



CITY COUNCIL AGENDA ITEM

Date: June 28, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police *GM*
 Captain Gerard Scherlinck *GS*
 Lieutenant Robert Redmond *LR*

Subject: Application regarding Transfer Of Stock for Mr. Pizza, Inc.

Background

Mr. Pizza, Inc. requests to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, Michigan, 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami {MLCC Req. #572153}.

On March 14, 2011 Najib Jr. Najib (Jimmy) Shemami was present to answer questions from the Liquor Advisory Committee. Mr. Shemami informed the Committee that this is a family business. He has been involved in the business for approximately 12 years and is purchasing it from his mother whose health has declined. Troy Police Officer James Feld reported that the Police Department's investigation of this request resulted in several concerns. Officer Feld also reported that there have been two sales-to-minors violations since 1996 when the current owners purchased the business. There were several fines from the MLCC for non-sufficient fund checks against the current licensee. The Police Department contacted the MLCC regarding these issues, as they related to transactions between the licensee and the Commission. The MLCC investigator advised they would review these issues as part of their consideration of this request. Mr. Shemami explained that these were the result of poor bookkeeping practices when his mother became ill. The Police Department investigation also revealed that in August 2010 the license was suspended and placed in escrow for failure to provide proof of financial responsibility. The issue was resolved, and on August 25, 2010 the license was released from escrow to the licensee. There have been no issues with the licensee since August, 2010.

The Police Department conducted an investigation into this application. The investigation did not reveal any issues that would cause us to recommend against this request based upon the guidelines outlined by the MLCC and the Troy City Ordinance Chapter 101. In addition, the Liquor Advisory Committee unanimously approved the request.

The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission Rules.

Recommendation

We recommend approval of the request from Mr. Pizza, Inc. regarding Transfer of Stock.
 Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, March 14, 2011 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick C. Hall called the meeting to order at 7:10 p.m.

ROLL CALL:

PRESENT: Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne

ABSENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Bohdan L. Ukraineec

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Members Ehlert, Godlewski, Ukraineec

Resolution #LC2011-03-005
Moved by Payne
Seconded by Kaltsounis

RESOLVED, That the absence of Committee members Ehlert, Godlewski, and Ukraineec at the Liquor Advisory Committee meeting of March 14, 2011 be **EXCUSED**.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, Ukraineec

Resolution to Approve Minutes of February 7, 2011 Meeting

Resolution #LC2011-03-006
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the Minutes of the February 7, 2011 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, Ukrainec

Agenda Items

1. **Mr. Pizza, Inc.** requests to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, MI 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami {MLCC Req. #572153}. *Mr. Pizza is on the southwest corner of Long Lake and Livernois.*

Present to answer questions from the Committee was Najib Shemani, Jr.

Mr. Shemani informed the Committee that this is a family business. He has been involved in the business for approximately 12 years and is purchasing it from his mother whose health has declined.

Officer Feld reported that the Police Department’s investigation of Mr. Shemani resulted in various items. There were several fines from the MLCC for non-sufficient fund checks. Mr. Shemani explained that these were the result of poor bookkeeping practices when his mother became ill. The investigation also showed that Mr. Shemani was arrested a few times, but there were no convictions on any of the charges. Officer Feld also stated that in August of 2010 the MLCC issued a violation which could have resulted in a suspension of the liquor license. The business resolved the matter in a timely fashion and no action was taken against the license.

Officer Feld also reported that there have been two sales-to-minors violations since 1996 when the current owners purchased the business.

Resolution #LC2011-03-007
Moved by Kaltsounis
Seconded by Payne

RESOLVED, That the Liquor Advisory Committee recommends that the request of Mr. Pizza, Inc. to Transfer All Stock Interest in 2010 SDD and SDM Licensed Business, located at 4973 Livernois, Troy, MI 48098, Oakland County, wherein Amira Shemami transfers 10,000 shares of stock to new stockholder, Najib Jr. Najib Shemami be **APPROVED**.

Yes: 4
No: 0
Absent: Ehlert, Godlewski, Ukrainec

Officer Feld advised the Committee on the following:

Simbad, Inc.

This request for new permit will likely be withdrawn.

Capital Grille Holdings, Inc.

This outdoor service area should appear on next month's Agenda.

Billy Casper Golf – Sanctuary Lake

This is a license transfer and should appear on next month's Agenda.

Assistant City Attorney Lancaster advised the Committee that City Council elected to not hold liquor violation hearings this year. The City Attorney's office sent letters to each of the businesses that had received violations. They are required to re-train their employees in either TIPS or TAMS, and forward verification of that training to Officer Feld.

Ms. Lancaster also stated that Crank's Catering was apparently the low, qualified bidder for the City Caterer bid, and the proposed bid and agreement are scheduled to go to City Council for approval at either the March 28, 2011 meeting or shortly thereafter. It is her understanding that an Open House will be held for the community.

The meeting adjourned at 7:25 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant: Mr. Pizza Inc
Address: 4973 Livernois
City/State/Zip: Troy, MI 48098

Date: 12-14-10
Type of License/s: _____
MLCC Request ID: 592153

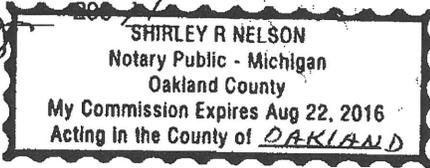
This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the requested Liquor License to be located as indicated above in Troy Michigan.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68, Chapter No. 98 and Chapter No. 101, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (c) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: Margaret Halba By: Shirley R Nelson

Subscribed and sworn to before me this 6th day of January
Notary Public, OAKLAND County, MI
Acting in the County of OAKLAND
My commission expires: 8-22-2016



CITY OF TROY

Witnesses: _____ By: _____
Louise Schilling, Mayor
By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ____
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____



FOR MLCC USE ONLY

Request ID # 572153

Business ID # 10348

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC.

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

MR. PIZZA, INC. REQUESTS TO TRANSFER ALL STOCK INTEREST IN 2010 SDD AND SDM LICENSED BUSINESS, LOCATED AT 4973 LIVERNOIS, TROY, MI 48098, OAKLAND COUNTY, WHEREIN AMIRA SHEMAMI TRANSFERS 10,000 SHARES OF STOCK TO NEW STOCKHOLDER, NAJIB SHEMAMI.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
 NAJIB SHEMAMI – STOCKHOLDER
 2008 BARON
 ROCHESTER HILLS, MI 48307
 H&B(248)721-0510

APPLICANT #2:

DATE FINGERPRINTED**
 DATE OF BIRTH:
 Is the applicant a U.S. Citizen: Yes No*
 *Does the applicant have permanent Resident Alien status?
 Yes No*
 *Does the applicant have a Visa? Enter status:

DATE FINGERPRINTED**:
 DATE OF BIRTH:
 Is the applicant a U.S. Citizen: Yes No*
 *Does the applicant have permanent Resident Alien status?
 Yes No*
 *Does the applicant have a Visa? Enter status:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: Felony Misdemeanor
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

ARREST RECORD: Felony Misdemeanor
 Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
 No Yes, complete LC-1636
 Are motor vehicle fuel pumps at or directly adjacent to the establishment? No Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? Yes No If No, indicate which state and local ordinances the location does not meet: Building Plumbing Zoning Fire Sanitation Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? Yes No*
 2. Should the MLCC grant this request? Yes No*
- *If any of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.
3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? Yes No
 4. Is this recommendation subject to any other conditions? Yes No
- If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police)

Date

TROY POLICE DEPARTMENT



Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive, P.O. Box 30005
 Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
 [Authorized by MCL 436.1201(4)]

November 22, 2010

TROY POLICE DEPARTMENT
 CHIEF GARY G MAYER
 500 WEST BIG BEAVER
 TROY MI 48084

*Tomg
 11-30-10*

Request ID #: 572153

Applicant:

MR. PIZZA, INC. REQUESTS TO TRANSFER ALL STOCK INTEREST IN 2010 SDD AND SDM LICENSED BUSINESS, LOCATED AT 4973 LIVERNOIS, TROY, MI 48098, OAKLAND COUNTY, WHEREIN AMIRA SHEMAMI TRANSFERS 10,000 SHARES OF STOCK TO NEW STOCKHOLDER, NAJIB SHEMAMI.

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and \$30.00 for each card to the Michigan Liquor Control Commission. ****Please ensure that section D of the card has been completed prior to submission.****

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

sfs

LC-1972(Rev. 09/05)
 Authority: MCL 436.1201(4)
 Completion: Mandatory
 Penalty: No License

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. Michigan Liquor Control Commission 7150 Harris Drive • P.O. Box 30005 • Lansing, Michigan 48909-7505 www.michigan.gov/lcc • (517) 322-1345 Lansing Office