

January 25, 2006

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police ^{CC}
Gary Mayer, Police Captain ^{GM}
Chris Stout, Police Sergeant ^{CS}

SUBJECT: Agenda Item - Application for Transfer of Class C-SDM License for Corradi's

White Star Entertainment, Inc., requests to transfer ownership of a 2005 Class C-SDM licensed business with entertainment permit and official permit (food), located at 1090 Rochester, Troy, MI 48083, Oakland County, from MKC, Inc.

At its November 14th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Committee were owners Aubrey Tobin and Brian Goleniac. Corradi's will have a capacity of 150 persons and parking for 97 vehicles. The restaurant will be open 7 days a week and offer live music on Friday and Saturday nights.

The Committee approved this request with a 3 to 2 vote.

The Police Department has no objection to this request.



Michigan Department of 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)]

September 29, 2005

TROY CITY POLICE DEPARTMENT
 CHIEF OF POLICE
 500 WEST BIG BEAVER ROAD
 TROY, MI 48084-5285



Request ID #:313355

Applicant:

WHITE STAR ENTERTAINMENT, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT, LOCATED AT 1090 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY, FROM MKC INC.

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.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID #313355

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

WHITE STAR ENTERTAINMENT, INC., 1090 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT FROM MKC INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1: BRIAN GOLENIAK – STOCKHOLDER	APPLICANT #2: MICHAEL GOLENIAK – STOCHOLDER
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 204 HAWTHORN ROYAL OAK, MI 48067 H(248)217-2094	HOME ADDRESS AND AREA CODE/PHONE NUMBER: 402 FOREST ROYAL OAK, MI 48067 H(248)310-9728
DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: <input type="radio"/> Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="radio"/> Does the applicant have a Visa? Enter status: Date fingerprinted:

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

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
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Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?
 No Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? 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 you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? Yes No

2. Is the proposed location satisfactory for this business? Yes No

3. Should the Commission grant this request? Yes No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

TROY CITY POLICE DEPARTMENT

POLICE INSPECTION REPORT ON LICENSE OR LICENSE REQUEST

Req ID #313355

(Authorized by MCL 436.1217)

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code)

WHITE STAR ENTERTAINMENT, INC., 1090 ROCHESTER, TROY, MI 48084, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C-SDM LICENSED BUSINESS WITH DANCE PERMIT FROM MKC INC.

Section 1. APPLICANT INFORMATION

APPLICANT #1: NO FINGERPRINTS REQUIRED

AUBREY H. TOBIN - STOCKHOLDER

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

2140 WALNUT LAKE ROAD
WEST BLOOMFIELD, MI 48323
H(248)770-1108/B(248)932-3070

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?
Yes No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:

If the applicant is not a U.S. Citizen:

Does the applicant have permanent Resident Alien status?
Yes No

Does the applicant have a Visa? Enter status:

Date fingerprinted:

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 & convictions (attach a signed and dated report if more space is needed)

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Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Does applicant intend to have dancing or entertainment?

No Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? 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 you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

- 1. Is this applicant qualified to conduct this business if licensed? Yes No
2. Is the proposed location satisfactory for this business? Yes No
3. Should the Commission grant this request? Yes No

4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police)

Date

TROY CITY POLICE DEPARTMENT



LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
 (Authorized by MCL 436.1916)

WHITE STAR ENTERTAINMENT, INC.

APPLICANT/LICENSEE

PHONE NUMBER

STREET ADDRESS

CITY

TOWNSHIP

COUNTY

ZIP

X

PERMIT(S) REQUESTED: DANCE ENTERTAINMENT TOPLESS ACTIVITY

- The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES NO N/A
- Describe the type of entertainment applicant/licensee will provide: N/A

Will this entertainment include topless activity? YES NO N/A

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	NO	N/A
ENTERTAINMENT PERMIT	YES	NO	N/A
TOPLESS ACTIVITY PERMIT	YES	NO	N/A

MARKS:

DATE SUBMITTED

OFFICER=S SIGNATURE

DEPARTMENT NAME

PHONE NUMBER

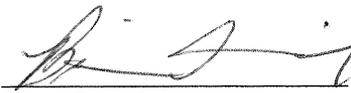
ADDRESS

CITY

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 20th day of October, 2005, 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 WHITE STAR ENTERTAINMENT, INC. whose address is 1090 Rochester Rd, the Applicant, 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 request for a new Specially Designated Distributor licensed business located at 1090 Rochester Rd, Troy, by WHITE STAR ENTERTAINMENT, INC.
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 and Chapter No. 98, 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 has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) 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.
 - (d) 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.

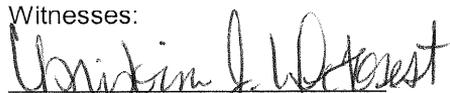

Brain Goleniak

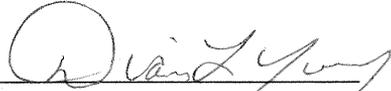

Michael Goleniak


Aubrey Tobin

WHITE STAR ENTERTAINMENT, INC.

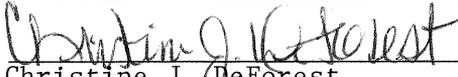
Witnesses:


Christine J. DeForest



Diane L. Young

Subscribed and sworn to before me
this 20th day of October, 2005



Christine J. DeForest

Notary Public, Wayne County

County, acting in the County of Oakland

My commission expires: 12/08/07

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200____

Notary Public, Oakland
County, Michigan
My commission expires:

A regular meeting of the Liquor Advisory Committee was held on Monday, November 14, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Committee member James Peard called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Lieutenant Michael Lyczkowski
Sergeant Christopher Stout
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Henry W. Allemon

Resolution to Excuse Committee Members Ehlert and Allemon

Resolution #LC2005-11-024
Moved by Bennett
Seconded by Ukrainec

RESOLVED, that the absence of Committee members Ehlert and Allemon at the Liquor Advisory Committee meeting of November 14, 2005 BE EXCUSED.

Yes: 5
No: 0
Absent: Ehlert, Allemon

Resolution to Approve Minutes of September 12, 2005 Meeting

Resolution #LC2005-11-025
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, that the Minutes of the September 12, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Ehlert, Allemon

Agenda Items

1. **D. I. SUPPLY, INC** (A Missouri Corporation) requests to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O' Grady's Irish Pub. [MLCC REQ ID # 319038]
(Step 1) *Drury Inn*

Present to answer questions from the Committee was John Carlin.

Mr. Carlin explained to the Committee that this request is to transfer the license held in escrow from O'Grady's Irish Pub to D. I. Supply, Inc., which is solely owned by Drury Inn, Inc. Item No. 2 of tonight's agenda will complete the transaction to transfer the license from Drury Inn to Kruse & Muer Troy, LLC.

Resolution #LC2005-11-026
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, that D. I. SUPPLY, INC (A Missouri Corporation) be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit and official permit (food) located in escrow at 585 W. Big Beaver, Troy MI 48084, Oakland County, from O' Grady's Irish Pub.

Yes: 5
No: 0
Absent: Ehlert, Allemon

2. **KRUSE & MUER TROY, LLC** requests to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County; request new dance permit. [MLCC REQ ID# 319519]
(Step 2) *Kruse and Muer Troy*

Present to answer questions from the Committee were John Carlin and William Kruse.

Mr. Kruse explained to the Committee that he plans to open his 6th Kruse & Muer Restaurant at the former TGI Friday's location on Wilshire. He plans to make minor modifications to the 9,300 square foot building, including landscaping and signage. There are 154 seats, with an additional 19 seats at the bar and 32 on an outdoor patio. There are 155 exclusive parking spaces for the restaurant, with extensive additional parking available in the evening when the office building spaces are not occupied. The restaurant will be open 6 days per week for lunch and 7 days per week for dinner. The management will be transferred from existing restaurants, and entire staff will be trained in all aspects of the liquor laws.

Mr. Kruse has been in the restaurant business for many years. He began as an employee of C. A. Muer Corporation and opened his first restaurant in 1987. His establishments have an excellent record of compliance with the liquor laws.

Resolution #LC2005-11-027
Moved by Hall
Seconded by Ukrainec

RESOLVED, that KRUSE & MUER TROY, LLC be allowed to transfer ownership of 2005 Class C licensed business with entertainment permit, located in escrow at 585 W. Big Beaver, Troy, MI 48084 Oakland County, from D.I. Supply, Inc. (A Missouri Corporation); and transfer location to 911 Wilshire, Troy MI 48084, Oakland County with new dance permit.

Yes: 5
No: 0
Absent: Ehlert, Allemon

3. **WHITE STAR ENTERTAINMENT, INC.**, requests to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC. [MLCC REQ ID # 313355] *Corradi's*

Present to answer questions from the Committee were Aubrey Tobin (general counsel) and Brian Goleniac (president and general manager).

On May 28, 2005, a partnership of three individuals (Aubrey Tobin, Brian Goleniac, and Michael Goleniac) entered into a management agreement with the Corradi family to take over the business. They are purchasing the building and the business and plan extensive repairs and renovations. The name of the establishment will change, but that decision has not yet been made. The building

has a capacity of 150 patrons and parking for 97 vehicles. They hope to have the property rezoned in order to utilize patio seating. They have changed the menu and are open for lunch and dinner. They offer karaoke on Thursday nights and live music on Friday and Saturday nights.

Two members of the Committee (Hall and Ukrainec) stated that they would be opposed to this restaurant evolving into a nightclub-like establishment. Since two of the three partners have been employed by nightclubs in Pontiac, these Committee members are concerned that this transition may occur.

The ownership states that a nightclub is not their intention and a transition of that nature will not occur.

Resolution #LC2005-11-028

Moved by Peard

Seconded by Bennett

RESOLVED, that WHITE STAR ENTERTAINMENT, INC. be allowed to transfer ownership of 2005 Class C-SDM licensed business with dance permit located at 1090 Rochester, Troy, MI 48084, Oakland County, from MKC INC.

Yes: 3 – Bennett, Godlewski, Peard

No: 2 – Hall, Ukrainec

Absent: Ehlert, Allemon

The five Committee members present continued the discussion regarding Item No. 3 and the possibility of a nightclub in Troy. Hall and Ukrainec further explained their hesitancy to approve the transfer with speculation of large crowds, disturbances, and sales to minors.

A question was raised as to the possibility of giving a “conditional” or “probationary” approval. Lt. Lyczkowski and Sgt. Stout stated that they would discuss this matter with the City Attorney’s office and provide an answer at the next meeting.

The meeting adjourned at 8:30 p.m.

James R. Peard

Patricia A. Gladysz, Office Assistant II

A regular meeting of the Liquor Advisory Committee was held on Monday, December 12, 2005 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Committee member Henry W. Allemon called the meeting to order at 7:02 p.m.

ROLL CALL:

PRESENT: Henry W. Allemon
Patrick C. Hall
James R. Peard
Bohdan L. Ukraineec
Sergeant Christopher Stout
Chris Forsyth, Assistant City Attorney
Pat Gladysz

ABSENT: Max K. Ehlert, Chairman
Alex Bennett
W. Stan Godlewski

Resolution to Excuse Committee Members Ehlert, Bennett, and Godlewski

Resolution #LC2005-12-029
Moved by Peard
Seconded by Ukraineec

RESOLVED, that the absence of Committee members Ehlert, Bennett, and Godlewski at the Liquor Advisory Committee meeting of December 12, 2005 BE EXCUSED.

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

Resolution to Approve Minutes of November 14, 2005 Meeting

Resolution #LC2005-12-030
Moved by Ukraineec
Seconded by Hall

RESOLVED, that the Minutes of the November 14, 2005 meeting of the Liquor Advisory Committee be approved.

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

Old Business

Agenda Item No. 3 (concerning White Star Entertainment acquiring ownership of Corradi's) from the November 14, 2005 meeting was raised for discussion by Mr. Ukrainec.

Sergeant Stout stated that Chris Forsyth, Assistant City Attorney, could answer the question if the Committee could recommend a probationary or conditional license. Mr. Forsyth explained that a probationary or conditional license is not a possibility. He further stated that in the future a request to transfer a license with dance permit could be considered separately. In other words, the Committee could approve the license transfer and deny the dance permit. He explained that White Star would have to apply for an amusement and recreation license and comply with City Ordinance Chapter 68 in order to operate under a dance permit. Mr. Forsyth cautioned the Committee that they need evidence to support any denial, and the Committee's actions cannot be arbitrary or capricious.

Mr. Hall stated that there is an annual renewal process for liquor licenses in Royal Oak and questioned such a process in Troy. Sergeant Stout stated the MLCC has an annual renewal process and any violations would be taken into consideration before renewal is granted.

Mr. Forsyth stated that City Council could include in their resolution that a license be reviewed again in one year. Mr. Ukrainec stated he supports an annual renewal review process.

Terry Conlin, attorney for Djont/JPM Troy Leasing and Felcor/JPM Troy Hotel, offered the information that the City can object to any license renewal and the State will abide by their wishes.

Agenda Items

1. **DJONT/JPM TROY LEASING, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY) AND FELCOR/JPM TROY HOTEL, L. L. C. (A DELAWARE LIMITED LIABILITY COMPANY)** requests to drop DT Management, Inc. (An Arizona Corporation) as Co-Licensee and add Promus Hotels Inc. (A Delaware Corporation) as Co-Licensee in 2005 B-Hotel Licensed Business with dance permit, official permit (food), outdoor service (1 area), 1 direct

connection, 3 bars, and 251 rooms, located at 850 Tower, Troy, MI 48098, Oakland County (Step 2) {MLCC Ref #318853} *Embassy Suites Hotel*

Present to answer questions from the Committee was Terry Conlin.

Mr. Conlin explained to the Committee that the ownership of the Embassy Suites Hotel remains unchanged. This request is to cover a technical change in building and hotel operations.

Resolution #LC2005-12-031

Moved by Ukraineec

Seconded by Hall

RESOLVED, that DJONT/JPM TROY LEASING, L.L.C. (A DELAWARE LIMITED LIABILITY COMPANY) AND FELCOR/JPM TROY HOTEL, L. L. C. (A DELAWARE LIMITED LIABILITY COMPANY) be allowed to drop DT Management, Inc. (An Arizona Corporation) as Co-Licensee and add Promus Hotels Inc. (A Delaware Corporation) as Co-Licensee in 2005 B-Hotel Licensed Business with dance permit, official permit (food), outdoor service (1 area), 1 direct connection, 3 bars, and 251 rooms, located at 850 Tower, Troy, MI 48098, Oakland County.

Yes: 4

No: 0

Absent: Ehlert, Bennett, Godlewski

The meeting adjourned at 7:19 p.m.

Henry W. Allemon

Patricia A. Gladysz, Office Assistant II



**City of
Troy**

Charles T. Craft, Chief of Police

**Gary G. Mayer, Captain
Edward J. Murphy, Captain
Dane M. Slater, Captain**

500 W. Big Beaver Troy, Michigan 48084 (248) 524-3443

Support Services Division Memorandum

TO: File

FROM: Sgt Chris Stout

DATE: January 3, 2006

RE: Whitestar Entertainment / Corradi's AC

During the background investigation of the potential new owners of Corradi's AC, I discovered additional information after the Liquor Advisory Committee approved their request on 11/14/05.

During the L.A.C. meeting, Whitestar's attorney, and one of the business partners, Aubrey Tobin, stated that he was also the owner of Tonic nightclub in Pontiac. Mr. Tobin stated he had no intention of turning Corradi's AC into a nightclub or a big dance bar.

After the L.A.C. meeting on 11/14/05, I did additional research and discovered that Mr. Tobin is also a partner in Posh Nightclub in Ferndale. Mr. Tobin was cited twice during 2005 for overcrowding at Posh Nightclub. Ferndale Police cited Mr. Tobin on 3/20/05 and 3/26/05 for overcrowding. These violations did not appear on Mr. Tobin's criminal history. The Nightclub was fined \$1800 by the Michigan Liquor Control Commission for the violations. I did speak with Mr. Tobin after this discovery, and he stated that he was working with the City of Ferndale to increase the occupancy of Posh Nightclub. He said the original allowed occupancy was understated for amount of space at the club.