



appeal in this matter and both represented the applicant entity at the April 14, 2015 hearing, held 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 adequately addressed the Commission's concerns with this application.

Article IV, Section 40, of the Michigan Constitution (1963), permits the legislature to establish a Liquor Control Commission, which shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. MCL 436.1201(2) provides the Commission with the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof.

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537(1)(f) and (g), the licensee may sell beer, wine, mixed spirit drink and spirits for consumption off the premises only.

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

THEREFORE, IT IS ORDERED that:

A. The denial order of March 11, 2015 issued in this matter is reversed and the applicant's request for conditional Specially Designated Distributor and Specially Designated Merchant licenses under MCL 436.1525(6) is APPROVED, subject to the following:

1. The existing licenses and permit shall be submitted to the Commission before or at the time of the issuance of the conditional license, and remain in escrow under administrative rule R 436.1107 until one of the expiration factors is reached under MCL 436.1525(8).
2. The conditional license is non-transferable and non-renewable, and expires one year after the date the conditional license was issued unless one of the other expiration factors is reached earlier under

MCL 436.1525(8).

3. The conditional licensee shall submit to the Commission form LCC-3014 "Request and Notice of License to Be Placed in Escrow".
4. The conditional licensee shall maintain 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 licenses and permit until the conditional licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

B. The applicant's request for a conditional permit to sell alcoholic liquor after Noon on Sundays is APPROVED, subject to the following:

1. A reference to the time of day includes daylight savings time, when observed.
2. This permit is subject to revocation by operation of law or otherwise if the Commission receives notice from a county, city, village or township that it prohibits the sale of spirits, mixed spirit drink, or beer and wine during the time authorized by this permit.

C. Failure by the conditional licensee to comply with all laws and rules may result in the revocation of the approval contained in this order.

D. The approval of this conditional license does not guarantee approval by the Commission of the request to transfer the existing license. Any investments made by the conditional license applicant are done at the applicant's risk.

E. Under administrative rule R 436.1003, the conditional 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 the conditional license by the Michigan Liquor Control Commission does not waive any of these requirements. The conditional licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

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

MICHIGAN LIQUOR CONTROL COMMISSION



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Andrew J. Deloney, Chairman



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Dennis Olshove, Commissioner

Date Mailed:

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