CITY COUNCIL AGENDA ITEM

Date: February 17, 2011

To: John Szerlag, City Manager

From: Gary Mayer, Chief of Police
Captain Gerard Scherlinck, Professional Standards Division
Lieutenant Robert Redmond

Subject: Application for Transfer of Ownership of 2010 Class C Licensed Business from Café Sushi to JJWM, LLC, and Request for New Permit (Food)

Background

JJWM, LLC requests to Transfer Ownership of 2010 Class C Licensed Business, located at 5 D 1933 W. Maple Road, Troy, MI 48084, Oakland County, from Café Sushi, LLC and requests New Official Permit (Food) {MLCC Req. #573485}.

Attorney Kelly Allen, and business partners Jing Yu and Jian Yu were present to answer questions from the Liquor Advisory Committee on February 7, 2011. Two other business partners, Wei Yu and Wensheng Zhou, were not present at the meeting. Ms. Allen explained that the four partners have vast experience in the restaurant business and have entered into an agreement with the current owners to purchase the business.

The business partners will retain the current menu and staff. The name on the restaurant will remain Café Sushi. They plan to employ a general manager and 15-18 additional people. All employees will be TIPS/TAMS trained.

The Police Department did not find any disqualifying factors for this request. In addition, the Liquor Advisory Committee unanimously approved their request.

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

Recommendation

Recommend approval of the request from JJWM, LLC for Food Permit, and to Transfer Ownership.

Prepared by: Jeff Oberski

A regular meeting of the Liquor Advisory Committee was held on Monday, February 7, 2011 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 7:04 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
W. Stan Godlewski
Andrew Kaltsounis
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec

ABSENT: Patrick C. Hall

ALSO PRESENT: Officer James Feld
Susan Lancaster, Assistant City Attorney
Lauren Harden, student representative
Dane Lepola, student representative
Pat Gladysz

Resolution to Excuse Committee Member Hall

Resolution #LC2011-02-001
Moved by Ukrainec
Seconded by Payne

RESOLVED, That the absence of Committee member Hall at the Liquor Advisory Committee meeting of February 7, 2011 be **EXCUSED**.

Yes: 6
No: 0
Absent: Hall

Resolution to Approve Minutes of December 13, 2010 Meeting

Resolution #LC2011-02-002
Moved by Ukrainec
Seconded by Payne

RESOLVED, That the Minutes of the December 13, 2010 meeting of the Liquor Advisory Committee be **APPROVED**.

Yes: 6
No: 0
Absent: Hall

Agenda Items

1. **JJWM, LLC** requests to transfer ownership of 2010 Class C Licensed Business, located at 5D 1933 W. Maple, Troy, MI 48084, Oakland County, from Café Sushi, LLC and requests New Official Permit (Food) {MLCC Req. 573485}.

Present to answer questions from the Committee were attorney Kelly Allen, and business partners Jing Yu and Jian Yu. Two other business partners, Wei Yu and Wensheng Zhou, were not present at the meeting.

Ms. Allen explained that the four partners have vast experience in the restaurant business and have entered into an agreement with the current owners to purchase the business.

Ms. Allen explained that one of the partners, Jian Yu, disclosed two convictions in his criminal history. In 1994 at the age of 18, he was convicted of a misdemeanor for malicious destruction of property. In 1995 at the age of 19, he was convicted of a misdemeanor for possession of marijuana. Since 1995, he has had no arrests. Ms. Allen informed the Committee that the MLCC generally considers the previous seven years in an applicant's criminal history.

Another of the partners, Jing Yu, disclosed a criminal conviction but nothing was located during Ms. Allen's search. Officer Feld reported also that nothing was located and it is possible that this event may have occurred when Mr. Yu was a juvenile.

The partners will retain the current menu and staff. They plan to employ a general manager and 15-18 additional people. All employees will be TIPS/TAMS trained.

Officer Feld reported that the previous owners had sales to minor violations in 2005 and 2008. Also, the Fire Department needs to make a reinspection.

Resolution #LC2011-02-003
Moved by Ukrainec
Seconded by Payne

RESOLVED, That the Liquor Advisory Committee recommends that the request of JJWM, LLC to transfer ownership of 2010 Class C Licensed Business, located at 5D 1933 W. Maple, Troy, MI 48084, Oakland County, from Café Sushi, LLC and

request for New Official Permit (Food) be **APPROVED** with the stipulation that all four business partners participate in the TIPS/TAMS training.

Yes: 6
No: 0
Absent: Hall

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2. **The Neiman Marcus Group, Inc.** (a Delaware Corporation) requests a new Direct Connection-1 to be held in conjunction with 2010 Class C and SDM Licensed Business with Official Permit (Food), located at 2705 West Big Beaver, Troy, Michigan 48084, Oakland County {MLCC Req. #178061}.

Present to answer questions from the Committee was Darlene Anderson, Operations Manager of the Neiman Marcus Troy location.

Ms. Anderson explained that this "Direct Connection-1" is a requirement of the MLCC. This permit allows customers to walk through the retail store to get into the cafe where alcohol is served.

Resolution #LC2011-02-004
Moved by Godlewski
Seconded by Kaltsounis

RESOLVED, That the Liquor Advisory Committee recommends that the request of The Neiman Marcus Group, Inc. (a Delaware Corporation) for a new Direct Connection-1 to be held in conjunction with 2010 Class C and SDM Licensed Business with Official Permit (Food), located at 2705 West Big Beaver, Troy, Michigan 48084, Oakland County be **APPROVED**.

Yes: 6
No: 0
Absent: Hall

Officer Feld advised the Committee on the following:

Mr. Pizza, Inc.
This is a transfer of ownership and should appear on next month's Agenda.

Hotel Management Advisors-Troy, LLC
This is a transfer of ownership and should appear on next month's Agenda.

The meeting adjourned at 7:45 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

Re: Applicant:	JJWM, LLC	Date:	1/12/11
Address:	1933 W Maple	Type of License/s:	Class C
City/State/Zip:	Troy, MI 480	MLCC Request ID:	573485

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 No. 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 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.

LICENSEE AUTHORIZED REPRESENTATIVE

Witnesses: Jin Yu
Wei Biang Yu

By: JJWM, LLC,
Jing Yu
Its: Member

Subscribed and sworn to before me this 12th day of January 2011
Notary Public, Oakland County, MI
Acting in the County of Oakland
My commission expires: 05/18/2011
Anna Beth Palm

CITY OF TROY

Witnesses: _____

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Subscribed and sworn to before me this _____ day of _____ 200 ___
Notary Public, _____ County, MI
Acting in the County of Oakland
My commission expires: _____

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 573485

Business ID # 225590

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC **(PAGE 1 OF 2)**

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

JJWM, LLC, REQUESTS TO TRANSFER OWNERSHIP OF 2010 CLASS C LICENSED BUSINESS, LOCATED AT 5 D 1933 W. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM CAFÉ SUSHI, L.L.C. & REQUESTS NEW OFFICIAL PERMIT (FOOD).

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
JING YU - MEMBER 28610 EDWARD AVENUE MADISON HEIGHTS, MI 48071 H (858) 405-4698 / B (858) 405-6498	WEI YU - MEMBER 1453 FONTAINE MADISON HEIGHTS, MI 48071 H (248) 591-7618 / B (248) 250-3888
DATE FINGERPRINTED:	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

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 and convictions (Attach a signed and dated sheet if more space is needed)	**ARREST RECORD:** ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☐ Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☐ 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 No**, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No*
2. Should the MLCC grant this request? ☐ Yes ☐ No*

*If **any** of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☐ Yes ☐ No
4. Is this recommendation subject to any other conditions? ☐ Yes ☐ No

If Yes, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) **Date**

TROY POLICE DEPARTMENT

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 573485

Business ID # 225290

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC. **(PAGE 2 OF 2)**

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

JJWM, LLC, REQUESTS TO TRANSFER OWNERSHIP OF 2010 CLASS C LICENSED BUSINESS, LOCATED AT 5 D 1933 W. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM CAFÉ SUSHI, L.L.C. & REQUESTS NEW OFFICIAL PERMIT (FOOD).

Section 1. APPLICANT INFORMATION

APPLICANT #3:	APPLICANT #4:
JIAN YU - MEMBER 28216 EDWARD AVENUE MADISON HEIGHTS, MI 48071 H (248) 399-1891 / B (248) 764-0579	WENSHENG ZHOU - MEMBER 1453 FONTAINE MADISON HEIGHTS, MI 48071 H (248) 591-7618 / B (248) 525-3083
DATE FINGERPRINTED:	DATE FINGERPRINTED: :
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

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 and convictions (Attach a signed and dated sheet if more space is needed)	**ARREST RECORD:** ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests and convictions (Attach a signed and dated sheet if more space is needed)

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Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☐ Yes, complete LC-1636

Are motor vehicle fuel pumps at or directly adjacent to the establishment? ☐ 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 No**, indicate which state and local ordinances the location does not meet: ☐ Building ☐ Plumbing ☐ Zoning ☐ Fire ☐ Sanitation ☐ Health

Section 4. RECOMMENDATION

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No*
2. Should the MLCC grant this request? ☐ Yes ☐ No*

*If **any** of the above questions were answered No, you must state your reasons for MLCC consideration of this recommendation on the back of this form or on an attached signed and dated sheet.

3. Is this recommendation subject to final inspection to determine that the proposed location meets all building, plumbing, zoning, fire, sanitation and health laws and ordinances? ☐ Yes ☐ No
4. Is this recommendation subject to any other conditions? ☐ Yes ☐ No

If **Yes**, list the conditions below or on an attached signed and dated sheet if more space is needed

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

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Michigan Department of Energy, Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 573485

Business ID # 225290

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

JANUARY 4, 2011

TO:

Re: JJWM, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to Unit 3 of the Retail Licensing Division at (517) 636-0204.

☒ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: (FOOD)

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

Sundays 9:00 A.M. to 12:00 P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

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

Sundays _____ A.M. to _____ P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR:

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

Sundays _____ A.M. to _____ P.M.

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ DANCE PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ENTERTAINMENT PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ TOPLESS ACTIVITY PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OUTDOOR SERVICE

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ PARTICIPATION PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ ADDITIONAL BAR PERMIT

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

☐ OTHER

☐ Recommended ☐ Recommended, subject to final inspection ☐ Not Recommended

Signed:

_____
Signature and Title

_____
Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

rlb

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Michigan Department of Energy, 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)]

JANUARY 4, 2011

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

REQUEST ID # 573485

Applicant: JJWM, LLC, REQUESTS TO TRANSFER OWNERSHIP OF 2010 CLASS C LICENSED BUSINESS, LOCATED AT 5 D 1933 W. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM CAFÉ SUSHI, L.L.C. & REQUESTS NEW OFFICIAL PERMIT (FOOD).

CONTACT: KELLY A. ALLEN, (ADKISON, NEED & ALLEN, P.L.L.C.), 40950 WOODWARD, SUITE 300, BLOOMFIELD HILLS, MI 48304, PHONE: (248) 540-7400, FAX: (248) 540-7401

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. ****Please ensure that section D of the card has been completed prior to submission. ****

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

rlb