

STATE OF MICHIGAN  
COURT OF APPEALS

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OLYMPIA SHISH-KEBAB, INC.,

Plaintiff-Appellant,

v

MICHIGAN GAMING CONTROL BOARD,

Defendant-Appellee.

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UNPUBLISHED

December 28, 2004

No. 250021

Wayne Circuit Court

LC No. 03-305273-CZ

Before: Murphy, P.J., and White and Kelly, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the trial court's order granting defendant's motion for summary disposition under MCR 2.116(C)(10). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E). Defendant moved for summary disposition in part on the basis that it has exclusive jurisdiction to determine if plaintiff is a casino supplier under the Michigan Gaming Control and Revenue Act, MCL 432.201 *et seq.*, and that plaintiff failed to exhaust its administrative remedies before filing this circuit court action. The trial court agreed that plaintiff was subject to defendant's jurisdiction because it agreed to participate in a coupon reimbursement program to provide meals to customers of the Greektown Casino.

In a similar case, this Court recently held that defendant has exclusive jurisdiction to decide if a restaurant supplying complimentary meals to casino patrons is a supplier under the Michigan Gaming Control and Revenue Act and that, before filing an action in the circuit court, the restaurant must exhaust its administrative remedies. *Papas v Gaming Control Bd*, 257 Mich App 647; 669 NW2d 326 (2003), lv den 470 Mich 893; 683 NW2d 145 (2004). The decision in *Papas* is dispositive of this appeal. Accordingly, summary disposition was properly granted.

Affirmed.

/s/ William B. Murphy

/s/ Helene N. White

/s/ Kirsten Frank Kelly