



## CITY COUNCIL AGENDA ITEM

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Date: June 27, 2012

To: Michael W. Culpepper, Acting City Manager

From: Gary Mayer, Chief of Police *GM*  
 Lieutenant Thomas Gordon *TL*  
 Sergeant George Zielinski *GZ*

Subject: Application regarding SDD and SDM Liquor Licenses for Kelly's Market

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### Background

Kelly's Market #2, Inc. requests to Transfer Ownership of 2012 SDD and SDM Licensed Business located at 6037 Rochester Road, Troy, MI 48084, from Kelly's Market, Inc. {MLCC Req. #658162}.

On June 18, 2012, Ron Asmar (seller), Surya Gorle (buyer), and John Carlin (attorney for buyers) were present to answer questions from the Liquor Advisory Committee. The second buyer, Sanjay Pradhan, was unable to attend the meeting. Mr. Asmar informed the Committee that he is selling his business. Mr. Gorle will own 95% of the business and Mr. Pradhan will own the remaining 5%. The name of the business will not change and they plan to have three employees. The purchase agreement states that Mr. Asmar will train the new owners for a smooth transition.

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. A recent inspection of the business was conducted, and it was discovered that the location of some alcoholic beverages was in violation of the City Ordinance. Mr. Asmar was informed and the items were relocated. The Liquor Advisory Committee unanimously approved the request.

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

### Recommendation

Recommend approval of the request from Kelly's Market #2, Inc., pending the approval of the health inspection.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, June 18, 2012 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member Patrick Hall called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** W. Stan Godlewski  
Patrick C. Hall  
Andrew Kaltsounis  
David S. Ogg  
Bohdan L. Ukraineec

**ABSENT:** Max K. Ehlert, Chairman  
Timothy P. Payne

**ALSO PRESENT:** Officer James Feld  
Julie Dufrane, Assistant City Attorney  
Jesse Pappas, Student Representative  
Pat Gladysz

**Resolution to Excuse Committee Members Ehlert and Payne**

Resolution #LC2012-06-015  
Moved by Ukraineec  
Seconded by Ogg

RESOLVED, That the absence of Committee members Ehlert and Payne at the Liquor Advisory Committee meeting of June 18, 2012 be **EXCUSED**.

Yes: 5  
No: 0  
Absent: Ehlert, Payne

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**Resolution to Approve Minutes of May 14, 2012 Meeting**

Resolution #LC2012-06-016  
Moved by Ukraineec  
Seconded by Ogg

RESOLVED, That the Minutes of the May 14, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Payne

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**Agenda Items**

1. **Kelly’s Market #2, Inc.** requests to Transfer Ownership of 2012 SDD and SDM Licensed Business located at 6037 Rochester Road, Troy, MI 48084, from Kelly’s Market, Inc. {MLCC Req. #658162}.

Present to answer questions from the Committee were Ron Asmar (seller), Surya Gorle (buyer), and John Carlin (attorney for buyers). The second buyer, Sanjay Pradhan (buyer), was unable to attend the meeting.

Mr. Asmar informed the Committee that he is selling his business. Mr. Gorle will own 95% of the business and Mr. Pradhan will own the remaining 5%. The name of the business will not change and they plan to have three employees. The purchase agreement states that Mr. Asmar will train the new owners for a smooth transition.

Officer Feld informed the Committee that the background investigation revealed no police contacts with the buyers. Officer Feld also stated that a recent inspection of the business was conducted. He noted that the location of some alcoholic beverages was in violation of the City Ordinance. Mr. Asmar was informed and the items were relocated.

Assistant City Attorney Dufrane indicated that the Legal Department had nothing to report on these individuals.

Resolution #LC2012-06-017

Moved by

Seconded by

RESOLVED, That the Liquor Advisory Committee recommends that the request of Kelly’s Market #2, Inc. to transfer ownership of 2012 SDD and SDM Licensed Business located at 6037 Rochester Road, Troy, MI 48084, from Kelly’s Market, Inc. be **APPROVED**.

Yes: 5  
No: 0  
Absent: Ehlert, Payne

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Officer Feld informed the Committee that the Michigan Liquor Control Commission revoked the SDM license held by Super City Smoker's Express on May 24, 2012. The business is still permitted to sell tobacco products.

Officer Feld also informed the Committee that a 7-Eleven Store will be opening in the former Blockbuster Video location at Wattles and Rochester Roads.

Officer Feld introduced Assistant City Attorney Julie Dufrane to the Committee.

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The meeting adjourned at 7:20 p.m.

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Patrick C. Hall, Committee Member

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Patricia A. Gladysz, Secretary II

**AGREEMENT REGARDING LIQUOR LICENSE REQUEST**

Re: Applicant: Kelly's Market #2, Inc. Date: 2012  
Address: 6037 Rochester Rd. Type of License/s: SDD and SDM  
City/State/Zip: Troy, MI 480 MLCC Request ID: 658162

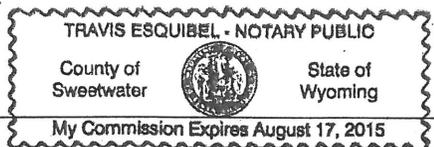
This Agreement, made by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as THE CITY, and the Applicant as indicated above, hereinafter known as APPLICANT.

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 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 a 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: [Signature] By: [Signature]  
Heather Hand Surya Prakasrao Gorle

Subscribed and sworn to before me this 21 day of 21 APRIL, 2012  
Notary Public, [Signature] County, MI  
Acting in the County of Sweetwater, Wyoming  
My commission expires: Aug 17, 2015



**CITY OF TROY**

Witnesses: \_\_\_\_\_ By: \_\_\_\_\_  
\_\_\_\_\_ Louise Schilling, Mayor  
By: \_\_\_\_\_  
\_\_\_\_\_ Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
Notary Public, \_\_\_\_\_ County, MI  
Acting in the County of Oakland  
My commission expires: \_\_\_\_\_



Michigan Department of Licensing and Regulatory Affairs  
 Liquor Control Commission (MLCC)  
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505  
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: \_\_\_\_\_  
 Request ID: \_\_\_\_\_  
 (For MLCC use only)

**Police Investigation Recommendation**  
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

**Instructions for Applicants:**

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local law enforcement agency.
- Sign consent below.
- Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission.

**Instructions for Law Enforcement Agency:**

- If applicant states they have never held a license, please attach the the fingerprint card and \$30.00 fee payable (for each card) to the State of Michigan and return them to the Lansing office of the Michigan Liquor Control Commission.
- Fingerprint all individuals who hold 10% or more of the total stock or interest issued as stated in Part 8 of the Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or Part 9 in form LCC-3015 for Manufacturers and Wholesalers).
- Applicant will advise you if they have been previously fingerprinted by the Commission in Part 2 of this application.

**Part 1 - Consent for Investigation:**

I hereby consent to an investigation by the local law enforcement, including criminal history.

4-22-12                      Sanjay Pradhan                      *S. Pradhan*  
 Date                                      Print name of applicant                                      Signature of applicant

**Part 2 - Information about Individuals and Individual Partners, Members, and stockholders who hold 10% or more of the total stock or interest issued.**

Name: Sanjay Pradhan

Date of birth: Aug 4, 1973                      Drivers license number: P 635 758 014 610

Has the applicant ever been arrested?     Yes     No    If yes, attach arrest history

Has this person ever held a retail liquor license issued by the Michigan Liquor Control Commission?     Yes     No

If no, please fingerprint the individual and return the print card & \$30.00 fee to our office.    Date fingerprinted: n/a less than 10%

Is the applicant a U.S. Citizen?     Yes     No

If no, does the applicant have permanent Resident Alien Status?     Yes     No

Does the applicant have a Visa?     Yes     No    If yes, enter type and date of expiration: \_\_\_\_\_

**Part 3 - Applicant Investigation:**

The application from Kelly's Market #2, Inc.  
 (name of applicant)

for the following license(s): SDD and SDM  
 (e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for:     Dance Permit     Entertainment Permit     Topless Activity Permit

to be located at    6037 Rochester Rd., Troy, MI 48084

Administrative rule R 436.1105(2) provides that the Commission shall consider all of the following factors in determining whether an applicant may be issued a license or permit:

- (a) The applicant's management experience in the alcoholic liquor business.



Michigan Department of Licensing and Regulatory Affairs  
 Liquor Control Commission (MLCC)  
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505  
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: \_\_\_\_\_  
 Request ID: \_\_\_\_\_  
 (For MLCC use only)

**Police Investigation Recommendation**  
 [Authorized by MCL 436.1217 and R 436.1105; MAC]

**Instructions for Applicants:**

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local law enforcement agency.
- Sign consent below.
- Administrative rule R 436.1115 provides that an applicant for a license shall submit fingerprints and undergo investigation by the Commission. Fingerprints are not required for an applicant previously fingerprinted for a license with the Commission.

**Instructions for Law Enforcement Agency:**

- If applicant states they have never held a license, please attach the the fingerprint card and \$30.00 fee payable (for each card) to the State of Michigan and return them to the Lansing office of the Michigan Liquor Control Commission.
- Fingerprint all individuals who hold 10% or more of the total stock or interest issued as stated in Part 8 of the Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or Part 9 in form LCC-3015 for Manufacturers and Wholesalers).
- Applicant will advise you if they have been previously fingerprinted by the Commission in Part 2 of this application.

**Part 1 - Consent for Investigation:**

I hereby consent to an investigation by the local law enforcement, including criminal history.

Apr 23, 2012  
 Date

Surya Prakasarao Gorle  
 Print name of applicant

*Surya Gorle*  
 Signature of applicant

**Part 2 - Information about Individuals and Individual Partners, Members, and stockholders who hold 10% or more of the total stock or interest issued.**

Name: Surya Prakasarao Gorle

Date of birth: Jul 6, 1963 Drivers license number: G 640 178 693 537

Has the applicant ever been arrested?  Yes  No If yes, attach arrest history

Has this person ever held a retail liquor license issued by the Michigan Liquor Control Commission?  Yes  No

If no, please fingerprint the individual and return the print card & \$30.00 fee to our office. Date fingerprinted: \_\_\_\_\_

Is the applicant a U.S. Citizen?  Yes  No

If no, does the applicant have permanent Resident Alien Status?  Yes  No

Does the applicant have a Visa?  Yes  No If yes, enter type and date of expiration: H1B, WAC-12-024-50179, 02/22/2013

**Part 3 - Applicant Investigation:**

The application from Kelly's Market #2, Inc.

(name of applicant)

for the following license(s): SDD and SDM

(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for:  Dance Permit  Entertainment Permit  Topless Activity Permit

to be located at 6037 Rochester Rd., Troy, MI 48084

Administrative rule R 436.1105(2) provides that the Commission shall consider all of the following factors in determining whether an applicant may be issued a license or permit:

- (a) The applicant's management experience in the alcoholic liquor business.

**Part 3 - Applicant Investigation (continued):**

- (b) The applicant's general management experience.
- (c) The applicant's general business reputation.
- (d) The opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business.
- (e) The applicant's moral character.
- (f) The order in which the competing initial application forms are submitted to the commission; however, this subdivision shall not apply to an application for a resort license authorized by section 531 of 1998 PA 58, MCL 436.1531.
- (g) Past convictions of the applicant for any of the following:
  - (i) A felony.
  - (ii) A crime involving the excessive use of alcoholic liquor.
  - (iii) A crime involving any of the following:
    - (a) Gambling.
    - (b) Prostitution.
    - (c) Weapons.
    - (d) Violence.
    - (e) Tax evasion.
    - (g) Fraudulent activity.
    - (h) Controlled substances
  - (iv) A misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner.
  - (v) Sentencing for any of the offenses specified in this subrule after a plea of nolo contendere.
- (h) The applicant's excessive use of alcoholic liquor.
- (i) The effects that the issuance of a license would have on the economic development of the area.
- (j) The effects that the issuance of a license would have on the health, welfare, and safety of the general public.

Do you have any concerns about the applicant, under this rule, at this time?  Yes  No

If you answered yes, please provide an explanation on this form, or attach a separate explanation if more space is needed.

**Part 4 - Recommendation**

Is the request by the applicant recommended by your department at this time?  Yes  No

If you answered no, please provide an explanation as to why your department does not recommend this application. (List your reasons on this form, or attach a separate sheet if more space is needed.)

Name of law enforcement agency: \_\_\_\_\_

Name and title of approving officer (please print): \_\_\_\_\_

Signature and date of approving officer: \_\_\_\_\_

Phone number and e-mail of approving officer: \_\_\_\_\_