



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

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In the matter of the requests of)
Eric Vander Ley)
For a declaratory ruling)
_____)

At the Michigan Liquor Control Commission’s October 14, 2025 meeting in Lansing, Michigan.

PRESENT: Kristin Belzer, Chair
Dennis Olshove, Commissioner
Hoon-Yung Hopgood, Commissioner

DENIAL OF DECLARATORY RULING REQUESTS

On September 22, 2025, and October 1, 2025, Eric Vander Ley (“Petitioner”) requested that the Commission issue three declaratory rulings, pursuant to Mich Admin Code, R 436.1971. The Commission denies each request. See Mich Admin Code, R 436.1975.

In the three nearly identical declaratory ruling requests, Petitioner asks the Commission to opine on the application of Mich Admin Code, R 436.1012 to a Commission licensee. The September 22 request concerns 312 Corp., and the October 1 requests concern Acovski Inc. and AKC, Inc. The requests contain no information tying Petitioner to any of the named licensees, and he does not purport to be making the requests on a licensee’s behalf.

The Commission denies the requests for two reasons. First, Petitioner is not an

“interested person” for purposes of any of these requests. Section 63 of the Administrative Procedures Act, MCL 24.263, and Mich Admin Code, R 436.1971 allow an “interested person” to request a declaratory ruling. The Michigan Court of Appeals has interpreted “interested person” as including only persons who are “affected by the applicability of the relevant statute or rule to an actual state of facts.” *Warren Consolidated Sch Dist v Sch Dist of Hazel Park*, unpublished per curiam opinion of the Court of Appeals, issued August 22, 2024 (Docket No. 362948), unpub op at 9, quoting *Forner v Bureau of Constr Codes*, unpublished per curiam opinion of the Court of Appeals, issued August 25, 2022 (Docket Nos. 357335, 357336), unpub op at 5. Petitioner is not a Commission licensee, so the rule he asks the Commission to examine does not apply to him. Further, he is unaffected by how the Commission applies Mich Admin Code, R 436.1012 to the three named licensees.

Second, Vander Ley is a defendant in a lawsuit filed by the Department of Attorney General, and some of the factual allegations in that suit appear to relate to Mich Admin Code, R 436.1012. See *People v Eric Vander Ley, et al*, Case No. 2025-009137-CZ, Wayne Circuit Court. For example, the complaint in that matter refers to a lawsuit that Petitioner filed against Urbanrest Brewing Co. in Oakland Circuit Court, a matter in which Petitioner served the Commission with a subpoena for records. See *Vander Ley v Urbanrest Brewing Co*, Case No. 25-212387-CZ. The Commission declines to issue a declaratory ruling concerning issues that are within the province of the courts in either or both of those matters.

For these reasons, the declaratory ruling requests are **DENIED** pursuant to Mich Admin Code, R 436.1975. Further, given Petitioner’s practice of filing multiple similar

declaratory ruling requests, the Commission also denies any future such requests for the same reasons stated in this order.

MICHIGAN LIQUOR CONTROL COMMISSION



Kristin Beltzer, Chair



Dennis Olshove, Commissioner



Hoon-Yung Hopgood, Commissioner