



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

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In the matter of the request of)) THE MITTEN BREWING COMPANY, LLC) 527 Leonard St. NW) Grand Rapids, Michigan 49504)) Kent County) _____)	Request ID No. 663120
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At the February 3, 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 September 12, 2012, the Commission approved the request of The Mitten Brewing Company, LLC (licensee) for a new Micro Brewer license and a new Small Wine Maker license to be held at the above-noted location. The Micro Brewer license was issued to the licensee on October 3, 2012. Issuance of the Small Wine Maker license has been withheld pending submission of the federal wine permit and federal bond by the licensee.

At a meeting held on November 25, 2014, the Commission denied the request for a Small Wine Maker License under administrative rule R 436.1103(2) because the applicant failed to provide all documentation necessary to complete the issuance of the license since the request was approved.

The licensee, Max Trierweiler, submitted a timely request for an appeal in this matter and represented the licensee at the February 3, 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.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have 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 under MCL 436.1201(2).

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 November 25, 2014 issued in this matter is reversed and the applicant's request for a new Small Wine Maker license is APPROVED, subject to the following:

1. The licensee shall submit to the Commission form LCC-3010 "Report of Stockholders/Members/Partners".
2. 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).
3. The licensee shall provide and maintain a surety bond, under MCL 436.1801(a).
4. The licensee shall pay all license fees by April 30th each year.
5. The 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 license until the licensee provides the Commission with proof of financial responsibility as required under MCL 436.1803.

6. The licensee is prohibited from producing more than 50,000 gallons of wine in one calendar year.
7. The licensee 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 (1)(o).
8. The licensee shall comply with the tax collection and reporting system under MCL 436.1301 and MCL 436.1409.
9. The licensee shall label all wine products 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.
10. The licensee shall not sell wine products until a registration number of approval has been received from the Commission under administrative rule R 436.1719.
11. The licensee shall file a schedule of the net cash prices to retail licensees for all sales of wine before January 1, April 1, July 1, and October 1 of each year under administrative rule R 436.1726 (1).

B. The Commission finds that the applicant has provided acceptable server training certification at this location upon the issuance of the Micro Brewer license, to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1).

1. The licensee shall maintain active certification of completion for server training, as required under MCL 436.1501(1), on the licensed premises at all times as provided in administrative rule R 436.1060. Failure to comply with this order and maintain active certification of completion for server training on the licensed premises at all times shall result in the licensee being charged with failure to comply with statute, administrative rule, or both, which may result in fines, suspension, and/or revocation of the license.

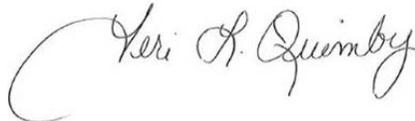
C. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license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