City of Birmingham
A Walkable Community

MEMORANDUM

Police Department

DATE: **June 12, 2015**

TO: **Joseph A. Valentine, City Manager**

FROM: **Donald A. Studt, Chief of Police**

SUBJECT: **Step 1: Request to Transfer Ownership of Class C and SDM Liquor Licenses with Sunday Sales (PM) Permit, Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business Id. No. 205823), located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC.**

Step 2: Forest Grill 2, LLC Requests a Membership Transfer of Ownership of Class C and SDM Liquor Licenses with Sunday Sales (PM) Permit, Catering Permit, Outdoor Service Permit and Official Permit (Food), located at 735 Forest, Birmingham, MI., Oakland County, to Elm Restaurant Group, LLC.

The Police Department has received a request from the law firm of Adkison, Need & Allen, PLLC to examine the liquor license request referenced above. Forest Grill 2, LLC has paid the initial fee of $1,500.00 for a business that serves alcoholic beverages for consumption on premises per section 7.33 of the Birmingham City Code.

Step 1

Chapter 126, Zoning, Article 6, Section 6.02 of the Birmingham City Code requires that existing and new establishments with alcoholic beverage sales (on premise consumption) shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a Site Plan Review. Forest Grill 2, LLC reported that there will be no changes to the layout or operation of the establishment. As such, the City Attorney directed that the request for transfer of ownership proceed directly to the City Commission for review. On June 1, 2015, the City Commission approved the SLUP for Forest Grill 2, LLC (minutes pending).

In Step 1, Forest Grill 2, LLC is owned by the following members:

John Kelly – 25%
Doyle Mosher – 25%
Victor Saroki – 25 %
Heath & Wells (members are Ann Templeton and Stephen Templeton) – 25%

Forest Grill 2, LLC will lease the property from the landlord, 735 Forest Street, LLC. The purchase price for the renovations, furniture, fixtures and equipment is $79,000.00 plus an additional $33,666.52 for the inventory. The entire project was funded by capital contributions from the members, each contributing $40,000.00 from existing accounts.

The five majority stockholders for Forest Grill 2, LLC are John Kelly, Victor Saroki, Doyle Mosher, Stephen Templeton and Ann Templeton. John Kelly has owned and operated Kelly Building & Development in Birmingham since 1989 and resides in Bloomfield Hills with his wife. Victor Saroki has owned and operated Saroki Architecture in Birmingham since 1982 and resides in Birmingham with his wife and two children. Doyle Mosher has owned and operated Mosher Dolan, Inc., a building company, since 1978 and resides in Birmingham with his wife. Stephen Templeton has owned and operated Templeton Building Co. since 1982 and resides in Bloomfield Hills with his wife, Ann. Ann Templeton is an interior designer and has worked for Duncan Fuller Interiors since 1975. None of the stockholders have ever owned a liquor license in the past.

Background checks were conducted on all five stockholders utilizing the various resources contained in the Law Enforcement Information Network (LEIN), the Court's Law Enforcement Management Information System (CLEMIS) and the Middle Atlantic-Great lakes Organized Crime Law Enforcement Network (MAGLOCLEN). As a result of these queries, no negative information was obtained.

As a result of this investigation, no information was developed or uncovered that would give cause to deny the applicant's request. A representative from the law firm of Adkison, Need & Allen, PLLC will be present to answer any questions.

Step 2

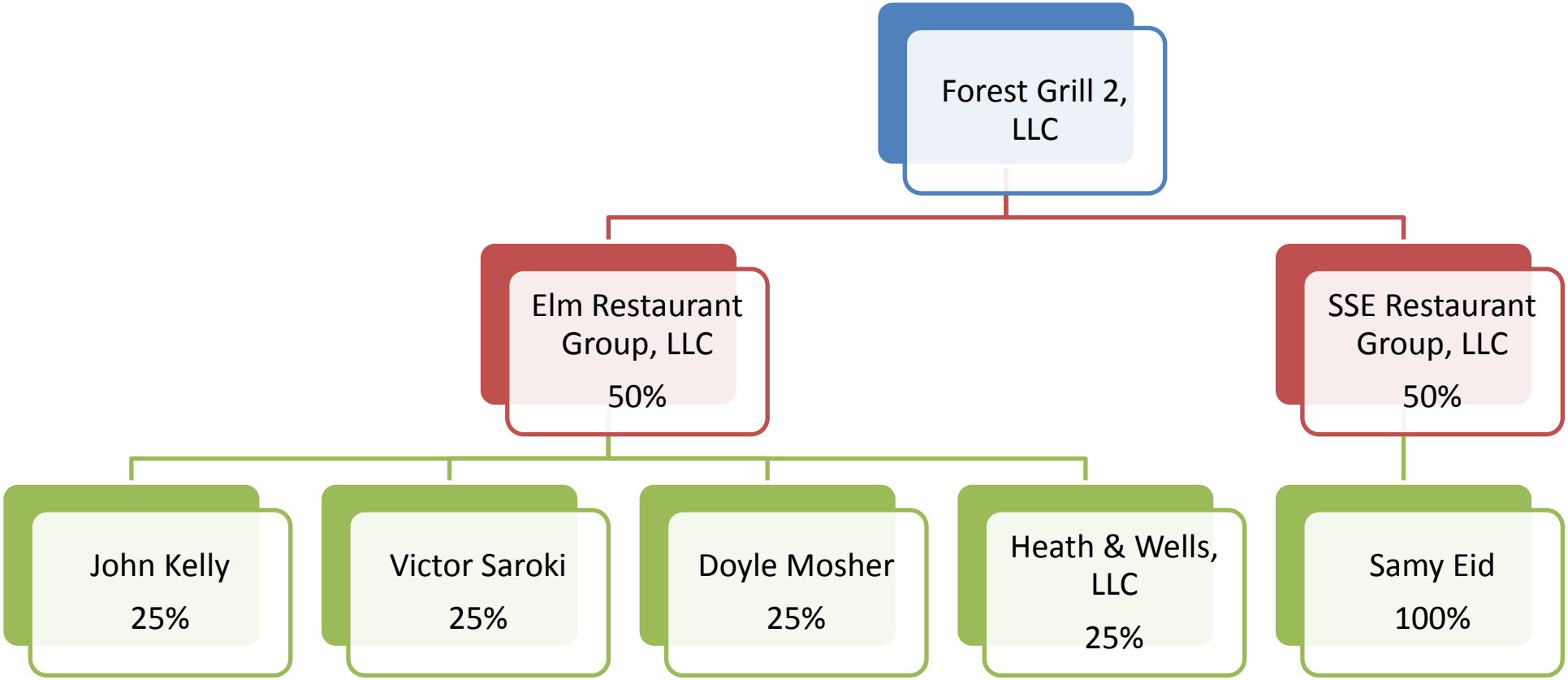
Forest Grill 2, LLC requests a membership transfer of interest to Elm Restaurant Group, LLC. Elm Restaurant Group, LLC is a holding company made up of the exact four stockholders of Forest Grill 2, LLC with the exact same percentage of shares. Forest Grill 2, LLC will still hold the liquor license and still hold the SLUP.

Under revised MLCC rules, an applicant no longer has to request the completion of a Police Investigation Report or a Local Approval Notice. However, pursuant to the City Code, Chapter 10, Alcoholic Liquors, Article II Licenses, Division II Consumption on Premises, Section 10-42, any and all transfers of a license for consumption of intoxicating liquor on premises require the approval of the City Commission.

SUGGESTED RESOLUTION:

To approve the Request to Transfer Ownership of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business Id. No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC and to approve a membership transfer of interest from Forest Grill 2, LLC to Elm Restaurant Group, LLC.

Furthermore, pursuant to Birmingham City Ordinance, to authorize the City Clerk to complete the Local Approval Notice at the request of Forest Grill 2, LLC approving the Request to Transfer Ownership of Class C Liquor License and SDM Liquor Licenses with Sunday Sales (PM), Catering Permit, Outdoor Service Permit and Official Permit (Food) from Bendyl, LLC (Business Id. No. 205823) located at 735 Forest, Birmingham, MI., Oakland County, to Forest Grill 2, LLC and to approve a membership transfer of interest from Forest Grill 2, LLC to Elm Restaurant Group, LLC.


Forest Grill 2, LLC
Elm Restaurant Group, LLC
50%
SSE Restaurant Group, LLC
50%
John Kelly
25%
Victor Saroki
25%
Doyle Mosher
25%
Heath & Wells, LLC
25%
Samy Eid
100%