Michigan Liquor Control Code, Administrative Rules and Related Laws

Michigan Liquor Control Commission

Department of Licensing and Regulatory Affairs
Mike Zimmer, Director

Rick Snyder, Governor

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FOREWORD

As one of 18 control states, the Michigan Liquor Control Commission's guiding philosophy is to make alcoholic beverages available while regulating their sale and distribution in order to protect the rights and interests of Michigan citizens. The Commission believes this can be accomplished most effectively through selective licensing and strict enforcement. The observance of all liquor laws and the rules of the Commission is in the best interest of everyone - - - the public, the licensees and the alcoholic beverage industry.

This publication contains the Liquor Control Code statutes and the administrative rules of the Liquor Control Commission. In addition, it contains certain other laws which are often used by liquor licensees, such as those regarding youth employment. The laws and rules contained in this printing are those in effect as of April 21, 2011. However, because laws and rules are constantly changing, subscriptions for updates to this publication are also available (*use the form on the next page)*. Any colored pages which may be included with this book are amendments to the original printing and should replace pages with the same number.

IMPORTANT: Information on obtaining a license to sell alcoholic beverages at retail or the transfer of an existing license is available from the Commission's Lansing Office or on their website at www.michigan.gov/lcc. Applicants should not invest any money nor commit themselves by any binding agreement in the expectation of receiving a license until officially notified of the Commission's approval. Applicants are also warned against payment of any money to persons who claim they can obtain a license. This is a form of deception and fraud and persons soliciting and/or accepting money under such pretenses will be prosecuted.

MICHIGAN LIQUOR CONTROL COMMISSION
525 W. Allegan
P.O. Box 30005
Lansing, MI 48909-7505

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(25) A wholesaler shall not waive any of the rights granted in any provision of this section. Nothing in this section shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.

(26) A successor to a supplier that continues in business as a brewer, an outstate seller of beer, or a master distributor shall be bound by all terms and conditions of each agreement of the supplier with a wholesaler licensed in this state that were in effect on the date on which the successor received the distribution rights of the previous supplier.

(27) This section shall apply to agreements in existence on June 26, 1984, as well as agreements entered into or renewed after that date.

(28) If a supplier engages in conduct prohibited under this section, a wholesaler with which the supplier has an agreement may maintain a civil action against the supplier to recover actual damages reasonably incurred as the result of the prohibited conduct. If a wholesaler engages in conduct prohibited under this section, a supplier with which the wholesaler has an agreement may maintain a civil action against the wholesaler to recover actual damages reasonably incurred as the result of the prohibited conduct.

(29) A supplier that violates any provision of this section is liable for all actual damages and all court costs and reasonable attorney fees incurred by a wholesaler as a result of that violation. A wholesaler that violates any provision of this section is liable for all actual damages and all court costs and reasonable attorney fees incurred by the supplier as a result of that violation.

(30) A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to this section.

(31) Except as otherwise provided in this section, if a court finds that a supplier has not acted in good faith in effecting an amendment, termination, cancellation, or nonrenewal of any agreement; or has unreasonably withheld its consent to any assignment, transfer, or sale of a wholesaler's business, it may award exemplary damages, as well as actual damages, court costs, and reasonable attorney fees to the wholesaler who has been damaged by the action of the supplier.

(32) Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of this section. If the court grants injunctive relief or issues a temporary restraining order, bond shall not be required to be posted.

(33) The procedure for resolving any violation of subsection (3)(a), (b), (c), (e), (f), (h), (i), (j), (k), (l), or (4) shall be the procedure prescribed by this act and the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. Any other violation of or dispute regarding this section, unless the dispute is resolved pursuant to subsections (18) to (24), shall only be resolved by a civil action in court as provided in this section and not by the commission.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998

436.1405 Brewpub license; requirements for issuance.

Sec. 405.

(1) Subject to section 407, the commission shall issue a brewpub license to a person who is licensed as a food service establishment under the food law, 2000 PA 92, MCL 289.1101 to 289.8111, and who at the time of application for the brewpub license is licensed and continues to be licensed as 1 or more of the following:
   (a) Class C.
   (b) Tavern.
   (c) Class A hotel.
   (d) Class B hotel.

(2) A brewpub shall possess the necessary equipment for a satisfactory operation which shall be maintained in good working order and in a sanitary condition.

(3) Agricultural products processed by a manufacturer shall comply with state law and with rules of the department of agriculture.

(4) A brewpub shall not sell beer in this state unless it provides for each brand or type of beer sold a label that truthfully describes the content of each container and provides proof that a valid "application for and certification/exemption of label/bottle approval" has been obtained and is unrevoked under the federal malt beverage labeling requirements as published in 27 CFR 7.20 to 7.29, which are hereby adopted by reference.

(5) Each location of a brewpub shall have a manufacturing operation on the licensed premises that complies with subsection (6). A brewpub shall apply for and obtain a license for each location of that brewpub. In determining the 18,000-barrel threshold, all brands and labels of the brewpub produced in this state shall be combined.
(6) Beer shall be manufactured pursuant to federal malt beverage regulations published in 27 CFR 25.1 to 25.301, which are hereby adopted by reference.
(7) Each brewpub shall submit to the commission, on forms acceptable to the commission and postmarked not later than January 15, April 15, July 15, and October 15 of each year, a beer tax report of all beer sold under their brewpub license during the preceding quarter. Each brewpub shall also submit, with the beer tax report, the payment of the required beer excise tax due pursuant to section 409.
(8) A brewpub shall be the holder of a "brewers notice" as issued by the United States department of treasury, alcohol and tobacco tax and trade bureau in accordance with 27 CFR 25.61 to 25.85.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998; Am. 2014, Act 353, Imd. Eff. Oct. 17, 2014

436.1407 Brewpub license; additional requirements; renewal and revocation of license.

Sec. 407.

(1) The commission shall grant a brewpub license to a person who, in addition to complying with section 405, does all of the following:
    (a) Pays the fee as prescribed in section 525.
    (b) Provides evidence to the commission that not less than 25% of the gross sales of the restaurant during the 1-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises.
    (c) Complies with section 405(3) through (8).
(2) The commission shall renew a brewpub license of a person who does all of the following:
    (a) Pays the fee as prescribed in section 525.
    (b) Provides evidence to the commission that not less than 25% of the gross sales of the restaurant during the 1-year licensure period are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises.
    (c) Complies with section 405(3) through (8).
(3) The commission shall revoke a brewpub license if, during the 1-year licensure period, less than 25% of the gross sales of the restaurant are derived from the sale of food and nonalcoholic beverages prepared for consumption on the premises.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998

436.1409 Beer; taxation; payment of tax by wholesaler; designation; tax collection and reporting requirements by rule; exemptions; rebate; barrel as containing 31 gallons; rule prohibiting licensees from purchasing, receiving, possessing, or selling beer manufactured in designated states; judicial review; tax credit or refund; "eligible brewer" defined.

Sec. 409.

(1) Except as provided in this section, the commission shall levy and collect a tax on all beer manufactured or sold in this state at the rate of $6.30 per barrel if the beer is sold in bulk or in different quantities. Before February 1, 2015, the tax shall be paid by the brewer or brewpub if manufactured in this state or by the wholesaler or the person from whom purchased if manufactured outside this state, whichever is designated by the commission.
(2) Beginning on and after February 1, 2015, the tax shall be paid by the brewer or brewpub if the beer is manufactured in this state or if the beer is manufactured outside this state the tax shall be paid by the wholesaler assigned to distribute that beer and the tax shall be levied and collected on the number of barrels the wholesaler actually sold to licensed retailers in this state. A brewer may designate a wholesaler to pay the tax on behalf of the brewer. If a brewer designates a wholesaler to pay the tax on its behalf, the brewer shall notify the commission of the designation and provide the commission with a copy of its brewer's report of operations that it filed with the alcohol and tobacco tax and trade bureau of the United States department of treasury for each calendar year.

MICHIGAN LIQUOR CONTROL CODE OF 1998
Act 58 of 1998

AN ACT to create a commission for the control of the alcoholic beverage traffic within this state, and to prescribe its powers, duties, and limitations; to provide for powers and duties for certain state departments and agencies; to impose certain taxes for certain purposes; to provide for the control of the alcoholic liquor traffic within this state and to provide for the power to establish state liquor stores; to prohibit the use of certain devices for the dispensing of alcoholic vapor; to provide for the care and treatment of alcoholics; to provide for the incorporation of farmer cooperative wineries and the granting of certain rights and privileges to those cooperatives; to provide for the licensing and taxation of activities regulated under this act and the disposition of the money received under this act; to prescribe liability for retail licensees under certain circumstances and to require security for that liability; to provide procedures, defenses, and remedies regarding violations of this act; to provide for the enforcement and to prescribe penalties for violations of this act; to provide for allocation of certain funds for certain purposes; to provide for the confiscation and disposition of property seized under this act; to provide referenda under certain circumstances; and to repeal acts and parts of acts.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 320, Imd. Eff. Dec. 27, 2005

CHAPTER 1

436.1101 Short title.

Sec. 101.

This act shall be known and may be cited as the “Michigan liquor control code of 1998”.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1103 Meanings of words and phrases.

Sec. 103.

For the purposes of this act, the words and phrases defined in this chapter have the meanings ascribed to them in this chapter, unless the context requires otherwise.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1105 Definitions; A, B.

Sec. 105.

(1) "Alcohol" means the product of distillation of fermented liquid, whether or not rectified or diluted with water, but does not mean ethyl or industrial alcohol, diluted or not, that has been denatured or otherwise rendered unfit for beverage purposes.
(2) "Alcohol vapor device" means any device that provides for the use of air or oxygen bubbled through alcoholic liquor to produce a vapor or mist that allows the user to inhale this alcoholic vapor through the mouth or nose.
(3) “Alcoholic liquor” means any spirituous, vinous, malt, or fermented liquor, powder, liquids, and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing 1/2 of 1% or more of alcohol by volume that are fit for use for food purposes or beverage purposes as defined and classified by the commission according to alcoholic content as belonging to 1 of the varieties defined in this chapter.
(4) "Authorized distribution agent" means a person approved by the commission to do 1 or more of the following:

(a) To store spirits owned by a supplier of spirits or the commission.
(b) To deliver spirits sold by the commission to retail licensees.
(c) To perform any function needed to store spirits owned by a supplier of spirits or by the commission or to deliver spirits sold by the commission to retail licensees.

(5) "Bar" means a barrier or counter at which alcoholic liquor is sold to, served to, or consumed by customers.
(6) "Beer" means any beverage obtained by alcoholic fermentation of an infusion or decoction of barley, malt, hops, or other cereal in potable water.
(7) "Brand" means any word, name, group of letters, symbol, trademark, or combination thereof adopted and used by a supplier to identify a specific beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product and to distinguish that product from another beer, malt beverage, wine, mixed wine drink, or mixed spirit drink product that is produced or marketed by that or another supplier. As used in this section and notwithstanding sections 305(2)(j) and 403(2)(j), "supplier" means a brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.
(8) "Brand extension" means any brand which incorporates all or a substantial part of the unique features of a preexisting brand of the same supplier. As used in this section and notwithstanding sections 305(2)(j) and 403(2)(j), "supplier" means a brewer, an outstate seller of beer, a wine maker, a small wine maker, an outstate seller of wine, a manufacturer of mixed wine drink, an outstate seller of a mixed wine drink, a mixed spirit drink manufacturer, or an outstate seller of mixed spirit drink.
(9) "Brandy" means an alcoholic liquor as defined in 27 CFR 5.22(d) (1980).
(10) “Brandy manufacturer” means a wine maker or a small wine maker licensed under this act to manufacture, rectify, or blend brandy only and no other spirit. The commission may approve a brandy manufacturer to sell brandy that it manufactures, blends or rectifies, or both, at its licensed premises or at other premises authorized in this act.
(11) "Brewer" means a person located in this state that is licensed to manufacture and sell to licensed wholesalers beer produced by it.
(12) "Brewpub" means a license issued in conjunction with a class C, tavern, class A hotel, or class B hotel license that authorizes the person licensed with the class C, tavern, class A hotel, or class B hotel to manufacture and brew not more than 18,000 barrels of beer per calendar year in Michigan and sell at those licensed premises the beer produced for consumption on or off the licensed brewery premises in the manner provided for in sections 405 and 407.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998 ;-- Am. 2005, Act 320, Imd. Eff. Dec. 27, 2005; Am. 2014, Act 353, Imd. Eff. Oct. 17, 2014

436.1107 Definitions; C to L

Sec. 107.

(1) “Cash” means money in hand, bank notes, demand deposits at a bank, or legal tender, which a creditor must accept according to law. Cash does not include call loans, postdated checks, or promissory notes.
(2) “Class C license” means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises.
(3) “Class G-1 license” means a place licensed to sell at retail beer, wine, mixed spirit drink, and spirits for consumption on the premises at a golf course having at least 18 holes that measure at least 5,000 yards and which license is issued only to a facility which permits member access by means of payments that include annual paid membership fees.
(4) “Class G-2 license” means a place licensed to sell at retail beer and wine for consumption on the premises at a golf course having at least 18 holes that measure at least 5,000 yards and which license is issued only to a facility which permits member access by means of payments that include annual paid membership fees.
(5) “Club” means a nonprofit association, whether incorporated or unincorporated, organized for the promotion of some common purpose, the object of which is owning, hiring, or leasing a building, or

436.2005 Adulterated, misbranded, or refilled liquors.

Sec. 1005.

(1) A licensee who, by himself or herself or by his or her agent or employee, sells, offers for sale, exposes for sale, or possesses alcoholic liquor that is adulterated, misbranded, or in bottles that have been refilled is guilty of a violation of this act.
(2) For purposes of this section, alcoholic liquor is adulterated if it contains any liquid or other ingredient that was not placed there by the original manufacturer or bottler.
(3) For purposes of this section, alcoholic liquor is misbranded if it is not plainly labeled, marked, or otherwise designated.
(4) For purposes of this section, alcoholic liquor bottles have been refilled when the bottles contain any liquid or other ingredient not placed in the bottles by the original manufacturer or bottler.
(5) This section does not apply to beer containers.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2007 Alcoholic liquor as contraband.

Sec. 1007.

All alcoholic liquor that is manufactured, transported, sold, or possessed without the consent of the commission is hereby declared contraband and shall be disposed of by order of the commission.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2009 Delivery of seized alcoholic liquor; bankruptcy; payment.

Sec. 1009.

(1) If alcoholic liquor is seized under a judgment rendered against a licensee or if a licensee becomes insolvent, the officer seizing that alcoholic liquor or the trustee in bankruptcy of the insolvent licensee shall deliver to the commission all alcoholic liquor found in the licensee's possession.
(2) Within 1 month after the date of delivery of alcoholic liquor to the commission by an officer or trustee in bankruptcy under this section, the commission shall pay over to the officer or trustee in bankruptcy the purchase price, less 10%, paid by the licensee to the commission for all legal alcoholic liquor seized and the value, less 10%, as established by the commission, of other legally acquired alcoholic liquor delivered to the commission under this section. Alcoholic liquor delivered to the commission under this section that was illegally acquired by the licensee shall be disposed of by order of the commission and payment shall not be made for that alcoholic liquor.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2011 Printed price list; posting.

Sec. 1011.

Alcoholic liquor for consumption on the premises shall be sold only in accordance with a printed price list that is readily available to customers.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2013 Sale or purchase of alcoholic liquor for cash; exceptions.

Sec. 1013.

A sale or purchase of alcoholic liquor made in a state liquor store and by all types of licensees shall be for cash only, except for the following:

(a) A customer's charge account with a specially designated merchant who is not a holder of a license authorizing sale of alcoholic liquor for consumption on the premises.

(b) A sale to a bona fide registered guest of a class B hotel or class A hotel, if the extension of credit does not exceed 30 days.
(c) A sale to an industrial account if the extension of credit does not exceed 30 days.
(d) A sale to a person holding an authorized credit card from a credit card agency.
(e) A sale to a professional account, or an industrial account of class C licensee or a tavern, whose major business is food, if the extension of credit does not exceed 30 days.
(f) A sale by a private club to a bona fide member.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2014 Sale of unlimited quantity of alcoholic liquor at specific price; conditions; sale of 2 or more identical drinks containing alcoholic liquor for 1 price; prohibition; "private function" defined.

Sec. 1014.

(1) An on-premises licensee shall not sell, offer to sell, or advertise the sale of an unlimited quantity of alcoholic liquor at a specific price unless all of the following conditions are met:
    a. The sale, offer, or advertisement is in connection with a private function.
    b. The on-premises licensee has entered into a written agreement with the organizer of the private function stating all of the following:
        i. The date and time the event will be held.
        ii. The location of the event.
        iii. The terms under which alcohol will be sold and served during the event.
    c. The on-premises licensee makes available to the commission and local law enforcement, on notice, the written agreement described in subdivision (b).
(2) An on-premises licensee shall not sell, offer to sell, or advertise the sale of 2 or more identical drinks containing alcoholic liquor to an individual for the individual's consumption for 1 price. If 2 or more identical drinks containing alcoholic liquor are served to an individual at 1 time, the price charged for the second and each additional drink must be the same as the price charged for the first drink.
(3) As used in this section, "private function" means an event that meets all of the following conditions:
    a. It is a prearranged private party, private function, or private event for a specific social or business occasion.
    b. Attendance is only by invitation or reservation.
    c. It is not open to the general public.
    d. The guests are served in an outdoor service area or room that is well-defined and clearly marked and designated and used exclusively for the event.

History: Add. 2015, Act 47, Imd. Eff. June 9, 2015

436.2015 Awarding unopened alcoholic liquor pursuant to lawful fund raising activity.

Sec. 1015.

(1) A nonlicensee, or a person who holds either a special license or a club license under this act, may offer and award unopened alcoholic liquor having a value of less than $200.00 to a person 21 years of age or older in a drawing or raffle or as a door prize, pursuant to a lawful fund raising activity. The alcoholic liquor awarded shall not be consumed on the premises at which it is awarded.
(2) A person who holds either a special license or a club license under this act and who has purchased alcoholic liquors to be awarded as provided for in subsection (1) shall be exempt from sections 1021(2) and 1025 for those purchases.
(3) A person who holds either a special license or a club license under this act shall not sell or award alcoholic liquor to a person who is in an intoxicated condition.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2017 Sterilization of glass; method and manner.

Sec. 1017.

Alcoholic liquor shall not be served to a person for consumption on the premises unless the glass in which the alcoholic liquor is to be served has been sterilized by a method and in a manner as prescribed by the commission.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2019 Sales in hotel rooms.

Sec. 1019.

(1) Alcoholic liquor may be served by any hotel licensed individually under this act in the room of a bona fide guest.
(2) A person shall not consume or offer for consumption spirits or mixed spirit drink in any place licensed under this act to sell beer or wine and not licensed to sell spirits or mixed spirit drink.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.2021 Selling or serving food; removal of liquor from premises; removal of partially consumed bottle of wine from premises; class A or B hotel; consumption of wine brought into premises by consumer.

Sec. 1021.

(1) The commission shall not require a licensee to sell or serve food to a purchaser of alcoholic liquor. The commission shall not require a class A hotel or class B hotel to provide food services to registered guests or to the public.
(2) Except as otherwise provided in subsection (3), a purchaser shall not remove alcoholic liquor sold by a vendor for consumption on the premises from those premises.
(3) A vendor licensed to sell wine on the premises may allow an individual who has purchased a meal and who has purchased and partially consumed a bottle of wine with the meal, to remove the partially consumed bottle from the premises upon departure. This subsection does not allow the removal of any additional unopened bottles of wine unless the vendor is licensed as a specially designated

CHURCH OR SCHOOL HEARINGS

(By authority conferred on the liquor control commission by sections 7 and 17a of Act No. 8 of the Public Acts of the Extra Session of 1933, as amended, and section 33 of Act No. 306 of the Public Acts of 1969, being §§436.7, 436.17a, and 24.233 of the Michigan Compiled Laws)

R 436.1951 "Act" defined.

Rule 1.

As used in these rules, "act" means 1998 P.A. 58, MCL 436.1101 et seq.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC; MR 10, Eff. May 30, 2003; MR11 2003.

R 436.1953 Notice of application and proposed location.

Rule 3.

If the commission determines through investigation that the proposed location of an applicant is within 500 feet of a church or school, as defined in section 107(7) or 111(8) of the act, the clergyman of the church or superintendent of the school shall be notified of the application and the proposed location if the applicant desires 1 of the following:

(a) A new license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing license to sell alcoholic liquor for consumption on the premises.
(b) A new specially designated distributor license or the transfer of location of an existing specially designated distributor license.
(c) A new specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises or the transfer of location of an existing specially designated merchant license in conjunction with a license to sell alcoholic liquor for consumption on the premises.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC;-MR 19, Eff. May 30, 2003; MR 11 2003.

Editor's Note: An obvious error in R 436.1953 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Annual Administrative Code Supplement, 2003. The memorandum requesting the correction was published in Michigan Register, 2015 MR 11.

R 436.1955 Filing of objection; copy to applicant; scheduling hearing.

Rule 5.

(1) If the church or school objects to the issuance or transfer of location of the license, then the governing body of the church or school, by resolution, shall file the specific written objections with the Lansing office of the commission within 15 days of receipt of notification, unless granted additional time by the commission.
(2) Upon receipt of the objections, the commission shall send a copy of the objections to the applicant.
(3) The commission shall schedule a hearing pursuant to section 503 of the act within a reasonable period of time after receipt of the objections, unless the governing body of the church or school notifies the commission in writing that the objections have been resolved by the applicant and are being withdrawn.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC;-MR 10, Eff. May 30, 2003.

R 436.1957 Notice of hearing; basis for conduct of hearing.

Rule 7.

(1) The governing body of the church or school and the applicant shall receive notice of the hearing not less than 7 days before it is held.
(2) The hearing shall be conducted on the basis of the objections filed by the church or school.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC.

R 436.1959 Burden of proceeding, closing arguments.

Rule 9.

(1) The commission may, in its discretion, determine which party will have the burden of proceeding. The representative of the church or school may make the final argument.

(2) The representative of the church or school shall be prepared to show that the church or school which is objecting meets the definition of section 107(7) or 111(8) of the act.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC;-MR 10 , Eff. May 30, 2003.

Editor's Note: An obvious error in R 436.1959 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in Annual Administrative Code Supplement 2003. The memorandum requesting the correction was published in Michigan Register, 2015 MR 6.

R 436.1961 Hearing; procedures; findings of fact and conclusions of law.

Rule 11.

(1) The hearing shall be conducted pursuant to the procedures established for a contested case in Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.
(2) The commission shall make findings of fact and conclusions of law.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC.

R 436.1963 Granting of the waiver.

Rule 13.

The commission shall waive the provisions of section 503 of the act where the applicant shows by competent, material and substantial evidence that a waiver of section 503 would not adversely affect the operation of the church or school.

History: 1954 ACS 87, Eff. Apr. 16, 1976; 1979 AC;-MR 10, Eff. May 30, 2003.