



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: CORKY'S BEAL CITY TAVERN, LLC COMPLAINT NOS. CV-508836 & CV-509002
D/B/A CORKY'S BEAL CITY BUSINESS ID NO. 211897
TAVERN
R 1, 2007 N WINN RD CLASSC SDM SS (PM) OD-SERV
MOUNT PLEASANT, MI 48858

CV-508836 - CHARGE – THE LICENSEE OR THE LICENSEE'S AGENT, CLERK OR EMPLOYEE:

- (1) On December 2, 2020, Corky's Beal City Tavern, LLC, 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 consumption of alcohol 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 November 15, 2020.

CV-509002 - CHARGES – THE LICENSEE OR THE LICENSEE'S AGENT, CLERK OR EMPLOYEE:

- (1) On January 8, 2021, Corky's Beal City Tavern, LLC, 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 8, 2021, Corky's Beal City Tavern, LLC, 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

Michael Hackett, Attorney at Law, on behalf of the above-noted Licensed Corporation, and Assistant Attorney General Jason Geissler representing the Commission and all law

enforcement agencies involved in this matter submitted a Stipulation for Proposed Negotiated Settlement. The Corporation 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 Michigan Liquor Control Commission (Commission).

The Attorneys proposed the following Negotiated Settlement for the Administrative Law Judge to consider in pursuant to Section 903 of the Michigan Liquor Control Code, MCL 436.1903, and Rule 436.1909 of the Michigan Liquor Control Commission (Commission):

PROPOSED NEGOTIATED SETTLEMENT

(1) The Licensee will fully acknowledge the one charge as cited in complaint CV-508836 and the two charges as cited in complaint CV-509002;

(2) The Administrative Law Judge will enter the Violation Report and its attachments into the record as substantive evidence; the Administrative Law Judge 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 \$900 and serve a twenty-one (21) day suspension;

(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 summary suspension is hereby dissolved.

In determining whether to approve the Negotiated Settlement as proposed above, the Administrative Law Judge considered the Licensee's total record, which shows two prior

violations (2014 alcohol removal from the premises and expired server training and 2016 sale to a minor) since being licensed on August 27, 2008, at the above-noted location under the current ownership.

The Administrative Law Judge accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follows:

The Administrative Law Judge accepts the Licensee's Plea of Acknowledgment to the three charges as cited.

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

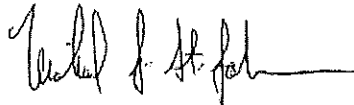
The Administrative Law Judge finds that, based on the Administrative Documents, on December 2, 2020 the Licensee allowed indoor consumption of alcohol and on January 8, 2021 the Licensee allowed indoor dining/gatherings without facemasks both contrary to Rule 436.1011(1), contrary to the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated November 15, 2020 and December 7, 2020 respectively.

As agreed upon by the parties, the Administrative Law Judge Orders a fine of \$300 for each admitted charge for a total fine of \$900 and a twenty-one (21) day suspension of the license from the date of the entry of the stipulation: until 7:00 a.m. on February 9, 2021. Further, the Administrative Law Judge Orders that a suspension of forty-five (45) 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 Administrative Law Judge 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



Michael J. St. John, Administrative Law Judge

Date Signed: January 21, 2021

JAN 25 2021

Date Mailed: _____

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MJSJ: CV-508836, CV-509002