



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)
FRENCH VALLEY VINEYARD, L.L.C.)
3655 S. French Rd.) Request ID No. 630290
Cedar, Michigan 49621)
)
Centerville Township Leelanau County)
_____)

At the May 15, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On December 6, 2011, French Valley Vineyard, L.L.C. (applicant) filed a request for a new Small Wine Maker license to be located at the above-noted location.

At a meeting held on April 4, 2012, the Commission denied this request under MCL 436.1603(3) as the applicant member, Stephen Kozelko, holds an indirect interest by interlocking stock ownership in The Vineyard Inn on Suttons Bay, LLC, holder of Class C and SDM licenses, through the Stephen E. Kozelko Revocable Trust.

Louis Tocco, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter, and Attorney Michael Corcoran represented the applicant at the May 15, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file, including the Fifth Amendment to Revocable Living Trust of Stephen E. Kozelko submitted by the applicant, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated updated records removing the previous questions concerning applicant

member, Stephen Kozelko.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of April 4, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. The licensee shall submit to the Commission a Federal Basic Permit issued by the Alcohol, Tobacco, Tax & Trade Bureau (TTB) under administrative rule R 436.1708(1).
2. A final inspection will be conducted by the MLCC Enforcement Division to determine that all fixtures and equipment have been installed; to determine the true cost and method of financing; and to determine that the establishment meets all MLCC requirements.
3. The licensee shall submit proof of financial responsibility providing security for liability as required under MCL 436.1803. Failure to maintain proof of financial responsibility providing security for liability will result in the immediate suspension of the subject license until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.
4. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the license, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as

provided in administrative rule R 436.1060.

- b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the license shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license.

B. The Commission also advises the applicant of the following:

1. The licensee is allowed to produce not more than 50,000 gallons of wine in one (1) calendar year; may provide samples to consumers at the licensed premises of the wine they manufacture; and also sell that wine for consumption off the licensed premises as defined under MCL 436.1113(9) and MCL 436.1537.
2. A report of operations shall be filed with the Commission no later than the fifteenth day of each month reporting the preceding month's activity. A copy of each invoice shall accompany the report along with payment of the wine excise tax as required under MCL 436.1301 and administrative rule R 436.1725(1).
3. All wine products shall be labeled in accordance with the federal wine regulations published in 27 C.F.R. prior to the sale in Michigan under administrative rule R 436.1719.
4. All wine products shall receive a registration number of approval from the Commission prior to the sale in Michigan under administrative rule R 436.1719.
5. A schedule of the net cash prices to retail licensees for all sales of wine shall be filed before January 1, April 1, July 1, and October 1 of each year under administrative rule R 436.1726 (1).

C. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the

licensee. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements.

D. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 17, 2012

Prepared by:
Terri Chase, Commission Aide



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)
QUALITY DAIRY COMPANY)
1414 S. Washington) Request ID No. 48435
Lansing, Michigan 48910)
Ingham County)
_____)

At the May 15, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On April 13, 2011, Quality Dairy Company (applicant) filed a request for an extension of time beyond five (5) licensing years in which to renew the SDD and SDM licenses with Sunday Sales Permit (P.M) under administrative rule R 436.1107 at the above-noted location.

On March 14, 2012, the Commission denied the applicant's request under administrative rule R 436.1107 because the applicant did not demonstrate good cause to grant an extension of time.

G. Sal Gani, legal counsel on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 15, 2012 hearing, at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant demonstrated a plan to transfer the license to another location.

The applicant's request for an extension of time beyond five (5) licensing years under administrative rule R 436.1107 is granted for reasons stated on the record.

THEREFORE, IT IS ORDERED that:

- A. The denial order of March 14, 2012 issued in this matter is reversed, and the applicant's request is APPROVED and the escrow period is extended to April 30, 2013 under administrative rule R 436.1107.
- B. The licensee shall submit executed renewal form(s) and payment of the statutory license fees for the SDD and SDM licenses with Sunday Sales Permit (P.M.), for the 2011-2012 and 2012-2013 licensing years within 15 days from the mailing date of this order.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 17, 2012

Prepared by:
Terri Chase, Commission Aide



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In the matter of the request of)	
WILLARD G. LEENHOUTS POST NO. 6)	
THE AMERICAN LEGION)	
10820 Paw Paw)	Request ID No. 632020
Holland, Michigan 49423)	
)	
Ottawa County)	
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At the May 15, 2012 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner

LICENSING APPEAL ORDER

On January 19, 2012, Willard G. Leenhouts Post No. 6, The American Legion (applicant) filed a request for new authorization for the outdoor sale, service and consumption of alcoholic liquor in an area measuring up to 210' x 234', to be located directly adjacent to the licensed premises and which is defined by the licensed premises on the North side, trees and bushes on the East side, Ottawa County owned buildings, trees and shrubbery on the West side, and a creek and the American Legion Memorial Park on the South side, to be held in conjunction with a 2012 Club license with Sunday Sales Permit (P.M.) and Dance Permit at the above-noted location.

At a meeting held on March 28, 2012, the Commission denied this request under administrative rule R 436.1105(2)(j) and administrative rule R 436.1419(1) and (2) because

the area is not well-defined and clearly marked; therefore, the area may be difficult for the club members and employees to sufficiently monitor the area, which could have a negative impact on the health, safety and welfare of the members of the club and the general public.

David Bradley, member on behalf of the applicant, submitted a timely request for an appeal in this matter and represented the applicant at the May 15, 2012 hearing, at the Commission's Lansing office.

After hearing arguments and reviewing the MLCC file and exhibit presented, the Commission finds that the previous Order of denial should be reversed and that the request be approved.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of March 28, 2012 issued in this matter is reversed and the applicant's request is APPROVED, subject to the following:

1. A final inspection is to be conducted by the Commission's Enforcement Division to determine that the proposed outdoor service area is well-defined and clearly marked.
2. The licensee shall permit the sale, service and consumption of alcoholic liquor outdoors in the defined areas only.

B. Under administrative rule R 436.1003, the licensee must comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this permit by the Michigan Liquor Control Commission does not waive any of these requirements.

C. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license and permits.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 17, 2012

Prepared by:
Terri Chase, Commission Aide