E-02

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: March 12, 2014
SUBJECT: Pizza Papalis / Rio Wraps, d/b/a Pizzapapalis of Troy, LLC.

A public hearing has been scheduled for City Council to review the following liquor license violation:

Licensee Name: Pizza Papalis / Rio Wraps, d/b/a Pizzapapalis of Troy, LLC
Address: 300 John R Road, Troy, Michigan 48083
License No: 77842-2012 SS
Violation: SALE TO MINOR (Compliance Test) on March 20, 2013

Under Michigan law, one single violation of state or local liquor laws COULD serve as a basis for City Council to object to the otherwise automatic renewal of an on- premises liquor license. An on-premises license allows alcohol to be served on site, such as in a restaurant, and this is distinguished from an off-premises liquor license, where alcohol is purchased at retail and taken to another location for consumption.

By scheduling liquor hearings for those licensees that have violations during the preceding year, City Council has the ability to inquire about proactive measures that the licensee has taken or is willing to take to avoid future liquor license violations. If City Council finds that there was a violation during the past year, and Council is also concerned that the liquor licensee is likely to have continued liquor violations, then state law provides a process to revoke the on-premises liquor license. Prior to taking any adverse action, however, City Council must hold a public hearing and allow the licensee to come forward with any proactive measures that it has taken to guard against future liquor license violations. The public hearing also allows any neighbors of the licensee to voice their concerns to the City Council. If Council determines that an on-premises liquor license should be terminated for health, safety and welfare concerns, then City Council must pass a resolution and forward it to the Michigan Liquor Control on or before March 30. If there are no objections to a licensee's continued operation, then the on-premises liquor license will automatically renew for the upcoming year, starting May 1.

A copy of the reports documenting the alleged liquor law violations is attached to this memo, as well as the liquor licensee's history. Upon information and belief, the licensee is not contesting the liquor law violation, and an adversarial public hearing will not be required. However, City Council will need to officially open the public hearing and make a record of the violation. City Council will also need to offer the licensee an opportunity to comment, and also to entertain the comments of members of the public. At the conclusion of the comments, City Council may wish to require some proactive measures to guard against future violations. Based on the liquor licensee's past history, City Administration has prepared a resolution for City Council consideration that acknowledges the violation and requires the licensee's serving employees to obtain server training within 90 days.

[redacted]

Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive - P.O. Box 30005
Lansing, Michigan 48909-7505
Phone (517) 322-1390 ~ FAX (517) 322-6347

VIOLATION REPORT

(Authorized by P.A.58 of 1998)

This report is not to be faxed or electronically submitted - an original signature is required.

*** OFFICERS please obtain *License No., Bus. ID* and *File #* directly from the liquor license ***

License Number 175213-2009-SS / 175214-2009-SS	Business ID 211997	File Number D-72199/132
Name of Licensee PIZZA PAPALIS / RIO WRAPS	Doing Business As PIZZAPAPALIS OF TROY, LLC	
Mailing Address (street, city, zip code) 300 John R. Troy, Michigan 48083		
Township	County Oakland	
Type of License(s) & Permit(s) Class C / SDM		

Date of violation:	Day Wednesday	Date 03/20/13	Time 2:30 p.m.

Violation Type: [x] Minor [ ] Intoxicated Person [ ] Gambling [ ] Controlled Substances
Prohibited Conduct [ ] Failure to Cooperate [ ] Fighting (must be inside licensed premises)
After Hours Sales / Consumption [ ] Other (explain):

If MINOR: Birth date 04/08/93 Was this a DECOY? [x] Yes [ ] No If No, you MUST answer below!
If above minor violation was NOT a decoy, describe enforcement action taken:

NOTE! COPY OF APPEARANCE TICKET MUST BE ATTACHED.

Submit Report Below or Indicate Attached Report Number 03-8508

* REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.*

Officer Signature [signature] Name and Title [redacted]
Officer Signature [signature] Name and Title Officer Kate Raczka
Officer Signature [signature] Name and Title Officer Gregory Stopczynski
Department Name Troy Police Department Telephone Number 248-524-3477

WITNESSES

1. Name Emily Brennan Address 500 West Big Beaver Road, Troy [redacted]
Will testify to: Purchased alcoholic beverage
2. Name Amanda Jamey Address [redacted]
Will testify to: Sold alcoholic beverage to minor
3. Name Shirley Bruce Address [redacted]
Will testify to: Manager
4. Name Address
Will testify to:
5. Name Address
Will testify to:

EVIDENCE

Location Held (Explain) Receipt

LC-600 Rev. 03/05 4880-2362

TROY PD
500 W. BIG BEAVER
TROY MI 48084
248-524-3477

City of Troy

Case Report

Administrative Details:

CR No	Subject
130008508-001	arrest
Report Date/Time	Occurrence Date/Time
03/19/2013 08:31	03/19/2013 08:31
Location	Call Source
300 JOHN R RD	FIELD INITIATED
Dispatched Offense	Verified Offense
C3309 LIQUOR INSPECT	4171 Violation of Liquor Control Laws
County	City/Twp/Village
63 - Oakland	84 - Troy
Division	
Patrol DPU	
Report Type	
Arrest Report	
Created By	Created Date/Time
GREGORY STOPCZYNSKI	03/20/2013 02:46 PM

CR No: 130008508-001	Report Type: Arrest Report	Officer: TRSTOPCZYNSKIG (150335)	001

Offenses:

4171 - Violation of Liquor Control Laws [TRSTOPCZYNSKIG (150335)]

IBR Code / IBR Group	Offense File Class	
90G - Liquor Law Violations / B	41001 - LIQUOR LICENSE -ESTABLISHMENT	
Crime Against	Location Type	Offense Completed
SO	21 - Restaurant	Completed
Domestic Violence	Hate/Bias	
No	00 - None (No Bias)	
Using		
A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No		

People:

JANNEY, AMANDA MARIE (A-ARRESTEE) [TRSTOPCZYNSKIG (150335)]

Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
Janney	Amanda	Marie		

Aliases	Driver License#	DL State	DL Country	Personal ID#
		MI		

DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
02/10/1986 (27)	F	WHITE				

Held For	Finger Prints	Photos	Miranda Read	Miranda Waived	Number of Warrants	FBI#
	No	No	No	No		

Street Address	Apt #	County	Country	Home Phone	Work Phone

City	State	Zip	Cell Phone	Email

Employer	Employer Address	Employer Phone	Occupation	Employer CSZ
PizzaPapalis	300 John R		Waitress	Troy, MI 48083

Arrest Information

Offenses	Details	
4171 - Violation of Liquor Control Laws	Arrest Date/Time:	03/20/2013 14:30
	Location:	300 John R
	Arrest#:	726835
	Arrest Type:	Summoned/Cited
	OWI Arrest/BAC:	
	Offense Type:	Misd.
	Count:	
	Arresting Officer 1:	TRSTOPCZYNSKIG (STOPCZYNSKI, GREGORY 150335)
	Arresting Officer 2:	TRRACZKAK (Raczka,Kate 126371)

MultiClearance	MultiClearance Offense	Armed With
N - Not Applicable		01 - Unarmed

(W-WITNESS) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
	EY					

DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
04/08/1993 (19)	F	WHITE				

Street Address	Apt #	County	Country	Home Phone	Work Phone
500 W Big Beaver					

City	State	Zip	Cell Phone	Email
Troy	MI	48083		

Employer	Employer Address	Employer Phone	Occupation	Employer CSZ
City of Troy	500 W Big Beaver		Decoy	Troy, MI 48084

JULIAN, EDWIN (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Julian	Edwin			

DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship

CR No: 130008508-001	Report Type: Arrest Report	Officer: TRSTOPCZYNSKIG (150335)	001

		UNKNOWN				

Street Address	Apt #	County	Country	Home Phone	Work Phone
500 W. Big Beaver		OAKLAND	USA		

City	State	Zip	Cell Phone	Email
Troy	Mi	48084		

Phone/Email

Type	Description
BU-Business Phone #1	248-524-3477

STOPCZYNSKI, GREGORY (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Stopczynski	Gregory			

Street Address	Apt #	County	Country	Home Phone	Work Phone
500 W. Big Beaver		OAKLAND	USA		

City	State	Zip	Cell Phone	Email
Troy	Mi	48084		

Phone/Email

Type	Description
BU-Business Phone #1	248-524-3477

RACZKA, KATE (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Raczka	Kate			

Street Address	Apt #	County	Country	Home Phone	Work Phone
500 W. Big Beaver		OAKLAND	USA		

City	State	Zip	Cell Phone	Email
Troy	Mi	48084		

Phone/Email

Type	Description
BU-Business Phone #1	248-524-3477

BRUCE, SHIRLEY ANN (O-OTHER) (I-PERSON INTERVIEW) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Bruce	Shirley	Ann		

DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
	F	WHITE				

Street Address	Apt #	County	Country	Home Phone	Work Phone

City	State	Zip	Cell Phone	Email
	MI			

Employer	Employer Address	Employer Phone	Occupation	Employer CSZ
PizzaPapalis	300 John R		Manager	Troy, MI 48083

(O-OTHER) (B-BUSINESS, ETC.) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Name	Suffix	Mr/Mrs/Ms
		PizzaPapalis		

DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
		UNKNOWN				

Street Address	Apt #	County	Country	Home Phone	Work Phone
300 John R					

City	State	Zip	Cell Phone	Email
Troy	MI	48083		

CR No: 130008508-001	Report Type: Arrest Report	Officer: TRSTOPCZYNSKIG (150335)	001

Phone/Email

Type	Description
BU-Business Phone #1	2485899888

Property:

5510 - Documents/Personal or Business (credit card documents, savings account books, titles, etc) 5448

Property Class	IBR Type	UCR Type
48	48 - Documents/Personal or Business	K - Miscellaneous

Status	Count	Value
E - Evidence (Including Other Seized Property And Tools)	1	1

Description	Disposition	Evidence Tag
Recipt for $7.00	Troy Property	130008508.001

Recovered Date/Time	Location	Owner
		[O18222178] ,

Narrative:

Complaint#13-8508

On 3/20/2013 at 1400hrs, DPU Officers were conducting LCC checks with minor decoy identification was confiscated and held for safe keeping by the Troy Police Department.

At approximately 1430hrs, decoy entered into Pizzapapalis located at 300 John R. in Troy. After entering the restaurant sat down at a booth and was approached by a WF server. The WF server was later identified as Amanda Marie Janney. Server Amanda asked Decoy if she wanted something to drink. next ordered a Margarita. At no time did Server Amanda ask Decoy for her identification nor her birth date. Server Amanda next brought the margarita and sat it down in front of her. At this point Decoy contacted Officer Raczka to advise her of the sale.

DPU Officer's made the location and spoke with Manager Shirley Bruce and server Amanda. Manger Shirley was advised by officers of the above listed violation of the Michigan Liquor Control Commission. Server Amanda was informed of the civil infraction she committed and was issued citation#725635 for furnishing/sale to a person under 21/fail to inquire of age. Officers retained the sales receipt of $7.00 for the margarita and later turned it over to Troy property as evidence. Violation report to be submitted to LCC.

No further action taken.

TROY POLICE DEPARTMENT.
500 W. Big Beaver - Troy, MI 48084
ORI # MI6378400

NARRATIVE REPORT
WITNESS STATEMENT

☐ SUPP ☐ CORR ☐ DELETE PAGE 1 OF 1

DATE	DAY	SHIFT	PLAT	BADGE 1	BADGE 2	INCIDENT STATUS	PRIM CLASS	YEAR	INCIDENT #
03/20/13	WED	OF	99	117	66	☐ CLR ARREST ☐ UNF ☐ CLR EXCEPT ☐ INACT		13	8508

Name: DOB: 4/8/1993 Home Phone:

(PLEASE PRINT)

Address: 500 W BIG BEAVER Business Phone:

City: Troy State: MI Zip: 4

E-mail Address: Cell Phone:

On March 20, 2013 at about 2:30pm I went into Pizza Papalis and sat down at a booth. The server was a young female and when she asked what I wanted to drink, I asked for a margarita. At no time did the server ever ask my age or birthdate after she served me the alcohol. I contacted officer Razda and officer Stopczynski, who then entered the restaurant and took over.

X: (SIGNATURE)

Taken By: L. Razda (SIGNATURE)

Place: 500 W. BB, Troy MI 48084 Date: 3/20/13 Time: 1430hrs

INVESTIGATING OFFICER(S)	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO

11-95 CLEMIS

State of Michigan
Uniform Law Citation

Ticket No. 725635 ☐ Victim Involved

US DOT #

Incident No. 13-8508 Dept. No. 784

The People of: ☐ the State of Michigan ☐ Township ☒ City ☐ Village ☐ County

Local Use/Arrest No. Detection Device

OF: TROY BAC 1 of 1

THE UNDERSIGNED SAYS THAT ON: Month 3 Day 20 Year 13 At approximately 1930 ☐ A.M. ☒ P.M. Date of Birth Month 2 Day 10 Year 86

State Mi ☒ Oper./Chauff. ☐ CDL Driver License Number (last 4 digits)

Race W Sex F Height Weight Hair Eyes Occupation/Employer

Name (First, Middle, Last) AMANDA MARIE JANNEY

Street

City State Mi

Vehicle Plate No. Year State Vehicle Description (Year, Make, Color) Veh. Type

THE PERSON NAMED ABOVE, in violation of ☒ Local Ordinance ☐ State Law ☐ Administrative Rule

UPON PIZZA PAPALIS

AT OR NEAR 300 JOHN R

WITHIN ☒ CITY ☐ VILLAGE ☐ TOWNSHIP OF TROY

COUNTY OF OAKLAND DID THE FOLLOWING

Type	MCL Cite/PACC Code/ Ordinance	Description (include any bond amount collected on each charge)	Charge No.
☒ C/I ☐ Warn ☐ Misd ☐ Fug ☐ Fel ☐ Waiv	☐ Authorization pend. 98.10.14	Furnish sale to A person under 21 yr	1
☐ C/I ☐ Warn ☐ Misd ☐ Fug ☐ Fel ☐ Waiv	☐ Authorization pend.		2
☐ C/I ☐ Warn ☐ Misd ☐ Fug ☐ Fel ☐ Waiv	☐ Authorization pend.		3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s)
1 2 3

Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks:
1 MARGARITA $7.00
586-292-1875

CHECK IF APPROPRIATE ☐ Damage to Property ☐ Vehicle Impounded ☐ Injury ☐ Traffic Crash ☐ Death
Person in Active Military Service ☐ Yes ☐ No
☐ Local Court Bond $ ☐ License Posted in Lieu of Bond ☐ Appearance Certificate ☐ None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS
Appearance Date on or before
Hearing Date (if applicable) on 4/3/2013 @ 8:30AM ☐ Contact Court
☐ Juvenile Traffic Misd. (Court will Notify) ☐ Formal Hearing Required. (Court will Notify)

In the 52-4 DISTRICT Court of OAKLAND COUNTY

Court Address & Phone Number
520 W. BIG BEAVER RD.
TROY, MI 48084
PHONE (248) 528-0400

☒ I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable K Raczka / G. Stopczynski Month 3 Day 20 Year 13

Officer's Name (printed) G. Stopczynski / K Raczka Officer's ID No. 117166

Agency ORI MI-6378400 Agency Name TROY POLICE DEPARTMENT

UC-01a (rev. 6/05) COURT COPY 1

Ticket 725635

Name

Case No.

PizzaPapalis Troy
300 John R Rd.
248.589.9888
www.pizzapapalis.com

3/20/13

Check #: 00121
Date: 03/20/2013 02:32 PM
Tab: Table 2 Check 1
Station: Server Right
Server: AmandaJ
Guests: 1

1 Golden Margarita	6.00
Cuervo	1.00

Dine In TOTAL 7.00

LCC
Liquor Licensee History

Business name:	**Pizzapapalis**
Address:	300 John R Ste A
Licensee:	Pizzapapalis of Troy, LLC
License type:	Class C, SDM
Permits:	Sunday Sales, Outdoor Service
Comments:	

Date	Troy Incident #	Type	Disposition	Date
09/22/08		**Approved by Council**		
10/24/08		**Building Dept Approval received**		
11/01/08		**Business opens**		
12/30/08	08-44430	Compliance Test	PASSED	
04/15/09	09-11635	Liquor Inspection (Road Patrol- Stacey)	NO VIOLATIONS	
05/07/09	09-14189	Compliance Test	PASSED	
06/26/09	09-20195	Liquor Inspection (Road Patrol- Stacey)	NO VIOLATIONS	
08/20/09	09-26374	Liquor Inspection (Road Patrol- Stacey)	NO VIOLATIONS	
10/26/09	09-33495	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
10/28/09	09-33691	Compliance Test	PASSED	
12/04/09	09-37749	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
12/17/09	09-39254	Compliance Test	PASSED	
02/11/10	10-4185	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
04/20/10	10-11173	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
05/25/10	10-15091	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
07/19/10	10-21087	Compliance Test	PASSED	
08/02/10	10-23149	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
09/01/10	10-26609	Compliance Test	PASSED	
10/18/10	10-31832	Liquor Inspection (Road Patrol- Strong)	Advised to post current license	

10/27/10	10-32850	Compliance Test	PASSED
12/12/10	10-37876	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
12/15/10	10-38342	Compliance Test	PASSED
02/06/11	11-3728	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
05/05/11	11-12905	Compliance Test	PASSED
06/10/11	11-16765	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
07/24/11	11-21617	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
08/14/11	11-23970	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
11/22/11	11-35015	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
12/08/11	11-36713	Compliance Test	PASSED
01/11/12	12-1135	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
05/09/12	12-14672	Compliance Test	PASSED
06/02/12	12-17823	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
07/14/12	12-23299	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
08/24/12	12-28301	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
11/12/12	12-37556	Compliance Test	PASSED
11/18/12	12-38335	Liquor Inspection (Road Patrol- Rushton)	NO VIOLATIONS
01/06/13	13-646	Liquor Inspection (Road Patrol- Rushton)	NO VIOLATIONS
03/16/13	13-8188	Liquor Inspection (Road Patrol- Rushton)	NO VIOLATIONS
03/20/13	**13-8508**	**Compliance Test (DPU) Sale to Minor**	**VIOLATION Fined $400**
05/03/13	13-13403	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
07/10/13	13-21600	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
09/04/13	13-28133	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
10/29/13	13-34216	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
11/04/13	13-34931	Compliance Test	PASSED
01/12/14	14-1453	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS

500 W. Big Beaver
Troy, MI 48084
(248) 524-3300

The City of Tomorrow...

...Today

February 14, 2014

Pizzapapalis of Troy, LLC
dba: Pizzapapalis
300 John R. Rd.
Troy, MI 48083

Re: NOTICE OF PUBLIC HEARING - Liquor License Violation

To whom it may concern:

A Public Hearing will be held by and before the Council of the City of Troy at City Hall, 500 W Big Beaver, Troy, Michigan **at 7:30 PM**, or as soon thereafter as the agenda will permit on the date as indicated below to determine whether the City Council should recommend to the Michigan Liquor Control Commission, the renewal or non-renewal of licenses allowed for the sale and/or consumption of alcoholic beverage, for the following reasons:

Public Hearing:	Monday, March 17, 2014
License Type:	Class C (175213-2013) SDM (175214-2013)
Violation :	SALE TO MINOR (Compliance Test)
Violation Date(s):	3/20/2013

You will be given an opportunity to be heard and present evidence at the public hearing and legal counsel may represent you. Please inform your attorney, if you have one, of this notice. If you have questions regarding the procedure or the facts and circumstances surrounding your violation(s), you may contact the City Attorney's office at 248-524-3320.

Sincerely,

M. Aileen Bittner

M. Aileen Bittner, CMC
City Clerk

STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: PIZZAPAPALIS OF TROY, LLC
D/B/A PIZZAPAPALIS/RIO WRAPS
300 JOHN R
SUITE A
TROY, MI 48083

COMPLAINT NO. 3-157727
BUSINESS ID NO. 211997

CLASSC SDM SS (PM) OD-SERV

/

CHARGE – MARCH 20, 2013

(1) Sold or furnished alcoholic liquor to minor, ' date of birth April 8, 1993, who was less than twenty-one (21) years old, contrary to Const 1963, art 4§ 40 and contrary to Section 801(2) and/or Section 701 (1) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL 436.1701(1).

FINDINGS OF FACT

The Commissioner finds as fact, based upon the signature on the Michigan Liquor Control Commission's (MLCC) Waiver and Acknowledgment form of George Krcek, a member of the above-named Licensed Limited Liability Company, that under administrative rule R 436.1907 of the Michigan Administrative Code, the Licensee in this case has voluntarily waived the right to a hearing to contest the cited allegation in this matter and has entered a plea of acknowledgment to the one charge stated in Case No. 3-157727.

The Commissioner accepts the Violation Report of this case, along with any attachments therein, and a True Copy of the prior record of this Licensee at the above-named location as evidence in lieu of testimony in this matter.

The Commissioner believes and finds as fact, based on the Violation Report and

attachments therein, that minor decoy , while under the direction of the Troy Police Department, entered the above-named licensed establishment on March 20, 2013, and purchased alcoholic liquor from an employee of the above-named Licensee without showing proper proof of age.

The Commissioner further finds that the employee of the above-named Licensee in this case did not ask for identification, was not shown proper proof of age, and did not make a diligent inquiry to determine the proper true age of the purchaser.

The Commissioner further believes and finds as fact, based on the Violation Report and attachments therein, that at the time of this incident, minor decoy born April 8, 1993 was 19 years of age.

CONCLUSIONS OF LAW

Based upon the aforementioned Findings of Fact, the Commissioner concludes that the Licensee in Case No. 3-157727 did violate MCL 436.1801(2) of the Michigan Liquor Control Code, as cited.

ORDER

In determining this violation's penalty, the Commissioner considered the Licensee's total record at the above-named location, which shows no prior violations and seven (7) passed controlled buy operations, since securing MLCC licensure on October 29, 2008.

Therefore, the Commissioner Orders a penalty fine of $500 for this charge with $100 waived in recognition of the Licensee's record of compliance with the MLCC. The Commissioner further Orders the Licensee to serve a suspension of twenty (20) continuous days, to run consecutively and not concurrently with any other suspension

Ordered by the MLCC, if the total fine of $400 is not paid within forty-five (45) days from the mailing date of this Order.

MICHIGAN LIQUOR CONTROL COMMISSION

Edward J. Gaffney, Commissioner

Date Signed: April 25, 2013

Date Mailed: APR 26 2013

EJG: 3-157727/AML

500 W. Big Beaver
Troy, MI 48084
(248) 524-3300

February 14, 2014

Pizzapapalis of Troy, LLC
dba: Pizzapapalis
300 John R. Rd.
Troy, MI 48083

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Sincerely,

M. Aileen Bittner

M. Aileen Bittner, CMC
City Clerk