

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

LIQUOR CONTROL COMMISSION

CHURCH OR SCHOOL HEARINGS

(By authority conferred on the liquor control commission by sections 215(1) and 503 of 1998 P.A. 58, MCL 436.1215(1) and 436.1503, and section 33 of 1969 P.A. 306, MCL 24.233)

R 436.1951 Definitions.

Rule 1. As used in these rules "act" means 1998 P.A. 58, MCL 436.1101 et seq.

History: 1979 AC; 2003 AACS.

Editor's Note: An obvious error in R 436.1951 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 Michigan Register, 2003 MR 10. The memorandum requesting the correction was published in Michigan Register, 2003 MR 11.

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(5) 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: 1979 AC; 2003 AACS.

Editor's Note: An obvious error in R 436.1951 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 Michigan Register, 2003 MR 10. The memorandum requesting the correction was published in Michigan Register, 2003 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: 1979 AC; 2003 AACS.

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: 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(5) or 111(8) of the act.

History: 1979 AC; 2003 AACCS.

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 S24.201 et seq. of the Michigan Compiled Laws.

(2) The commission shall make findings of fact and conclusions of law.

History: 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: 1979 AC; 2003 AACCS.