A regular meeting of the Liquor Advisory Committee was held on Monday, March 12, 2012 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 7:01 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Patrick C. Hall
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne

ABSENT: Bohdan L. Ukrainec

ALSO PRESENT: Sergeant George Zielinski
Susan Lancaster, Assistant City Attorney
EunJoo Scherlinck, Student Representative
Pat Gladysz

Resolution to Excuse Committee Member Ukrainec

Resolution #LC2012-03-006
Moved by Hall
Seconded by Payne

RESOLVED, That the absence of Committee member Ukrainec at the Liquor Advisory Committee meeting of March 12, 2012 be **EXCUSED**.

Yes: 6
No: 0
Absent: Ukrainec

Resolution to Approve Minutes of February 13, 2012 Meeting

Resolution #LC2012-03-007
Moved by Hall
Seconded by Ogg

RESOLVED, That the Minutes of the February 13, 2012 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Ukrainec

Agenda Items

1. **Simbad, Inc.** requests to Transfer All Stock Interest (in 2011 licensing year) in 2011 Class C and SDM licensed business with Dance-Entertainment permit, located at 336 John R., Troy, MI 48083, Oakland County, wherein stockholder, Sabah O. Garmo transfers 2,000 shares of stock to new stockholder, Mouaid Jarbo {MLCC Req. #611856}. *This is near 14 Mile Road and John R.*

Present to answer questions from the Committee were Mouaid Jarbo and attorney Marshal Garmo.

Mr. Garmo informed the Committee that the establishment's name was Palms Restaurant and Mouaid Jarbo was purchasing the business from Sabah Garmo. Mr. Jarbo has been an employee of Mr. Garmo's for approximately one year.

Sergeant George Zielinski informed the Committee that the Police Department conducted an extensive investigation into Mr. Jarbo's history. It is the Police Department's position that Mr. Jarbo does not meet the criteria outlined in the City Code Chapter 101, Subsection 7 and Subsection 8 for the following reasons:

1. Mr. Jarbo was arrested for and pled no contest to Domestic Violence in Ferndale in July 2003. He paid a fine and was placed on one year probation.

2. Mr. Jarbo was also arrested for Gambling in Farmington Hills in January of 1994. He pled guilty to Disorderly Conduct and paid a fine.

3. Mr. Jarbo was also listed as a suspect in a Public Nuisance complaint in Sterling Heights in August 1995.

4. We also found a record of Mr. Jarbo being "summoned" for "Fleeing Resulting in Assault" in January 1998 in Ypsilanti.

5. During a recent inspection of Simbad, the Housing and Zoning Inspector for the City noted several hookah pipes on the tables and a strong aroma of smoke in the establishment. The State of Michigan Smoke Free Law which went into effect on May 1, 2010 prohibits smoking, including the smoking of hookah pipes, at any food establishment. That law provides that smoking is never allowed indoors where food is served to the public. Simbad is in violation of the Smoke Free Law.

6. As of 03/12/12, there are unpaid personal property taxes and water bills at 336 John R Road.

7. Under the current ownership, Simbad does not have any past liquor law violations other than one NSF check to the MLCC (2010).

It is the position of the Police Department that these past incidents show that Mr. Jarbo does not meet the criteria for liquor licensing in the City Code, and we will recommend the City Council not approve this transfer request.

Members of the Committee questioned the length of time that criminal history is relevant to the Police Department and the City.

Assistant City Attorney Susan Lancaster replied that the City looks at the criminal background as a cumulative history and that incidents are considered collectively. She stated that the City has many concerns regarding this petitioner including the violation of State Law regarding smoking in any establishment that serves food.

The petitioner Mr. Jarbo stated that the criminal history should not be considered. At the time of the reported incidents, Mr. Jarbo stated he was informed by his attorney that the matters had been dismissed.

After discussion among the Committee members, it was decided to table the Item for Action to allow the applicant to research the issue of unpaid taxes, unpaid water and whether or not there was a conviction for domestic assault and to allow the City of Troy to research factual and legal issues raised by members of the Committee .

Resolution #LC2012-03-008
Moved by Hall
Seconded by Godlewski

RESOLVED, the request of Simbad, Inc. to Transfer All Stock Interest (in 2011 licensing year) in 2011 Class C and SDM licensed business with Dance-Entertainment permit, located at 336 John R., Troy, MI 48083, Oakland County, wherein stockholder, Sabah O. Garmo transfers 2,000 shares of stock to new stockholder, Mouaid Jarbo be **TABLED** to a future date which will be set by the Troy Police Department after all research is completed by the City of Troy and the applicant has indicated to the Troy Police Department that he is ready to proceed.

Yes: 6
No: 0
Absent: Ukrainec

Assistant City Attorney Susan Lancaster informed the Committee that a Troy Police Officer posted a MLCC sign at Smoker's Express indicating that the liquor license was revoked by the MLCC for a period of five (5) business days beginning March 9, 2012. The business owner also completed five (5) days in the Oakland County Jail as a result of the sentence of Judge Hartig of the 52-4th District Court for selling alcohol to minors. The business owner remains on probation to the court for a two (2) year period and must pay fines and costs.

The meeting adjourned at 7:54 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II