



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

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In the matter of the request of)
WESCO, INC.)
for a declaratory ruling regarding the interpretation)
of Section 531(5) of the Liquor Control Code of 1998)
_____)

At the April 17, 2012 meeting of the Michigan Liquor Control Commission in Lansing,
Michigan.

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

DENIAL ORDER
REQUEST FOR DECLARATORY RULING

The Commission received a request on March 16, 2012 for a Declaratory Ruling under administrative rule R 436.1971 from Attorney Michael A. Brower, on behalf of Wesco, Inc. (Wesco). Wesco is a licensee of the Michigan Liquor Control Commission (Commission) and holds Specially Designated Merchant (SDM) licenses, Specially Designated Distributor (SDD) licenses, or both, at 52 locations throughout Michigan. This request concerns the applicability of Section 531(5) of the Liquor Control Code of 1998 (Code) , MCL 436.1531(5) relating to the issuance of additional SDD licenses in governmental units of 50,000 persons or less in which the quota of SDD licenses has been exhausted. These SDD licenses may be issued to established merchants whose business and operation, as determined by the Commission, is designed to attract and accommodate tourists and visitors to the area.

Wesco states that the Commission has long adhered to an erroneous interpretation of Section 531(5) by maintaining that the statute authorizes the issuance of ten additional SDD

licenses per year throughout the entire state. Wesco asserts that the plain language of the statute authorizes the issuance of ten additional SDD licenses per local governmental unit each year.

The Commission finds that the principal reason for denial of this request for declaratory ruling is that the plain meaning of the statutory language is clear as written and intended by the legislature, with the Commission authorized to issue not more than a total of 10 additional specially designated distributor licenses per year. Further under MCL 436.1535(5), whether or not to issue any of these additional licenses is entirely discretionary by the Commission.

After reviewing the arguments made by Wesco in the request for declaratory ruling and the legislative history of MCL 436.1531(5), the Commission concludes that the aforementioned statute is unambiguous and plain in its meaning and declines to issue the requested declaratory ruling.

THEREFORE, IT IS ORDERED that Wesco, Inc.'s request for declaratory ruling is DENIED.

MICHIGAN LIQUOR CONTROL COMMISSION

Andrew J. Deloney, Chairman

Teri L. Quimby, Commissioner

Date: May 15, 2012