



CITY COUNCIL AGENDA ITEM

Date: May 31, 2012

To: Michael W. Culpepper, Interim City Manager

From: Gary Mayer, Chief of Police *GMM*
Captain Gerard Scherlinck *GS*

Subject: Penalty Hearing for Super City Smoker's Express - Liquor License Revoked

Background

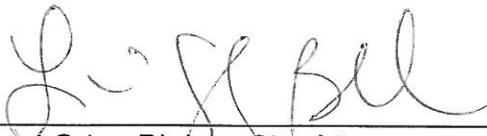
The Michigan Liquor Control Commission (MLCC) held a penalty hearing on May 24, 2012 regarding Super City Smoker's Express, located at 2981 E. Big Beaver in Troy. This tobacconist establishment was found responsible for five violations of selling alcohol to minors. Three violations occurred in July, and two occurred in November of last year.

As a result of the penalty hearing, the MLCC revoked the SDM liquor license previously held by Super City Smoker's Express. The Regional Manager for the MLCC stated that the license, and the entire alcoholic inventory, was removed from Super City Smoker's premises on May 24, 2012. This is considered a permanent revocation of the liquor license, but Super City Smoker's Express has the right to appeal the revocation in circuit court.

Before Super City Smoker's Express received their liquor license, the Troy Police Department recommended against it. This was based on concerns about this type of business potentially selling to minors, as well as issues that arose during the police investigation into the applicant. Troy City Council supported that recommendation, and the MLCC initially supported the City's recommendation against the issuance of the license. The applicant appealed the decision. The MLCC appeal board held a hearing. That board granted the appeal and issued the license, despite objections from Captain Gerard Scherlinck and City Attorney Lori Grigg Bluhm who were present at the hearing.

There have been five violations for selling alcohol to minors since the MLCC appeal board granted the license in May, 2011. Enforcement action under city ordinance was taken by the Troy Police Department, which resulted in fines and a short jail sentence imposed against the licensee. Administrative action was also taken against the licensee by way of MLCC violations filed by the Troy Police Department, which led to the revocation of the license.

Reviewed and approved:


Lori Grigg Bluhm, City Attorney