

October 3, 2005

TO: Mr. John Szerlag, City Manager

FROM: Charles Craft, Chief of Police
Gary Mayer, Police Captain
Chris Stout, Police Sergeant

SUBJECT: Agenda Item - Application for transfer of Class C license for Daawat
Indian Cuisine

RAHI ENTERPRISE, INC, requests to transfer ownership the 2005 Class C licensed business with a Official Permit (Food), located in escrow at 4382 Baldwin, Auburn Hills to a new location within Troy to be located at 3875-3877 Rochester Troy, MI 48084, Oakland County; And Requests a new SDM to be held in conjunction.

At its September 12th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was owner Hasmukh Patel. Daawat Indian Cuisine is a 90 seat restaurant that is open for lunch buffet and dinner. There is no bar in the restaurant and all spirits will be served at the tables and/or booths.

The Committee unanimously approved this request.

The police department's background investigation of the shareholders revealed no criminal activity or disqualifying factors. Consequently, we have no objection to this request.

LIQUOR CONTROL COMMISSION

7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

AMENDED
8/31/05
KCP

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

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

Date: July 14, 2005
REF#: 309994

Chief Law Enforcement Officer

Applicant:

RAHI ENTERPRISE, INC. REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH OFFICIAL PERMIT (FOOD), LOCATED IN ESCROW AT 4382 BALDWIN, STORE M-625, AUBURN HILLS, MI 48326, OAKLAND COUNTY, FROM AUBURN HILLS ENTERTAINMENT, INC. (A DELAWARE CORPORATION); TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1)) TO 3875-3877 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY; AND REQUESTS A NEW SDM TO BE HELD IN CONJUNCTION AND ~~NEW DANCE ENTERTAINMENT PERMIT.~~

REQUEST FOR NEW DANCE - ENTERTAINMENT PERMIT. CANCEL

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 and recommendations of the applicant to the Licensing Division.

Please include fingerprint cards and \$30.00 for each card, and mail to the Michigan Liquor Control Commission.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

Req ID #309994

(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)

RAHI ENTERPRISE, INC., 3875-3877 ROCHESTER, TROY, MI 48083, OAKLAND COUNTY

REQUEST FOR:

REQUEST TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS (IN ESCROW) WITH OFFICIAL PERMIT (FOOD) FROM AUBURN HILLS ENTERTAINMENT, INC. (A DELAWARE CORPORATION); TRANSFER LOCATION (GOVERNMENTAL UNIT) (MCL 436.1531(1) FROM 4382 BALDWIN, STORE M-625, AUBURN HILLS, MI 48326, OAKLAND COUNTY; AND REQUEST A NEW SDM TO BE HELD IN CONJUNCTION, AND NEW DANCE-ENTERTAINMENT PERMIT. CANCEL REQUEST FOR NEW DANCE - ENTERTAINMENT PERMIT.

Section 1. APPLICANT INFORMATION

APPLICANT #1: HASMUKHBHAI J. PATEL - STOCKHOLDER

APPLICANT #2: MAYURIBEN H. PATEL - STOCKHOLDER

HOME ADDRESS AND AREA CODE/PHONE NUMBER: 4270 VASSAR DRIVE TROY, MI 48085 H(248)740-1379/B(248)743-0223

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DATE OF BIRTH: If the applicant is not a U.S. Citizen: Does the applicant have permanent Resident Alien status? 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? 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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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? 2. Is the proposed location satisfactory for this business? 3. Should the Commission grant this request? 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 POLICE DEPARTMENT

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION
(Authorized by MAC R 436.1437)

Applicant or Licensee Name: RAHI ENTERPRISE, INC.
Address: 3875-3877 Rochester Rd, Troy MI 48083
Type of License: Class C, new SDM

The Commission is requested to grant an after hours permit for: (check boxes that apply)

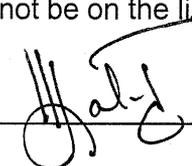
- Operating our restaurant for the sale of food
- Operating night league bowling, tournaments or Sunday morning bowling
- Registering golfers
- Registering Skiers
- Registering Tennis Players
- Other: _____

During the Hours of:

Weekdays _____ A.M. to _____ A.M.

Sundays 11:30 A.M. to 12:00 A.M. pm

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:  _____

LOCAL LAW ENFORCEMENT RECOMMENDATION

To Law Enforcement Agency:

This application is for official permits allowing the after hours operations indicated above. Please enter your recommendations below and return one signed copy to the Commission. Thank you.

- Recommended. Comments: _____
- Recommended except for _____ permit.
- Not Recommended

Signature and Title _____ Date: _____

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 4th day of August, 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 RAHI ENTERPRISE, INC. whose address is 3875 Rochester, 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 to transfer a 2005 Class C licensed business, with new SDM and Dance-Entertainment permit, located at 3875 Rochester, Troy, by RAHI ENTERPRISE, 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.



Hasmukhrai S. Patel

STOCKHOLDER



Mayuriben H. Patel

STOCKHOLDER

Witnesses:

Theresa Marie Visger

Frank

Subscribed and sworn to before me
this 5th day of August, 2005

Marcy Ammons

**MARCY AMMONS
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES MAY 24, 2011
ACTING IN COUNTY OF Oakland**

Notary Public, Marcy Ammons
County, Oakland
My commission expires: 3/24/11

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, September 12, 2005 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Alex Bennett
W. Stan Godlewski
Patrick C. Hall
James R. Peard
Bohdan L. Ukrainec
Sergeant Thomas Gordon
Pat Gladysz

ABSENT: Henry W. Allemon

Resolution to Excuse Committee Member Allemon

Resolution #LC2005-09-019
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, that the absence of Committee member Allemon at the Liquor Advisory Committee meeting of September 12, 2005 BE EXCUSED.

Yes: 6
No: None
Absent: Allemon

Resolution to Approve Minutes of July 11, 2005 Meeting

Resolution #LC2005-09-020
Moved by Bennett
Seconded by Hall

RESOLVED, that the Minutes of the July 11, 2005 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: None
Absent: Allemon

Agenda Items

1. **RAHI ENTERPRISE, INC.** requests to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment. [MLCC REQ ID# 309994] *Daawat Indian Cuisine*

Present to answer questions from the Committee was Hasmukh Patel.

Mr. Patel is the owner of Daawat Indian Cuisine which opened in February 2005. This 90-seat restaurant is open for a lunch buffet and dinner. Mr. Patel and the full-time manager will attend the TIPS class in October, and will make arrangements to send all employees to a training class also. There is no bar in the restaurant and all spirits will be served at the tables and/or booths. He has withdrawn the “dance and entertainment” portion of his request.

Resolution #LC2005-09-021
Moved by Ukrainec
Seconded by Godlewski

RESOLVED, that RAHI ENTERPRISE, INC. be allowed to transfer ownership of 2005 Class C licensed business with official permit (food), located in escrow at 4382 Baldwin, Store M-625, Auburn Hills, MI 48326, Oakland County, from Auburn Hills Entertainment, Inc. (A Delaware Corporation); transfer location (governmental unit)(MCL 436.1531(1)) to 3875-3877 Rochester, Troy, MI 48083, Oakland County; and requests a new SDM to be held in conjunction and new dance-entertainment.

Yes: 6
No: None
Absent: Allemon

2. **MJMN, INC.**, requests to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti. [MLCC REQ ID# 311118]
Atlas Market and Bakery

Present to answer questions from the Committee was Kawkab Matti.

This request is a total transfer of ownership from father (Masoud Matti) to son (Kawkab Matti). The market has been open for eight months and only three family members sell the liquor. Mr. Matti states that he fully understands the liquor laws. He is currently waiting for one additional inspection approval from the Building Department for a new oven.

Resolution #LC2005-09-022

Moved by Ukrainec

Seconded by Peard

RESOLVED, that MJMN, INC., be allowed to transfer all stock interest in 2005 SDD & SDM licensed corporation located at 36949 Dequindre, Troy MI 48084, Oakland County wherein sole stockholder Masoud Matti transfers 100 shares of stock to new stockholder, Kawkab Matti.

Yes: 6
No: None
Absent: Allemon

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3. **AG SPORTS, INC.**, requests to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food). [MLCC REQ ID# 314395] *Spectadium*

Present to answer questions from the Committee were attorney Kelly Allen and Baljamber Atwal.

Mr. Atwal, his wife, and two silent partners have purchased Spectadium and expect to sign the lease this week. He plans to keep the manager of five years, assistant managers, and most of the wait staff who have all been trained. The sports bar theme will not change. He is making selected interior improvements and is waiting for a few inspections.

Resolution #LC2005-09-023
Moved by Ukrainec
Seconded by Peard

RESOLVED, that AG SPORTS, INC., be allowed to transfer ownership of 2005 Class C licensed business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 Bars, located at 2511 Livernois, Troy MI 48084, Oakland County, from Premier Sports, L.L.C.; request new Official Permit (Food).

Yes: 6
No: None
Absent: Allemon

Ms. Allen also stated that she will appear before the Committee in a few months to represent Capital Grille with a request for a SDM license to sell beer and wine for off-premise consumption.

Sergeant Gordon informed the Committee that he will be returning to Road Patrol duties. Sergeant Chris Stout will assume his responsibilities with regard to liquor licenses.

The meeting adjourned at 7:30 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Office Assistant II