



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: IRIE VIBES, INC.
D/B/A WOODEN NICKEL
1751 PRESQUE ISLE AVE
MARQUETTE, MI 49855

HEARING: FEBRUARY 19, 2021
PLACE: ZOOM PLATFORM
COMPLAINT NO. CV-509147
BUSINESS ID NO. 197932

MARQUETTE COUNTY

CLASSC SDM SS (AM & PM)
OD-SERV ENT

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

- (1) On January 1, 2021, Irie Vibes, 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 1, 2021, Irie Vibes, 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(a), (c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated December 18, 2020.
- (3) On January 16, 2021, Irie Vibes, 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 January 13, 2021.
- (4) On January 16, 2021, Irie Vibes, 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(a), (c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 13, 2021.
- (5) On February 2, 2021, Irie Vibes, Inc. sold or furnished alcoholic liquor to Jacob Loan Truttman, who was in an intoxicated or visibly intoxicated condition, contrary to Sections 801(1) and/or Section 1025(4) of the Michigan Liquor Control Code, MCL 436.1801(1) and/or MCL 436.2025(4).

- (6) On February 2, 2021, Irie Vibes, 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 be seated, and allowing them to intermingle, contrary to section 3(b)(1) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (7) On February 2, 2021, Irie Vibes, 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 while permitting them to gather in common areas in which people congregate, dance, or otherwise mingle, contrary to section 3(b)(2) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (8) On February 2, 2021, Irie Vibes, 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 while allowing the number of patrons indoors to exceed 25% of normal seating capacity, contrary to section 3(b)(4)(A) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (9) On February 2, 2021, Irie Vibes, 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 while allowing indoor dining between the hours of 10:00 PM and 4:00 AM, contrary to section 3(b)(4)(B) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (10) On February 2, 2021, Irie Vibes, 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(a), (c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (11) On February 4, 2021, Irie Vibes, 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 be seated, and allowing them to intermingle, contrary to section 3(b)(1) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (12) On February 4, 2021, Irie Vibes, 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 while permitting them to gather in common areas in which people congregate, dance, or otherwise mingle, contrary to section 3(b)(2) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (13) On February 4, 2021, Irie Vibes, 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 while

allowing the number of patrons indoors to exceed 25% of normal seating capacity, contrary to section 3(b)(4)(A) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.

- (14) On February 4, 2021, Irie Vibes, 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 while allowing indoor dining between the hours of 10:00 PM and 4:00 AM, contrary to section 3(b)(4)(B) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.
- (15) On February 4, 2021, Irie Vibes, 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(a), (c) of the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.

NEGOTIATED SETTLEMENT

Stan Plis, Owner, on behalf of the above-noted Licensed Corporation, appeared before this Administrative Law Judge. The Corporation entered into a Negotiated Settlement acknowledging the charges 1-4 and 6-15 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 Commission moved to dismiss charge 5 with prejudice. Assistant Attorney General Daniel Felder represented the Commission and all law enforcement agencies involved in this matter.

The parties 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 charges 1-4 and 6-15 as cited in the complaint;
- (2) The Commission will dismiss, with prejudice, charge 5 of the complaint;

(3) 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;

(4) As a penalty, the Licensee will agree to pay a fine of \$300 for each acknowledged charge for a total fine of \$4200 and serve a suspension of 60 days from the date of the February 10, 2021 summary suspension, until 7:00 a.m. on Sunday April 11, 2021 for the fourteen acknowledged charges in the complaint; and

(5) The Licensee shall allow law enforcement and Commission Investigators full and complete access to the licensed establishment.

(6) 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

In determining whether to approve the Negotiated Settlement as proposed above, the Administrative Law Judge considered the Licensee's total record, which shows one prior warning (2005 giving away alcohol) and one prior violation (a 2005 sale to minor) since being licensed on April 6, 2004, 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 charges 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 as cited.

The Administrative Law Judge accepts the Commission's request to dismiss count 5 of the complaint with prejudice.

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 January 1 and 16, 2021, the Licensee allowed non-residential outdoor dining/gatherings without proper spacing, occupancy, and facemasks contrary to Rule 436.1011(1), contrary to the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 13, 2021 and on February 2, and 4, 2021 the Licensee allowed non-residential outdoor dining/gatherings with intermingling, gathering at excess capacity, and at unauthorized times without proper spacing, occupancy, and facemasks contrary to Rule 436.1011(1), contrary to the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated January 22, 2021.

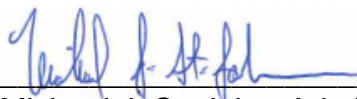
As agreed upon by the parties, the Administrative Law Judge Orders that count 5 is dismissed with prejudice. The Administrative Law Judge further Orders a fine of \$300 for each of the fourteen admitted charges for a total fine of \$4200. Further the Administrative Law Judge Orders a suspension of sixty (60) days from the date of the original summary suspension and fifty-one (51) continuous days from the date of the hearing, to 7:00 a.m. on April 11, 2021, with this suspension to run consecutively and not concurrently with any other suspension Ordered by the Commission. Further, the Administrative Law Judge Orders that

a suspension of two hundred and ten (210) 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.

The Licensee is warned that further fines, suspensions, or a revocation of the Licensee's liquor license could result if the Licensee resumes operation in violation of the law, fails to allow law enforcement or Commission Investigators full access to the licensed establishment, or violates the Order of the Commission.

MICHIGAN LIQUOR CONTROL COMMISSION



Michael J. St. John, Administrative Law Judge

Date Signed: February 19, 2021

Date Mailed: _____

Daniel Felder
Assistant Attorney General
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Southfield, MI 48033