

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN CONTRERAS, and MPB, INC.,
a Michigan Corporation d/b/a the Aut Bar,

Plaintiffs,

v.

Hon.

Case. No.

ANDREW J. DELONEY, Chairman of
the Michigan Liquor Control Commission, in his
Official Capacity, and TINA JOINTER, in her
Individual Capacity,

Defendants.

Michael J. Steinberg (P43085)
Genevieve E. Scott (admission pending)
American Civil Liberties Union Fund
of Michigan
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Attorneys for Plaintiffs

VERIFIED COMPLAINT FOR DECLARATORY, INJUNCTIVE AND OTHER RELIEF

Plaintiffs, by their attorneys, bring this Verified Complaint against Defendants and state as follows:

INTRODUCTION

1. Plaintiffs bring this action under 42 U.S.C. § 1983 to challenge the constitutionality of the Michigan Liquor Control Commission (hereinafter, “MLCC”) rule prohibiting businesses

with liquor licenses from displaying signs in support of an electoral candidate or political party on the inside or outside of their premises. MLCC Rule 436.1335.

2. The no-election-signs rule violates the First Amendment on its face and as applied because it imposes an unconstitutional condition on free speech. Additionally, the rule fails as a reasonable time, place, or manner restriction because it is content based, is not narrowly tailored to serve a compelling government interest, and fails to leave open adequate alternative means of communication.

3. Plaintiffs seek a declaration that the no-election-signs rule is unconstitutional; a temporary, preliminary, and permanent injunction preventing enforcement of the rule; and nominal damages.

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff MPB, Inc. is a Michigan Corporation that does business as the Aut Bar, a restaurant and bar located at 315 Braun Court in Ann Arbor.

5. Plaintiff Martin Contreras is a resident of Ann Arbor. He is the sole owner of Plaintiff MPB, Inc.

6. Defendant Andrew J. Deloney is the Chairman of the MLCC. He is being sued in his official capacity.

7. Defendant Tina Jointer is an enforcement supervisor in the MLCC Enforcement Office. She is being sued in her individual capacity.

8. The MLCC is an appointed commission of the state of Michigan created to control all alcoholic beverage traffic within this state as outlined in the Michigan Liquor Control Code. *See* M.C.L. § 436.1101 *et seq.* The Commission enforces the Michigan Liquor Control Code rules,

including the no-election-sign rule, and is responsible for hearing cases where licensees are charged with rule violations.

9. Jurisdiction is proper under 28 U.S.C. §§ 1331 and 1343 because federal questions are presented in this action under the First Amendment of the United States Constitution and 42 U.S.C. §1983.

10. Venue is proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

GENERAL ALLEGATIONS REGARDING NO-ELECTION-SIGN RULE

11. The MLCC no-election-sign rule was promulgated in approximately 1954. MLCC Rule 436.1335.

12. MLCC Rule 436.1335 states in relevant part:

(1) A licensee shall not display advertising that advocates the election of a person or political party on the inside or outside of a licensed premise, except as follows:

(a) An on-premises licensed establishment that is the site of a convention of delegates of a political party may have political advertising on the premises during the convention.

(b) An on-premises licensed establishment or location for which a special license has been issued may have political advertising on the premises during the time of a fund-raising event for a candidate or established political party.

(2) Advertising related to ballot questions is not considered political advertising that is prohibited by this rule.

(3) Nominating, recall, initiative, and referendum petitions and petitions on other ballot questions are allowed on the licensed premises.

(4) The term “political party” is defined in Section 11(4) of Act No. 388 of the Public Acts of 1976, as amended, being §169.211(4) of the Michigan Compiled Laws.

(5) The term “ballot question” is defined in Section 2(1) of Act No. 388 of the Public Acts of 1976, as amended, being §169.202(1) of the Michigan Compiled Laws.

(Exhibit A)

13. M.C.L. § 169.211(2), defines “person” as “a business, individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, committee, or any other organization or group of persons acting jointly.” M.C.L. § 169.211(5) defines a political party as “a political party that has a right under law to have the names of its candidates listed on the ballot in a general election.” M.C.L. §169.202(2) defines “ballot question” as “a question that is submitted or is intended to be submitted to a popular vote at an election whether or not it qualifies for the ballot.”

14. The potential penalties for violating the no-election-sign rule include a fine of not more than \$300.00 for each violation and, upon due notice and proper hearing, the suspension or revocation of licensure. MLCC Rule 436.1903.

15. Plaintiffs own MPB, Inc., which operates the Aut Bar in Ann Arbor. The Aut Bar is a popular restaurant and bar with both indoor and outdoor seating.

16. Plaintiffs have a license to serve alcohol at the Aut Bar through the MLCC.

17. In early October, Plaintiffs placed campaign signs on their premises outside the Aut Bar for candidates in the November 6, 2012 election, including signs for John Dingell for the United States House of Representatives, and Carol Kuhnke for Washtenaw County Circuit Court.

18. However, after learning of the no-election-sign rule and after learning that a MLCC enforcement officer enforced the no-election-sign rule against another licensee, Plaintiffs visited the MLCC website.

19. The MLCC's website states in its Enforcement Frequently Asked Questions section that a licensee may not "display advertising for a political candidate [at the licensee's] establishment." (Exhibit B, *See* http://www.michigan.gov/lara/0,4601,7-154-35299_10570_16941-40917--,00.html.)
20. On October 15, 2012, Plaintiff Contreras called the MLCC to determine whether he could display his campaign signs.
21. Eventually, he was transferred to Defendant Tina Jinter in the Enforcement Division of the MLCC, who identified herself as an enforcement supervisor.
22. Ms. Jinter said that she receives questions about the no-election-sign rule "all the time," especially this year because it is an election year.
23. Ms. Jinter indicated that the no-election-sign rule is enforced when they learn of violations.
24. She also told Mr. Contreras that "ignorance of the law is no excuse."
25. In order to comply with the no-election-sign rule, Mr. Contreras removed election signs from the premises of the Aut Bar.
26. Plaintiffs wish to display their election signs once again at the Aut Bar to show their strong support for candidates in the November 6, 2012 election.
27. Plaintiffs also wish to display election signs at the Aut Bar to support candidates in future elections following the November 6, 2012 election.
28. There are no restrictions that effectively ban the placement of other types of advertisements on the premises of a MLCC-licensed establishment on a day-to-day basis.
29. For example, a MLCC-licensed establishment may place commercial advertisements on its premises.

30. A MLCC-licensed establishment could display signs on its premises advocating various political positions on topics ranging from the war in Afghanistan to health care and abortion.

31. A MLCC-licensed establishment could display signs supporting or opposing the ballot initiative on the November ballot in Michigan addressing a range of politically divisive issues.

32. There is no ban on signs supporting or opposing a political candidate or party on the commercial premises surrounding Plaintiffs' property that are not licensed by the MLCC.

33. In fact, the premises across the courtyard from the Aut Bar is the field office for a presidential campaign where there are numerous electoral signs displayed.

34. However, a MLCC-licensed business owner would be in violation of the rule if he placed a sign advocating the election of a person or political party on the inside or outside of his or her business.

CAUSE OF ACTION

VIOLATION OF THE FIRST AMENDMENT AND 42 U.S.C. § 1983

35. Plaintiffs re-allege and incorporate by reference the allegations contained in the previous paragraphs as though fully set forth herein.

36. At all relevant times, Defendants were acting under color of law, within the meaning of 42 U.S.C. § 1983.

37. The no-election-sign rule violates the First Amendment by unconstitutionally conditioning a state benefit on the surrender of the right to freedom of speech.

38. Additionally, the no-election-sign rule violates the First Amendment because (1) it is not content neutral; (2) it is not narrowly tailored to further the government's substantial interests; and/or (3) it does not leave open ample alternative channels for communication of information.

39. Absent injunctive relief, Plaintiffs and others will be hindered and chilled from exercising

their protected free speech rights.

40. There is not an adequate remedy of law.

RELIEF SOUGHT

Plaintiffs requests that this Honorable Court:

- a. declare that MLCC Rule 436.1335 violates the First Amendment;
- b. issue a temporary restraining order, preliminary injunction, and permanent injunction enjoining enforcement of MLCC Rule 436.1335;
- c. award Plaintiffs nominal damages for the violation of their First Amendment rights caused by Rule 436.1335;
- d. award Plaintiffs costs and attorneys' fees incurred in this lawsuit pursuant to 42 U.S.C. § 1988; and
- e. grant such other and further relief as shall be just and proper.

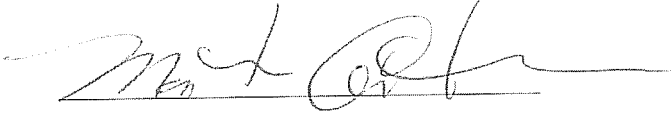
Respectfully submitted,

s/ Michael J. Steinberg
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Attorneys for Plaintiffs

Dated: October 18, 2012

DECLARATION

I, Martin Contreras , resident of Ann Arbor, Michigan, hereby declare under penalty of perjury, pursuant to 28 U.S.C. §1746, that the allegations in the foregoing Verified Complaint are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'Martin Contreras', written over a horizontal line.

Martin Contreras

Dated: October 18, 2012

Exhibit A

Michigan Liquor Control Code, Admin. Rules and Related Laws

MICHIGAN LIQUOR CONTROL CODE, ADMINISTRATIVE RULES AND RELATED LAWS



MICHIGAN LIQUOR CONTROL COMMISSION
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
STEVEN HILFINGER, DIRECTOR

RICK SNYDER, GOVERNOR

REPRINTED FROM MICHIGAN COMPILED LAWS
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calendar and matchbooks to a customer if nothing of value is attached to, or given with, the calendar or matchbooks.

- (3) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler shall not sell, give, or furnish a retail licensee with calendars or matchbooks to be given to the customers of the retail licensee, except upon written order of the commission.
- (4) A manufacturer, an outstate seller of beer, an outstate seller of wine, or a wholesaler may advertise on calendars.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC.

R 436.1327 Rescinded.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC; rescinded MR 1, Eff. Jan. 20, 1989.

R 436.1329 Displays.

Rule 29.

- (1) A manufacturer, a vendor of spirits, an outstate seller of beer, an outstate seller of wine, or a wholesaler may not sell or in any manner furnish or install, and a retail licensee may not accept, a permanent display in the licensed premises of a retail licensee.
- (2) A manufacturer, a vendor of spirits, an outstate seller of beer, or an outstate seller of wine may furnish and install a temporary bin display that has a capacity of up to 15 cases of 24 12-ounce or 0.375-liter containers or the equivalent in other sizes of beer, wine, or spirits on the premises of a retail licensee who is licensed for off-premises sales only.
- (3) A wholesaler may install, on the premises of a retail licensee who is licensed for off-premises sales only, a temporary bin display that has been provided without charge by a manufacturer, an outstate seller of beer, or an outstate seller of wine.
- (4) A retail licensee shall ensure that every temporary bin display installed on its premises clearly indicates by a tag, a stamp, a label, or other method that is securely affixed to the temporary bin display, the date upon which the temporary bin display was installed.
- (5) The advertising on a temporary bin display shall be excluded from the 3,500-square inch limit on inside retail advertising signs.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC; 1986 MR 12, Eff. Jan. 15, 1987; Amended Eff. May 12, 1994.

R 436.1331 Dispenser signs.

Rule 31.

- (1) Alcoholic liquor dispensing equipment shall have the brand of alcoholic liquor designated by a sign on the dispenser or on the tap.
- (2) A licensee shall not draw from a dispenser or tap a brand of alcoholic liquor other than that brand designated by the dispenser sign or tap marker.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC.

R 436.1333 Rescinded.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC; 1984 MR 3, Eff. Mar. 27, 1984; 1989 MR 1, Eff. Jan. 20, 1989; Rescinded 2000 MR 3, Eff. March 20, 2000.

R 436.1335 Political advertising.

Rule 35.

- (1) A licensee shall not display advertising that advocates the election of a person or political party on the inside or outside of a licensed premises, except as follows:
 - (a) An on-premises licensed establishment that is the site of a convention of delegates of a political party may have political advertising on the premises during the convention.
 - (b) An on-premises licensed establishment or location for which a special license has been issued may have political advertising on the premises during the time of a fund-raising event for a candidate or established political party.
- (2) Advertising related to ballot questions is not considered political advertising that is prohibited by this rule.
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allowed on the licensed premises.

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- (5) The term "ballot question" is defined in Section 2(1) of Act No. 388 of the Public Acts of 1976, as amended, being §169.202(1) of the Michigan Compiled Laws.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC; 2000 MR 3, Eff. March 20, 2000.

R 436.1337 Rescinded.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC; rescinded 1985 MR 4, Eff. May 10, 1985.

R 436.1339 Rescissions.

Rule 39.

Rules 15 to 23 and 25 to 28 of the rules entitled "Rules and Regulations Governing the Relationship Between Licensed Manufacturers, Wholesalers of Alcoholic Liquors, Their Sales Representatives and Retail Licensees," being R 436.535 to R 436.543 and R 436.545 to R 436.548 of the Michigan Administrative Code and appearing on pages 5384 to 5386 of the 1954 volume of the Code, are rescinded.

History: 1954 ACS 84, Eff. Oct. 3, 1975; 1979 AC.

Exhibit B

LARA Enforcement FAQs

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Enforcement FAQs

- What are the age requirements for employees who sell and serve alcohol?
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- Must minors be out of my bar/restaurant by 9pm?
- Does someone need, or can they get, a temporary liquor license for a private affair at a banquet hall?
- Do local law enforcement officers have the right to conduct a search of my establishment?
- I thought gambling devices were prohibited in licensed establishments so how do the casinos operate and sell alcohol and why does the bar down the street offer Keno?
- Are patrons allowed to bring their own alcoholic beverages onto Licensed premises?
- What constitutes a valid identification when I make a sale of alcoholic liquor?
- What do I do if a minor tries to purchase alcohol?
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- If a licensed establishment were to cease business operations, when would the license need to be escrowed and how long may it remain in escrow?
- As a licensee, can I allow my friends to remain on the premises after the legal hour if no alcohol is served?
- Does an arrest record prevent someone from applying for a liquor license?
- Do you have to get prior written approval from the Liquor Control Commission to bring alcoholic liquor into Michigan for your own personal consumption?
- How old do you need to be to own a liquor license?
- Can I display advertising of a political candidate in my establishment?
- If I am the holder of a catering permit, does all alcoholic liquor have to be preordered by the recipient prior to the private event and what happens to the preordered alcoholic beverage that has not all been consumed at the private event?
- As a retailer, can I sell and refill growlers?
- Who can obtain a banquet facility permit?

- Related Content**
- Keg Tag Registration FAQs
 - Report on Illegal Importation of Alcohol **10/27/12**
 - Licensing FAQs
 - Executive Services FAQs
 - Financial Management FAQs
 - Manufacturers and Wholesalers Information
 - MLCC General Questions Emailbox

What are the age requirements for employees who sell and serve alcohol?

A MCL 436.1707(6) of the Liquor Control Code states "A licensee shall not allow any person who is less than 18 years of age to sell or serve alcoholic liquor."

What alcohol products must be bagged when they are sold?

A There are no Michigan Laws or Administrative Rules regarding products being bagged. The habit of bagging most likely stems from sellers wanting to contain the glass shards if a bottle was dropped and broken. Check with local police departments regarding possible local ordinances that require alcohol to be bagged.

What is the return policy on liquor products?

A Administrative Rule 436.1531 states that an off-premises licensee may accept from a customer, for a cash refund or exchange, an alcoholic liquor product purchased by the customer from the off-premises licensee if the product is demonstrably spoiled or contaminated or the container damaged to the extent that the contents would likely be of an unsanitary nature or unfit for consumption and if the returned product is not resold and is removed from the licensed premises as soon as practicable, but not more than 14 days after its return. Otherwise, retailers cannot accept returns on alcohol for exchange or refund.

Must minors be out of my bar/restaurant by 9pm?

A Not necessarily, MCL 750.141, Section 141 of the Michigan Penal code states that a minor child under 17 years of age shall not be permitted to remain in a dance hall, saloon, barroom or any place where

spirituous or intoxicating liquor, wine or beer ...is sold unless accompanied by a parent or guardian. The section does not prevent the township, city or village from establishing more stringent regulations. Also, some establishments have made it their own policy to ask minors to leave in the late evening however it is not a rule of the Michigan Liquor Control Commission. Check with your local police department regarding possible local ordinances that address this issue.



Does someone need, or can they get, a temporary liquor license for a private affair at a banquet hall?



The only type of temporary licenses available are for bona fide non-profit organizations such as Veterans of Foreign Wars, Knights of Columbus, etc.. Normally, if someone is having a function at a banquet hall such as a wedding reception and the host and/or guests are supplying the food and alcoholic beverages and there are no charges of any kind including any entry fee or donation, no type of liquor license is available or required. However, it is recommended that those who contemplate such an activity contact the local law enforcement agency or prosecutor's office for any additional information, since they have jurisdiction in such matters.



Do local law enforcement officers have the right to conduct a search of my establishment?



MCL 436.1217, Section 217 (2) of the Michigan Liquor Control Code states " A licensee shall make the licensed premises available for inspection and search by a commission investigator or law enforcement officer empowered to enforce the commission's rules and this act during regular business hours or when the licensed premises are occupied by the licensee or a clerk, servant, agent, or employee of the licensee. Evidence of a violation of this act or rules promulgated under this act discovered under this subsection may be seized and used in an administrative or court proceeding."



I thought gambling devices were prohibited in licensed establishments so how do the casinos operate and sell alcohol and why does the bar down the street offer Keno?



Rule 436.1013 prohibits unlawful gambling and gambling paraphernalia on MLCC licensed premises but legitimate gambling as licensed by the Michigan Bureau of State Lottery (1-800-592-4040) or via the Michigan Gaming Control Board (1-517-241-0040, Lansing or 1-313-456-4100, Detroit office)is acceptable.



Are patrons allowed to bring their own alcoholic beverages onto Licensed premises?



Usually, no. The Liquor Control Code states that a retail licensee of the commission can have in his or her establishment only those alcoholic beverages that have been purchased by the retail licensee from an authorized source. This effectively eliminates patrons from bringing onto premises their own beer, wine or spirits. There is an exception to this rule which allows hotel guests to bring in their own alcoholic beverages to the bedrooms or suites of a licensed hotel for consumption in these areas.



What constitutes a valid identification when I make a sale of alcoholic liquor?



The law requires that someone making the sale of alcoholic beverages to a customer to make a "diligent inquiry" as to that persons age. MCL 436.1701, Section 701 (10) (b) of the Michigan Liquor Control Code states "Diligent inquiry means a diligent good faith effort to determine the age of the person, which includes at least an examination of an official Michigan operator's or chauffeur's license, an official Michigan personal identification card, a military identification card, or any other bona fide picture identification which establishes the identity and age of the person." It should be emphasized that the ultimate responsibility rests with the seller. If you are not convinced that the buyer is 21 or over, do not make the sale.



What do I do if a minor tries to purchase alcohol?



As above, if you are not convinced that the buyer is 21 or over, do not make the sale. Call the police and give the officer the person's ID. The police may prosecute the person for attempting to buy alcohol when under the legal age.



Can a licensee give away alcoholic beverages in conjunction with a promotion?



MCL 436.2025, Section 1025 (1) of the Michigan Liquor Control Code states " A vendor shall not give away any alcoholic liquor of any kind or description at any time in connection with his or her business, except manufacturers for consumption on the premises only."



Can a gift basket store include alcoholic beverages in their merchandise?



Generally, such businesses are not eligible to obtain a take-out/off-premise license for the sale of alcohol since they do not meet the definition of an approved type of business under the Liquor Control Code and R436.1129(1) and R436.1135(1). Because of the potential liability in these situations, the Commission suggests adding a sparkling cider or other non-alcoholic beverage to the gift basket.



If a licensed establishment were to cease business operations, when would the license need to be escrowed and how long may it remain in escrow?



R436.1047 Rule 47 of the Administrative Rules states "A licensee who ceases active operation of the licensed business for a period of more than 30 days shall return all current licenses and permits to the commission." R436.1107 Rule 7 (2) states "A licensee shall have only 5 years after the expiration of the license to put the license into active operation. If the licensee fails to put the license into active operation within 5 years, then all rights to the license shall terminate unless the commission has received written verification of extenuating circumstances that fall within the outlines of Rule 1107. Escrowed licenses must be renewed each year in the same manner as an active license, including all license fees."



As a licensee, can I allow my friends to remain on the premises after the legal hour if no alcohol is served?



No. R436.1403 Rule 3 (2) of the Administrative Rules states " Between the hours of 2:30 am and 12 noon on Sunday, or from 2:30 am and 7 am on any other day, an on-premise licensee shall not allow the licensed premises to be occupied by anyone except the on-premise licensee, the bona fide employees of the on premise licensee who are working, or bona fide contractors and employees thereof who are working ..." There are certain circumstances where a licensee may be granted a specific purpose permit to remain open beyond the legal hour for such things as the sale of food. Also, if a licensee has obtained a Sunday Sales A.M. permit, the licensee can be open for business and sell alcohol between the hours of 7 a.m. and noon on Sundays.



Does an arrest record prevent someone from applying for a liquor license?



A prior arrest record is not an automatic bar to obtaining a license. When applying for a license an individual should truthfully disclose all prior arrest and conviction information on the application forms. The individual will also be asked to divulge this information to an investigator from the commission. Each application is reviewed on a case by case basis by the commission. The seriousness of the offenses committed, ones that involve the misuse of alcohol and the total record of the applicant are some of the things that the commission will take under consideration when making a determination as to suitability for licensure.



Do you have to get prior written approval from the Liquor Control Commission to bring alcoholic liquor into Michigan for your own personal consumption?



Pursuant to MCL 436.1203, state liquor laws require persons who wish to bring any type of alcoholic beverage into Michigan for personal consumption to obtain prior written approval of the Commission with the following exceptions:

- A person of legal age who has been outside the U.S. territorial limits for at least 48 hours and has not brought alcoholic liquor into Michigan during the past 30 days, may bring up to one liter into Michigan without prior approval and,
- A person of legal age may bring up to 312 ounces of alcoholic liquor that contains less than 21% alcohol by volume (about 24-12 ounce containers of beer or 12-750 ml containers of wine) from another state without prior approval.



How old do you need to be to own a liquor license?

Pursuant to R 436.1105 Rule 5 (1) An individual, a partners in a partnership, a stockholder in a corporation and members of an LLC, would have to be the legal age for the consumption of alcoholic liquor in this state which is 21 years old.



Can I display advertising of a political candidate in my establishment?



No; Pursuant to R 436.1335 Rule 35.

(1) A licensee shall not display advertising that advocates the election of a person or political party on the inside or outside of a licensed premise, except as follows:

(a) An on-premises licensed establishment that is the site of a convention of delegates of a political party may have political advertising on the premises during the convention.

(b) An on-premises licensed establishment or location for which a special license has been issued may have political advertising on the premises during the time of a fund-raising event for a candidate or established political party.

(2) Advertising related to ballot questions is not considered political advertising that is prohibited by this rule.

(3) Nominating, recall, initiative, and referendum petitions and petitions on other ballot questions are allowed on the licensed premises.



if I am the holder of a catering permit, does all alcoholic liquor have to be preordered by the recipient prior to the private event and what happens to the preordered alcoholic beverage that has not all been consumed at the private event?



Yes, Pursuant to R 436.1011 (7) (b), An off-premise licensee may deliver a preordered quantity of alcoholic liquor to a customer; however, the licensee shall not make a delivery to a customer on the campus of a 2 or 4 year college or university, unless the customer is licensed by the Commission and R 436.1527, Delivery of liquor to person under 21 years of age is prohibited.

The preordered alcoholic beverage that has not been consumed belongs to the recipient who paid for it.

The licensee may not take back any of the alcoholic beverages pursuant to 436.1901 Sec. 901 (6).



As a retailer, can I sell and refill growlers?



Growlers can only be sold by brewers, microbrewers and brewpubs. Growlers are regulated by MCL 436.1901(3); A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume alcoholic liquor that is not authorized by the license issued to the licensee by the Commission.



Who can obtain a banquet facility permit?



Pursuant to 436.1522 Sec. 522 (1); The Commission may issue 1 banquet facility permit to an on-premise licensee, as an extension of that on-premise license, for the serving of alcoholic liquor only on the permitted premises. The banquet facility shall be used only for scheduled functions and events shall not have regular meal service and shall not be open to the public. The applicant shall provide documentation that demonstrates a pre-existing ownership or lease interest in the banquet facility.

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