrons of the premises.

RESOLVED, That the City Council of the City of Ann Arbor does hereby object to the renewal of Liquor License No. 186555-2011 on and for the grounds stated herein and requests that the Michigan Liquor Control Commission not renew the License of the above mentioned Licensee; and

RESOLVED, That the City Council of the City of Ann Arbor directs the City Clerk to provide the Michigan Liquor Control Commission a certified copy of this Resolution, the attached written statement of Findings and Recommendation of the Hearing Officer based on the hearing record and all required substantiating documents no later than March 31, 2011, in compliance with applicable statutory or regulatory requirements.