

# Posturing

## Opposition to Bootleggers affirmed

By Casey Hane  
staff writer

While the Michigan Liquor Control Commission holds a liquor license in escrow for The Bootleggers in Farmington, local officials are contending the license is no longer valid.

The bar's parent company, Pal Joey's Inc., 32305 Grand River, became involved in litigation more than a year ago with the City of Farmington when the city filed an objection to the facility's Class C liquor-by-the-glass license renewal through the liquor commission.

"We know the city's position, and don't feel it's correct," Kevin Thom, assistant attorney general handling the case, said. The license remains in the Pal Joey's Inc. name, but is "not in active operation," a spokeswoman for the department confirmed.

"We're not buying that," Farmington City Manager Robert Deadman said. The city may seek a Michigan attorney general's opinion to clarify the point, but said presently that issue is not crucial. "There is no current proposed use for that license in this community," he added.

THE LITIGATION effort was spotlighted again March 5, when the Michigan Supreme Court denied the bar an appeal hearing by a 5-4 vote, according to Thom and information presented March 17 to the Farmington City Council.

The high court's denial followed rulings from the Ingham County Circuit Court and the Michigan Court of Appeals in favor of Farmington.

"The court stated that it was not persuaded that the questions presented should be reviewed by Supreme Court," City Manager Robert Deadman told the council.

Pal Joey's Inc. has until March 26 — 21 days from the decision — to motion the court to reconsider, Thom said. Farmington Hills attorney Norman Farhat, who represents The Bootleggers, could not be reached for comment about whether his client would appeal.

THE COUNCIL voted Monday to reaffirm the city's position with the Michigan Liquor Control Commission in Lansing, indicating:

- the city considers the matter closed.
- the license to Pal Joey's Inc. has been forfeited.
- the city will not consider the reissuance of this license.
- any rights Pal Joey's Inc. may have had to the license were terminated with the council's decision not to renew.

"We would further recommend . . . that the license is now available for issuance to parties approved by the Michigan Liquor

**'We know the city's position (about the status of the liquor license), and don't feel it's correct.'**

— Kevin Thom,  
assistant attorney general

Control Commission and the council," Deadman's report to council said.

But while the license is in escrow, the Bootleggers owner retains control, according to the state commission. "Pal Joey's has been attempting to sell the liquor license," Thom said. Thus far, it has been unsuccessful.

The commission has not received a transfer request from owner Joe Asclone. Any transfer of the Class C license would require approval of the council and would have to meet the liquor control commission qualifications, he added.

Under commission rules, the liquor license will remain in escrow unless the owner fails to file an annual renewal request, causing it to expire, Thom said. He does not know if a renewal request has been filed yet this year, but said his agency sent a letter with this information to Asclone.

IN MARCH 1984, Farmington City Council objected to renewal of the bar's license at the end of the licensing year April 30, under Section 17 of the Liquor Control Act. "It was not renewed," Thom said. "The liquor commission was bound to that (the city's) decision."

At around the same time, Asclone obtained an injunction in Ingham County Circuit Court allowing the bar to stay open. It closed shortly after, officials said.

Asclone opened his bar in June 1981, and received liquor license renewals annually — without objection — until 1984. Homeowner complaints while the bar was open included alleged fistfights, urinating in the parking lot, trespassing, and patrons shouting obscenities, squealing tires and honking horns.

Farmington public safety officials also relayed statistics of 100 incidents occurring at the bar during one year to which police responded.

A reported increase in drunk driving incidents in 1983 spurred the city to take action the following year.

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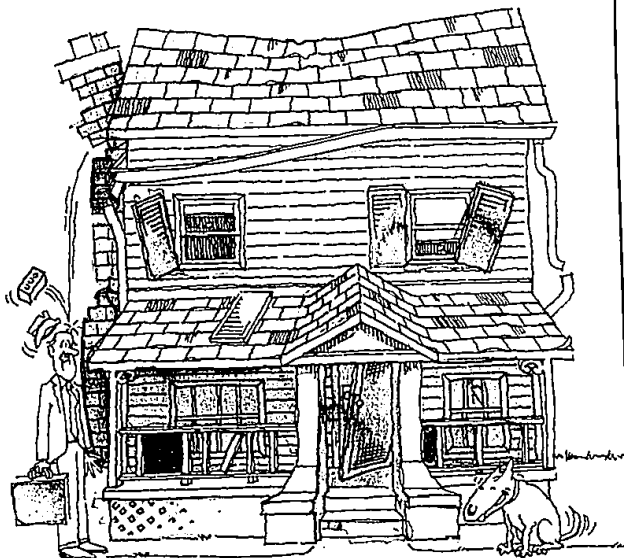
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