In the matter of the request of

CELLAR STOCK IMPORTS, LLC
1425 Pebble Ridge Dr.
Rochester, Michigan 48307

Oakland County

Request ID No. 512896


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

LICENSING APPEAL ORDER

On February 23, 2009, Cellar Stock Imports, LLC (applicant) filed a request for a new Outstate Seller of Wine license under the provisions of MCL 436.1109 (10) and administrative rule R 436.1705, to be held at the above-noted address.

At a meeting held on June 17, 2009, the Commission approved the request subject to submission of an acceptable lease agreement and surety bond executed in the amount of $1,000. A closing package was mailed to the applicant on June 18, 2009, and a follow up letter was mailed on December 20, 2011 listing the deficiencies with no response.

Therefore, at a meeting held on November 25, 2014, the Commission rescinded the approval order of June 17, 2009 and denied the request under administrative rule R 436.1103(2) because the applicant failed to provide all documentation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.

Applicant member, Richard Rurak, submitted a timely request for an appeal in this matter and represented the applicant at the February 5, 2015 hearing, held at the Commission’s Southfield 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 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 Outstate Seller of Wine 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 submit to the Commission an executed and acceptable Lease Agreement between Richard Rurak and Judith Rurak, lessor, and Cellar Stock Imports, LLC, lessee.
4. The licensee is allowed to sell wine which has not been manufactured in this state to a licensed Wholesaler located in Michigan under MCL 436.1109 (10).
5. The licensee shall comply with the tax collection and reporting system under MCL 436.1301 and MCL 436.1409.
6. 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.

7. The licensee shall receive a registration number of approval from the Commission for all wine products prior to the sale in Michigan under administrative rule R436.1719.

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