



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

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In the matter of the request of)) MCINTOSH APPLE ORCHARDS, L.L.C.) 6431 107 th Avenue) South Haven, Michigan 49090)) Casco Township Allegan County) _____)	Request ID No. 555283
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At the February 24, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

LICENSING APPEAL ORDER

On February 26, 2010, McIntosh Apple Orchards, L.L.C. (licensee) filed a request for a new Small Distiller license and a new Micro Brewer license, to be held at the above-noted address.

The request was approved by the Commission on June 16, 2010 and a closing package was mailed to the licensee on June 22, 2010. A follow up letter was mailed to the licensee on December 27, 2011 listing the deficiencies required for license issuance and sufficient closing documents were provided relative to the Micro Brewer license; and that license was issued to the applicant on April 11, 2013. Closing documents needed for issuance of the Small Distiller license have not yet been submitted.

Therefore, at a meeting held on November 25, 2014, the Commission rescinded the approval order of June 16, 2010 and denied the request under administrative rule R 436.1103(2) because the licensee failed to provide all documentation necessary to complete the issuance of the Small Distiller license since the request was approved.

The licensee, Bruce McIntosh, submitted a timely request for an appeal in this

matter and represented the applicant at the February 24, 2015 hearing, held at the Commission's Lansing office.

After hearing arguments, reviewing the MLCC file and documents presented, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated through testimony and submission of updated documents that the previous questions concerning this application have been satisfactorily addressed.

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

THEREFORE, IT IS ORDERED that:

A. The denial order of November 25, 2014 issued in this matter is reversed and the applicant's request for a new Small Distiller license 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. The licensee shall provide and maintain a surety bond, under MCL 436.1801(a).
3. The licensee shall pay all license fees by April 30th each year.
4. The licensee shall not manufacture more than 60,000 gallons of spirits annually, of all brands combined, may provide samples to consumers at the licensed premises at no charge of the spirit products it manufactures; may sell for consumption on the licensed premises brands it manufactures; and sell for consumption off the

licensed premises for not less than the uniform price set by the Commission under MCL 436.1111(9), MCL 436.1534, MCL 436.1537(p), MCL 436.1603(5)(6) and administrative rule R 436.1529.

5. The licensee shall package, mark, brand and label all spirit products in accordance with the federal distilled spirit regulations published in 27 C.F.R. prior to the sale in Michigan under administrative rule R 436.1825 and R 436.1829.
6. The licensee shall receive a registration number of approval from the Commission prior to the sale of all spirit products in Michigan under administrative rule R 436.1829(d).
7. The licensee shall register with the Commission as a Vendor of Spirits and be represented by a licensed Vendor Representative to sell spirit products it manufactures to the Commission under MCL 436.1113(4), administrative rule R 436.1001(w) and administrative rule R 436.1853(4).
8. The licensee shall contract with an Authorized Distribution Agent to warehouse and deliver its spirit products to retailers through the Commission's spirit distribution system under administrative rule R 436.1802(1).
9. 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 licenses 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.

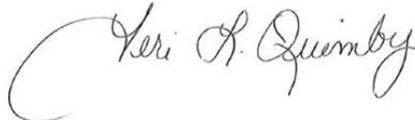
B. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license by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



Dennis Olshove, Commissioner

Date Mailed:

tlc