

DANCE ENTERTAINMENT PERMIT AGREEMENT

BETWEEN

THE CITY OF ROCHESTER HILLS

AND

THIS AGREEMENT, is entered into this 27th day of SEPTEMBER, 2012 by and between the CITY OF ROCHESTER HILLS, a Municipal Corporation, 1000 Rochester Hills Drive, Rochester Hills, Oakland County, Michigan 48309 and Matthew Moore herein after called the Licensee.

WHEREAS, the Licensee is the owner and operator of a certain retail establishment known as Tavern in the Hills located at 1711 E. Auburn Rd. in the City of Rochester Hills and has applied for a Class C Liquor License with a Dance/Entertainment Permit (or a Dance Permit and/or Entertainment Permit) from the City and the Liquor Control Commission of the State of Michigan; and

WHEREAS, the Licensee intends to allow dancing by customers and entertainment for the enjoyment of its patrons and to increase its customers and thereby the profitability of its business; and

WHEREAS, the City is desirous of protecting the public health, safety and welfare by avoiding the creation of sites of disorderly conduct or potential public nuisances and by maintaining good morals within the municipality of the City of Rochester Hills; and

WHEREAS, the City recognizes that increased traffic and police services may be generated by the increased business such a permit may create if the requested permit is approved for Licensee's establishment; and

WHEREAS, the City is desirous of maintaining a standard of entertainment consistent with good morals within the community,

NOW THEREFORE, for and in consideration of the City of Rochester Hills' approval of Licensee's application for the requested Class C Liquor License with Dance/Entertainment Permit in connection with the retail establishment operated by the Licensee described herein in the City of Rochester Hills, Michigan, the Licensee agrees:

1. Licensee shall provide dancing by customers only as described herein and entertainment that is consistent and in keeping with community standards of common decency and good morals at its retail business described herein.
2. Such dancing/entertainment shall not include nude or nearly nude activity, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
3. Licensee shall not offer in the conduct of its business, the services of models, waiters or other employees who are nude, nearly nude, topless or bottomless when performing their service.
4. For purposes of this Agreement, "nude or nearly nude activity" shall mean when a person or persons appears on the licensed premises in such a manner as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when a female appears on the licensed premises in such a manner or attire

as to expose to view the portion of the breast referred to as the areola, nipple, or simulation thereof. A person has "exposed to view" such portions of the anatomy if such portions are naked, uncovered or less than opaquely covered.

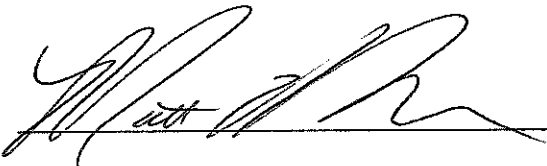
5. In the event of a breach or a threatening breach of the terms of this Agreement, the City shall request Licensee to terminate the offending activity and then shall be entitled, in addition to all other remedies, to the issuance of an ex parte injunction from the Oakland County Circuit Court without showing or providing any actual damage sustained by the City, restraining the Licensee who has committed a breach of any of the terms of this Agreement or who has threatened to do so, from providing dancing and/or entertainment contrary to the terms of this Agreement.

6. This Agreement in all respects hereto shall be binding upon the parties hereto, their assigns, personal representatives and successors and shall remain in full force and effect so long as the restaurant and bar business is located at the premises.

IN WITNESS WHEREOF, the parties hereto have set their names and seals this day and year first above written.

IN THE PRESENCE OF:

Witness: _____

By:  _____
Owner

Witness: _____

Owner

THE CITY OF ROCHESTER HILLS, a
Michigan Municipal Corporation

Witness: _____

By: _____
Bryan K. Barnett, Mayor

Witness: _____

By: _____
Jane Leslie, Clerk



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN LIQUOR CONTROL COMMISSION
ANDREW J. DELONEY
CHAIRMAN

STEVEN H. HILFINGER
DIRECTOR

Notice of Deficiency – Withholding Investigation
(Authorized by R436.1103 (2) & MCL436.1529)

September 4, 2012

M & D Auburn Investments LLC
c/o Matthew M. Moore
14010 Coldwater
Sterling Heights, MI 48313

Request ID #668429

Re: Request to transfer ownership of escrowed 2012 Class C and Specially Designated Merchant licensed business with Sunday Sales Permit (PM) and Dance-Entertainment Permit issued under MCL 436.1531(2), Minimum Seating 100 from Aco Bar & Grill, Inc.; cancel existing Dance-Entertainment Permit; transfer location (governmental unit) from 39079 Mound, Sterling Heights, MI 48310, Macomb County to 1711 E Auburn, Rochester Hills, MI 48307, Oakland County; and request for new Dance-Entertainment Permit.

Investigation of your application is being withheld until you send the items listed below:

- Local Government Approval – Form LC-1305 enclosed and requires a recommendation for new Dance-Entertainment Permit.
- Police Investigation Recommendation – Form LC-1800 enclosed requiring recommendation for new Dance-Entertainment Permit.

Administrative rule R 436.1103(2) requires that “an applicant for a license shall provide the commission or representative of the Commission, all information necessary for investigation and processing of the application.”

To check the status of your request, visit www.michigan.gov/lcc and click on “Online Services”. Scroll down to Liquor Control Commission and click on “Online Status Check.” Enter your request id number (RID) to check on your application 24 hours a day.

To obtain forms visit www.michigan.gov/lcc and click on “forms” then “licensing”; this will take you to the “General Licensing Forms” page. Here you will be able to download licensing forms to assist you with your application.

If you have questions, contact the Retail Licensing Section at (866) 813-0011.

jmm
Enclosures
cc: Aco Bar & Grill, Inc.



Michigan Department of Licensing and Regulatory Affairs
 Liquor Control Commission (MLCC)
 7150 Harris Drive, P.O. Box 30005 - Lansing, Michigan 48909-7505
 Toll Free (866) 813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____

(For MLCC use only)

Local Government Approval

(Authorized by MCL 436.1501)

Instructions for Applicants:

- Provide a copy of your Application for New Licenses, Permits, or Transfer of Ownership or Interest in License (form LCC-3011 for Retail or form LCC-3015 for Manufacturers and Wholesalers) to the local unit of government.

Instructions for Local Legislative Body:

- Complete this resolution, or provide a resolution, a letter of certification from the clerk, or minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)
 called to order by _____ on _____ at _____
(date) (time)
 the following resolution was offered:

Moved by _____ and supported by _____
 that the application from MATTHEW MORNE
(name of applicant)
 for the following license(s): CLASS C
(e.g. Class C, Tavern, B-Hotel, Micro Brewer)

and the following permits, if applied for: Dance Permit Entertainment Permit Topless Activity Permit
 Extended Hours Dance Permit Hours Required: _____
 Extended Hours Entertainment Permit Hours Required: _____

to be located at 1711 Auburn Road, Rochester Hills, MI.
 be considered for _____
(approval or disapproval)

Approval

Disapproval

Yeas: _____
 Nays: _____
 Absent: _____

Yeas: _____
 Nays: _____
 Absent: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)
 approval by the Michigan Liquor Control Commission.

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
 council/board at a _____ meeting held on _____
(regular or special) (date) (township, city, village)

Name and title of authorized officer (please print): _____
 Signature and date of authorized clerk: _____
 Phone number and e-mail of authorized officer: _____

Administrative rule R 436.1105(2) provides that the Commission shall consider all of the following factors in determining whether an applicant may be issued a license or permit:

- (a) The applicant's management experience in the alcoholic liquor business.
- (b) The applicant's general management experience.
- (c) The applicant's general business reputation.
- (d) The opinions of the local residents, local legislative body, or local law enforcement agency with regard to the proposed business.
- (e) The applicant's moral character.
- (f) The order in which the competing initial application forms are submitted to the commission; however, this subdivision shall not apply to an application for a resort license authorized by section 531 of 1998 PA 58, MCL 436.1531.
- (g) Past convictions of the applicant for any of the following:
 - (i) A felony.
 - (ii) A crime involving the excessive use of alcoholic liquor.
 - (iii) A crime involving any of the following:
 - (a) Gambling.
 - (b) Prostitution.
 - (c) Weapons.
 - (d) Violence.
 - (e) Tax evasion.
 - (f) Fraudulent activity.
 - (g) Controlled substances
 - (iv) A misdemeanor of such a nature that it may impair the ability of the applicant to operate a licensed business in a safe and competent manner.
 - (v) Sentencing for any of the offenses specified in this subrule after a plea of nolo contendere.
- (h) The applicant's excessive use of alcoholic liquor.
- (i) The effects that the issuance of a license would have on the economic development of the area.
- (j) The effects that the issuance of a license would have on the health, welfare, and safety of the general public.

Part 3 - Recommendation

Do you have any concerns about the applicant, under this rule, at this time? Yes No

If you answered yes, please provide an explanation on this form, or attach a separate page if more space is needed.

Are the permits requested by the applicant recommended by your department at this time? Yes No

If you answered no, please provide an explanation as to why your department does not recommend this application.
(List your reasons on this form, or attach a separate sheet if more space is needed.)

Name of law enforcement agency: _____

Name and title of approving officer (please print): _____

Signature and date of approving officer: _____

Phone number and e-mail of approving officer: _____

CITY OF ROCHESTER HILLS

CLASS C LIQUOR LICENSE APPLICATION

Date: 5-15-2012

- New Class C License
- Transfer Class C License
- Dance Permit
- Entertainment Permit
- Dance Entertainment Permit

Applicant's Name: Matthew Moore Phone No. 586-291-1384
 Address: 3536 Tremante City Rochester Hills ST MI
 Age: 30 Citizenship: US Date of Birth 3/30/82 Birthplace: Rochester
 If naturalized, year and place: _____

If a partnership, please complete the following:

Partner's Name: Robert Moore Phone No. 586-291-1384
 Address: 14010 Goldwater City Sterling Heights ST MI
 Age: 65 Citizenship: ~~MI~~ US Date of Birth 5/2/47 Birthplace: Detroit
 If naturalized, year and place: _____

Manager's Name: Dani Bozinauski Phone No. 586-344-9289
 Address: 5592 Murray, Macomb twp City Macomb twp ST MI
 Age: 29 Date of Birth: 11/16/82

If a corporation, the names, addresses of the officers and directors, date of birth and age of each:

Robert Moore - ~~14010~~ 14010 Goldwater, Sterling Heights, MI 5-2-1947 65 yrs old
Matthew Moore - 3436 Tremante, Rochester Hills, MI 3-30-1982 30 yrs old

Liquor License Application

Location of Proposed License: 1711 E Auburn Road, Rochester Hills, MI.

Does applicant presently own the premises? Yes

If not, name of owner of premise: _____

Legal Description of Property (Sidwell #) 15-25-458-031

Length of time business has been in operation: Closed

Has applicant ever been convicted of a felony? Yes ___ No X

If convicted of felony, explain: _____

Has applicant previously applied for liquor license? Year requested: 1997 + 2010

Location of business: Lake Orion + Harrison Twp

Was liquor license granted: yes

Have any of the applicants or persons listed above been convicted of a violation of federal or state law concerning the manufacture, possession or sale of alcoholic beverages? Yes ___ No X

Name of person _____

What is the applicant's current business? Bar/Restaurant

Length of time in named business? 15 years

List all uses in addition to sale of alcoholic beverages: Food - Billiards - Entertainment

Does applicant presently operate a restaurant? Yes X No ___

Name and address of restaurant: 1172 Lapeer Road, Lake Orion, MI - Orion Sports Bar & Grill
37030 Jefferson, Harrison Twp. MI - Sam's Bar & Grill

Does applicant presently hold a Class C liquor license? Yes X No ___

Name and address of restaurant: 1172 Lapeer Road, Lake Orion, MI - Orion Sports Bar & Grill
37030 Jefferson, Harrison Twp. MI - Sam's Bar + Sports Grill

List record and history of any liquor license violations by the applicant for preceding ten (10) years

No liquor license violations in the 15 years we have been in business.

Record history of any liquor license violations by the corporation or by a parent of subsidiary corporation of the applicant for the immediate preceding ten (10) years

No Liquor License Violations in the 15 years we have been in business

<u>Proposed Liquor Establishment:</u>	<u>Existing Building</u>	<u>New Construction</u>
Size of Site:	<u>4.41 acres</u>	_____
Size of Building:	<u>4,950</u>	_____
Size of Kitchen:	<u>1,600</u>	_____
Seating Capacity:	<u>99 up to 175</u>	_____
Size of Dance Floor, if any:	<u>10 x 12 ft</u>	_____
Percentage of Floor Area for Dining:	<u>30%</u>	_____
Percentage of Floor Area for Bar:	<u>12%</u>	_____
Present Zoning:	<u>Commercial</u>	_____
Required Zoning:	<u>Commercial</u>	_____
Cost of Remodeling:	<u>\$50,000</u>	_____
Cost of Construction:	<u>—</u>	_____
Estimated Dates of Construction	Start: <u>4/20/2012</u>	Completion: <u>8/20/2012</u>
Total cost to be expended by licensee for the licensed premises:	<u>\$250,000</u>	
Building Plans Submitted – 3 Sets Required:	Number of Copies Enclosed:	<u>3</u>
Site Plans Submitted – 6 Sets Required:	Number of Copies Enclosed:	_____
Do Site Plans show off-street parking and lighting?	Yes _____	No _____

Describe the proposed character/type of establishment (e.g. theme, entertainment, food)

The theme of the TAVERN in the Hills will be that of a Clean, Fun, Family friendly Bar & Grille. A place where a Lawyer, Auto worker or a garbage man can come in and feel equally comfortable. We strive to provide a place where "Everyone has your name" and our customers can enjoy classic American bar fare with a unique twist, at an affordable price in a relaxed atmosphere. Nightly entertainment will consist of two acoustic musicians, for our customers who choose to relax and enjoy conversation & Disc Jockeys for our customers who prefer to dance & let loose.

Describe the proposed full food menu:

At the Tavern our menu will be geared towards classic American Bar fare, with a unique and creative spin. Consisting of starters, signature salads, over sized sandwiches, fresh fish and pastas, along with char-grilled steaks and hand tossed pizzas. A childrens menu will be available to help promote family dining and a few desert options will be available ex: (Deep fried twinkie) SEE copy of Sandbar menu, our Harrison Twp location.

Proposed menu attached: Yes No

Describe the surrounding neighborhood and explain how the proposed establishment fits this location in Rochester Hills.

With the tremendous success and longevity of our Lake Orion and Harrison Township locations, we believe 1711 Auburn Road, Rochester Hills is a perfect fit for our business. With the densely populated neighborhoods and the blue collar mentality the TAVERN will be a great spot for the community to enjoy. As a Rochester resident I feel that this area in Rochester Hills along Auburn road is lacking a nice neighborhood TAVERN.

Revenues: Provide a breakdown of the anticipated revenues from food, alcoholic beverages and other revenues (copy must be attached):

Food - \$360,000 Beverage - \$600,000
Gaming - \$60,000

Evidence of Financial Responsibility:

Amount of Funds supplied by Principals: \$250,000
Amount of Funds to be Financed: Zero
Name of Financer/Phone Number: _____

Paul Swanson 313-300-4230
Mike Warner 248-464-4099
Tim Easterwood 586-255-1054

Personal References/Phone Number:

DANA Stark 586-491-3826
Frances Cardero 248-877-0701
Boris Bozianowski 586-530-2755

Business References/Phone Number:

~~Scott [unclear] [unclear]~~
~~[unclear] [unclear] [unclear] [unclear]~~
~~Paul Swanson 313-300-4230~~
~~248-464-4099~~

Has applicant completed a certified training program? Yes No

Have employees completed a certified training program? Yes No

Names and addresses of those completing program

Deni Bozianowski - 50592 Murray, Macomb twp
Janis Rizzo - 27320 10 mile Road, Saint Clair Shores

Applicant understands that should any of the above information prove to be inaccurate or untruthful, it will be grounds to deny applicant's request or revoke any approvals.

I (We) Robert Moore & Matthew Moore
affirm I (We) will not violate any of the laws of the State of Michigan or of the United States or any ordinances of the City of Rochester Hills in the conduct of my (our) business, and acknowledge receipt of a copy of Chapter 6, Alcoholic Liquor of the Rochester Hills Code of Ordinances.

I hereby certify the above information to be true and accurate to the best of my (our) knowledge.

[Signature] 5-15-12
Applicant Signature/Date

[Signature] 5-15-12
Applicant Signature/Date

This application is not considered complete until applicant has made contact with the Rochester Hills Contingent of the Oakland County Sheriff's Department and complied with fingerprinting and any other necessary requirements of the Oakland County Sheriff's Department.