



BUSINESS MEETING OF THE  
MICHIGAN LIQUOR CONTROL COMMISSION

Held: Tuesday, December 17, 2013  
Lansing District Office  
7150 Harris Drive  
Lansing MI 48909

Present: Andrew J. Deloney, Chairman  
Dennis Olshove, Commissioner

Absent: Teri L. Quimby, Commissioner

Staff: Julie Wendt, Director of Executive Services Division  
Kerry Krone, Business Manager  
Andrea Miller, LARA Communications  
Anita Fawcett, Executive Services Division

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The meeting was called to order by Chairman Deloney at 9:40 a.m., noting a quorum was present.

- I. **Moved by Commissioner Olshove, supported by Chairman Deloney, that the minutes of the Commission meeting of December 10, 2013, be approved as written and presented, motion carried by unanimous vote.**
  
- II. Chairman Deloney presented a request for a declaratory ruling from Attorney Peter F. Ewasek on behalf of Holly Foods, Inc. (petitioner). Chairman Deloney stated that the petitioner requested that the Commission declare that administrative rule R 436.1133 (Rule 33) is not valid, as applied to the specific facts presented, because it discriminates against the petitioner in favor of other licensees; the rule exceeds the rule-making authority delegated to the Commission under the Michigan Liquor Control Code of 1998 (Code); and the rule was rescinded by operation of law when the Code was adopted. Chairman Deloney advised the request was received on September 23, 2013, and at a meeting on October 15, 2013, the Commission granted the request for a declaratory ruling.

Chairman Deloney stated that the crux of this request for declaratory ruling is the promulgation of Rule 33 which was the basis for the denial of the petitioner's application for a new Specially Designated Distributor (SDD) license. He advised that Rule 33 was properly promulgated under the provisions of the Administrative Procedures Act with legislative oversight; is applied uniformly as part of the licensing qualifications for a new SDD license; and remains in effect until rescinded or otherwise changed according to law under the Code and the Administrative Procedures Act.

**Moved by Chairman Deloney, supported by Commissioner Olshove, that the declaratory ruling be issued which concludes that administrative rule R 436.1133 was properly promulgated, is a licensing qualification that applies uniformly to all applicants for new Specially Designated Distributor licenses, and was not rescinded by operation of law when the code was adopted by the Legislature.**

**III. Old Business.**

There was no Old Business.

**IV. New Business.**

There was no New Business.

**V. Public Comments.**

Joe Cekola, President of Imperial Beverage Company, updated the Commission on their application to be certified as an authorized distribution agent (ADA). He explained that the majority of their infrastructure is completed and they are currently working with the State of Michigan (State) to finish the writing of the IT programs based upon the current State program rather than waiting for the new program to be implemented. Chairman Deloney stated that phase one of the project has been completed but not tested. He indicated that with the leadership changes at DTMB, the Commission has reasonable confidence that the project may be concluded over the next couple of months; however, there is not a timetable for completion of the project.

Mike Tobias, Michigan Coalition to Reduce Underage Drinking, thanked the Commission for all that they do for the State of Michigan and indicated that the new prevention and education section is a tremendous addition to the Commission website.

**With no further business, moved by Commissioner Olshove, supported by Chairman Deloney, that the business meeting be adjourned at 9:50 a.m., motion carried by unanimous vote.**

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Anita Fawcett  
Executive Services

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Andrew J. Deloney  
Chairman