STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of	)
HUDSONVILLE WINERY, INC., ET AL.	)
for a declaratory ruling regarding	)
MCL 436.1901(2)	)
	)

At the Michigan Liquor Control Commission (Commission) April 10, 2019 meeting in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

DENIAL OF DECLARATORY RULING REQUEST

On March 12, 2019, the Commission received a request for declaratory ruling under Mich. Admin. Code R. 436.1971 from Joseph M. Infante, legal counsel on behalf of Hudsonville Winery, Inc., Nerd Craft, LLC, Allegan Lager Company, LLC, Beer Me Bro, LLC, Arbor Brewing Company, LLC, Hop Lot Brewing Company, LLC, Harmony Brewing Company, LLC and Saugatuck Brewing Company, Inc. (Petitioners).

Pursuant to Mich. Admin. Code R. 436.1973(1), the Commission has thirty (30) days to notify the Petitioners if a declaratory ruling shall be issued. On April 10, 2019, the Commission met in an open meeting at 9:30 a.m. at the Lansing office of the Commission and considered the Petitioners' request. After deliberation and discussion at the open meeting, the Commission denied the request for the declaratory ruling. As required by Mich. Admin. Code R. 436.1975, if a request for a declaratory ruling is denied, the Commission shall issue a concise written statement of its principal reasons for denial within thirty (30) days of the denial. For the reasons stated below, the request is denied.

The Petitioners are all licensees of the Commission and hold licenses at the following locations:

- Hudsonville Winery, Inc. holds Micro Brewer and Small Wine Maker licenses located at 3768 Chicago Dr, Hudsonville, MI 49426-1637
- Nerd Craft, LLC holds Class C and Specially Designated Merchant licenses located at 400 Ionia Ave SW, Suite 404, Grand Rapids, MI 49503
- Allegan Lager Company, LLC holds a Micro Brewer license located at 256 Helmer Rd N, Springfield, MI 49037-7914
- Beer Me Bro, LLC holds Micro Brewer and Small Wine Maker licenses located at 820 Monroe Ave NW, Suite 155, Grand Rapids, MI 49503-1442
- Arbor Brewing Company, LLC holds Class C, Specially Designated Merchant and Brew Pub licenses located at 114-118-120 E Washington St, Ann Arbor, MI 48104-1905
- Hop Lot Brewing Company LLC Micro Brewer and Small Wine Maker licenses located at 658 S West Bay Shore Dr, Suttons Bay, MI 49682-9587
- Harmony Brewing Company, LLC holds Class C, Specially Designated Merchant, and Brew Pub licenses located at 1551 Lake Dr SE & 1540 Wealthy St SE, Grand Rapids, MI 49506
- Saugatuck Brewing Company, Inc. (Saugatuck Brewing) holds Micro Brewer and Small Wine Maker licenses located at 2948 Blue Star Hwy, Douglas, MI 49406-5195

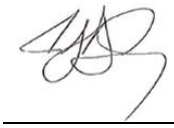
Petitioners' request poses questions that have previously been resolved by the Commission in Complaint 8-CV-501753 involving Saugatuck Brewing – who is also one of the petitioners in the instant request. Complaint 8-CV-501753 involved a licensee, Saugatuck Brewing, hosting a weekly promotional Bingo event for the purpose of attracting business on otherwise slower nights. As a result of its activities on the licensed premises, Saugatuck Brewing was cited for allowing unlawful gambling devices, Bingo Cards, on the licensed premises and allowing unlawful gambling with Bingo Cards on the licensed premises. These activities constitute a violation of the Michigan Liquor Control Code, MCL

436.1901(2), as well as various provisions of the Michigan Penal Code; namely, MCL 750.301, MCL 750.303, and/or MCL 750.306

Saugatuck Brewing did not dispute the allegations in the Complaint. Saugatuck Brewing elected to waive its right to a contested case hearing and acknowledge each charge. Commissioner Clemente's Order in the matter of 8-CV-501753 found that Saugatuck Brewing's activity of hosting a weekly promotional Bingo event where winners were awarded prizes violated MCL 436.1901(2), which prohibits illegal gambling on the licensed premises. Commissioner Clemente also concluded that the Bingo cards used in the game constituted illegal gambling devices. As a result of Saugatuck Brewing's activities, Commissioner Clemente imposed a fine for each charge as authorized by MCL 436.1903(1) and Saugatuck Brewing did not appeal the Order.

Therefore, for the reasons stated above, the Petitioners' declaratory ruling request is DENIED.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman

Dennis Olshove, Commissioner

Date Mailed: April 15, 2019