



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: C & H ENTERPRISES, INC.
D/B/A DOWN THE TRACKS
2310 W COURT ST
FLINT, MI 48503

HEARING: JANUARY 15, 2021
PLACE: ZOOM PLATFORM
COMPLAINT NO. CV-508977
BUSINESS ID NO. 99098

GENESEE COUNTY

CLASSC SDM SS (PM)

CHARGES – THE LICENSEE OR THE LICENSEE’S AGENT, CLERK, OR EMPLOYEE:

- (1) On January 7, 2021, C & H Enterprises, Inc., and/or employees of the licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing indoor gatherings at a food service establishment, contrary to sections 2(a)(2) and 3(b)(1) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 18, 2020.
- (2) On January 7, 2021, C & H Enterprises, Inc., and/or employees of the licensee engaged in an illegal occupation or illegal act upon the licensed premises, contrary to Rule 436.1011(1), specifically: allowing persons to participate in indoor gatherings at the licensed premises without requiring them to wear face masks, contrary to section 7(c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 18, 2020.

NEGOTIATED SETTLEMENT

On January 15, 2021, the videoconference commenced as scheduled via the Zoom platform before the duly authorized agent of the Michigan Liquor Control Commission (Commission), Administrative Law Judge Eric J. Feldman, in the above-captioned matter. Assistant Attorney General Jason Geissler appeared on behalf of the Commission and all law enforcement agencies involved in this matter. Craig Hatch, President, appeared on behalf of C & H Enterprises, Inc., d/b/a Down the Tracks (Licensee). The Licensee entered into a Negotiated

Settlement acknowledging the two charges as cited pursuant to Section 903 of the Michigan Liquor Control Code, MCL 436.1903, and Rule 436.1909(1) of the Commission.

The parties proposed the following Negotiated Settlement for the undersigned to consider pursuant to Section 903 of the Michigan Liquor Control Code, MCL 436.1903, and Rule 436.1909 of the Commission:

PROPOSED NEGOTIATED SETTLEMENT

(1) The Licensee will fully acknowledge the two charges as cited in the complaint;

(2) The undersigned will enter the Violation Report and its attachments into the record as substantive evidence; the undersigned further will take notice of the prior record of this Licensee, since being licensed by the Commission at the above-noted location under the current ownership;

(3) As a penalty, the Licensee will agree to pay a fine of \$300 for each charge for a total fine of \$600 and serve a suspension of 7 days from the date of the hearing, until 7:00 a.m. on January 22, 2021, for the two acknowledged charges in the complaint; and

(4) Both parties will agree that there shall be no appeals on these matters to the Appeal Board of the Commission or any court of law.

ORDER

The January 11, 2021, Emergency Suspension Order is hereby dissolved.

In determining whether to approve the Negotiated Settlement as proposed above, the undersigned considered the Licensee's total record, which shows approximately four violations since being licensed on April 21, 1999, at the above-noted location under the current ownership.

The undersigned accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follows:

The undersigned accepts the Licensee's Plea of Acknowledgment to the two charges as cited.

The undersigned accepts the Violation Report and its attachments as substantive evidence. Further, the undersigned accepts a true copy of this Licensee's record since being licensed by the Commission at the above-noted location under the current ownership.

The undersigned finds that, based on the Administrative Documents, on January 7, 2021, the Licensee allowed indoor dining/gatherings without facemasks contrary to Rule 436.1011(1), contrary to the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 18, 2020.

As agreed upon by the parties, the undersigned Orders a fine of \$300 for each charge for a total fine of \$600. Further the undersigned Orders a suspension of seven (7) continuous days from the date of the hearing, to 7:00 a.m. on January 22, 2021, with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission. Further, the undersigned Orders that a suspension of thirty (30) continuous days with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission, if the fine is not paid within forty-five (45) days from the mailing date of this Order.

Further, the undersigned Orders that this Negotiated Settlement is a full and final disposition of this matter before the Commission, that there is no further right of Administrative or Judicial Appeal, either to the Commission or any court of law, that the plea in this complaint has been entered voluntarily and with the full understanding of all consequences, that there are

no promises, stipulations, understandings or agreements other than those stated as part of the official record herein, and that this Negotiated Settlement represents the final agreed settlement.

MICHIGAN LIQUOR CONTROL COMMISSION



Eric Feldman, Administrative Law Judge

Date Signed: January 15, 2021

Date Mailed: January 19, 2021

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EF: CV-508977/AL/jw