



Legislation Text

File #: 13-0284, **Version:** 1

Resolution Requesting Non-Renewal of Liquor License No. 115576-2012 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. 115576-2012 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 19, 2013. 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-13-043.

On March 6, 2013, 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. Licensee appeared at the Hearing and acknowledged failure to timely paid its 2011 personal property tax and the existence of and failure to pay a Default Judgment against Licensee in favor of the City (Case No. 11-0066-GC, 15th Judicial District Ct., State of Michigan)

Hearing Officer Lumm, after closing statements by the City and Licensee, issued her Findings and Recommendations in the matter which stated in part that Licensee was directed to pay all outstanding obligations in full on or before March 18, 2013 or a recommendation of non-renewal of The Arena, Inc.'s liquor license would be forwarded to City Council for action. A copy of which 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

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Whereas, An administrative hearing was conducted on March 6, 2013, on the Objection to Renewal of the Liquor License No. 115576-2012 held by The Arena Inc. (Business ID 140967);

Whereas, Proper notice of the Hearing having been given to the Licensee, and the Licensee being fully informed of the Liquor Administrative Hearing Rules governing the hearing and its 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;

Whereas, Licensee appeared at the Hearing, representing itself, acknowledged the specific grounds for the City's objections, naming failure to timely pay 2011 personal property taxes and a Default Judgment against Licensee in favor of the City (Case No. 11-0066-GC, 15th Judicial District Ct., State of Michigan);

Whereas, Licensee having been 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, 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; and

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

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. 115576-2012 ("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 115576-2012 on the following grounds:

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

Section 9:79(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 115576-2012 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, 2013, in compliance with applicable statutory or regulatory requirements.

