Legislation Details (With Text)

File #:	15-0286	**Version:**	1	**Name:**	3/16/15 The Arena Liquor License 2015-16 Non-Renewal Recommendation
Type:	Resolution			**Status:**	Passed
File created:	3/16/2015			**In control:**	City Council
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Enactment date:	3/16/2015			**Enactment #:**	R-15-079
Title:	Resolution Requesting Non-Renewal of Liquor License No. 115576-2014 held by The Arena Inc. (Business ID 140967)				
Sponsors:	Jane Lumm, Council Liquor License Review Committee				
Indexes:					
Code sections:					
Attachments:	1. Arena 2015 Findings and Recommendation				

Date	Ver.	Action By	Action	Result
3/16/2015	1	City Council	Approved	Pass

Resolution Requesting Non-Renewal of Liquor License No. 115576-2014 held by The Arena Inc. (Business ID 140967)
The attached resolution requests acceptance and adoption of the Findings and Recommendations of the Liquor License Hearing Officer for the City of Ann Arbor, Council member Lumm, in connection with the objection to Renewal of Liquor License No. 115576-2014 held by The Area Inc. (Business ID 140967).

The Council Liquor License Review Committee completed its annual review process required by Chapter 109 of the Ann Arbor City Code of all on-premises liquor licenses in the City of Ann Arbor and forwarded it to City Council on February 2, 2015. Objection to renewal of the liquor license held by The Arena, Inc. was recommended by the City Administration and the Council Liquor License Review Committee in accordance with the procedures set forth in Section 9:79 of the Ann Arbor City Coded based on violations of Section 9:79(1)(b). Those recommendations were approved by Council and enacted as Resolution R-15-028.

On March 4, 2015, a hearing was held pursuant to the provisions of Section 436.1501(2) of the Michigan Compiled Laws, and in accordance with the provisions of Chapter 109 of the Ann Arbor City Code on the objections to renewal of the liquor license held by The Arena, Inc. Proper and timely Notice of the City's proposed Objection to Renewal including the date, time and location of the Hearing, the ordinance violation alleged, and Licensee's due process rights. Licensee failed to appear at the Hearing. Hearing Officer Lumm, under the authority granted by Ann Arbor Liquor License Review Committee Hearing Rule 7, ordered testimony taken by City witnesses and entered a Finding that the testimony and service documents of City personnel and records of the City indicate that the violation of Section 9:79(1)(b) of Chapter 109, Liquor, of the Ann Arbor City Code by The Arena, Inc. did and continues to occur.

Hearing Officer Lumm' s Findings and Recommendations in the matter stated in part that Licensee

was directed to pay all outstanding obligations in full on or a recommendation of non-renewal of The Arena, Inc.'s liquor license would be forwarded to City Council for action on March 16, 2015. A copy of the Statement of Findings and Recommendation of the Hearing Officer was mailed to the Licensee by regular and certified mail on March 6, 2015. A copy of the Hearing Officer's Statement of Finding and Recommendation is attached.

Subsequent to the Hearing Date, Licensee has taken no action to satisfy the outstanding delinquencies stated in the Findings of the Hearing Officer's Recommendation for Non-Renewal.

Objection to Renewal of Liquor License No. 115576-2012 held by The Arena Inc. (Business ID 140967) is recommended.
Prepared by: Mary Joan Fales, Senior Assistant City Attorney
Sponsors: Liquor License Hearing Officer Lumm; Council Liquor License Review Committee
Whereas, An administrative hearing was conducted on March 4, 2015, on the Objection to Renewal of the Liquor License No. 115576-2014 held by The Arena Inc. (Business ID 140967);

Whereas, Proper and timely notice of the Hearing having been given to the Licensee, including the date, time and location of the Hearing, the ordinance violation alleged (including a copy of the delinquent personal property tax invoice with interest accruals), and Licensee's due process rights including notice of the grounds for the objection, the ability to examine and present evidence, confront adverse witnesses and be represented by an attorney, together with a copy of Liquor License Review Hearing Rules governing the hearing and a copy of Section 9:79, of Chapter 109, Liquor, of the Ann Arbor City Code;

Whereas, Licensee failed to appeared at the Hearing,

Whereas, Hearing Officer Lumm, under the authority granted her under Liquor License Review Hearing Rule 7 ordered testimony taken by City witnesses and entered a Finding that the testimony and service documents of City personnel and records of the City indicate that the violation of Section 9:79(1)(b) of Chapter 109, Liquor, of the Ann Arbor City Code by The Arena, Inc. did and continues to occur.

Whereas, Hearing Officer Lumm having presented City Council with her Findings and Recommendation in connection with the Hearing, a copy of which is attached hereto and made a part hereof;

Whereas, The City has not received payment from the Licensee; and

Whereas, City Council having examined the Findings and Recommendation of the Hearing Officer and being otherwise fully advised;

RESOLVED, That City Council accepts and adopts the Findings and Recommendation of its Hearing Officer as stated in the attached record of the hearing and evidence presented on the Objection to Renewal of the Class C Liquor License No. 115576-2014 ("License") held by The Arena, Inc. (Business ID 140967);

RESOLVED, That City Council 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 Liquor License 115576-2014 on the following grounds:

Violations of Chapter 109, Liquor, of the Ann Arbor City Code, being:

Section 9:79(1)(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.

RESOLVED, That City Council does hereby object to the renewal of Liquor License 115576-2014 held by The Arena, Inc. 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 City Council direct 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 30, 2015, in compliance with applicable statutory or regulatory requirements.

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