



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: G.I. POROS, INC.

306 S MAIN ST
PLYMOUTH, MI 48170
WAYNE COUNTY

COMPLAINT NOS. CV-509232 & CV-509233
BUSINESS ID NO. 243776

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COMPLAINT NO. CV-509232-

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

- (1) On February 26, 2021, G.I. Poros, 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 February 4, 2021.
- (2) On February 26, 2021, G.I. Poros, 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 February 4, 2021.

COMPLAINT NO. CV-509233-

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

- (1) On February 27, 2021, G.I. Poros, 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 February 4, 2021.
- (2) On February 27, 2021, G.I. Poros, 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 February 4, 2021.

- (3) On February 27, 2021, G.I. Poros, 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 February 4, 2021.

NEGOTIATED SETTLEMENT

Kelly Allen, Attorney at Law, on behalf of the above-noted Licensed Corporation, and Assistant Attorney General Daniel Felder representing the Michigan Liquor Control Commission (Commission).and all law enforcement agencies involved in this matter submitted a Stipulation for Proposed Negotiated Settlement. The Corporation entered a Negotiated Settlement acknowledging all five (5) 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 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 Commission:

PROPOSED NEGOTIATED SETTLEMENT

(1) The Licensee will fully acknowledge charges 1 and 2 as cited in complaint CV-509232 and charges 1, 2, and 3 in complaint CV-509233: all five (5) charges.

(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 of the five acknowledged charges for a total fine of \$1500 and serve a fourteen (14) day suspension from the date of the March 3, 2021 summary suspension: until March 17, 2021.

(4) Both parties 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 no prior violations and one 2018 warning since being licensed on January 11, 2017, 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 and 2 as cited in CV-509232 and charges 1, 2, and 3 as cited in CV-509233.

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 February 26 and 27, 2021 the Licensee allowed indoor dining/gatherings more than 25% capacity and without requiring seating and that on February 27, 2021 the Licensee allowed indoor dining/gatherings without requiring facemasks contrary to Rule 436.1011(1), contrary to the Michigan Department of Health and Human Services Gatherings and Face Mask Order dated February 4, 2021.

As agreed by the parties, the Administrative Law Judge Orders a fine of \$300 for each of the five admitted charges for a total fine of \$1500 and a fourteen (14) day suspension of the

license from the date of the summary suspension: until 7:00 a.m. on March 17, 2021. Further, the Administrative Law Judge Orders that a suspension of seventy-five (75) 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 ninety (90) 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 these matters 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 these complaints have 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: March 9, 2021

Date Mailed: _____

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