

# Legislative Analysis

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## REVOKE LIQUOR LICENSE FOR UNAUTHORIZED FOOD AND CASH ASSISTANCE TRANSACTIONS

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### House Bill 5963

**Sponsor: Rep. Dave Agema**

**Committee: Regulatory Reform**

**Complete to 11-27-12**

### A SUMMARY OF HOUSE BILL 5963 AS INTRODUCED 10-17-12

The bill would amend the Liquor Control Code to require the revocation of any retail liquor license, with due notice and a proper hearing, if the licensee is found guilty in an administrative disqualification hearing or convicted for an unauthorized transaction for food assistance program benefits or family independence program benefits, if the unauthorized transaction is related to the licensee's liquor license.

The LCC would be required to establish a procedure by which a licensee who is aggrieved by a license revocation ordered by the commission, a commissioner, or duly authorized agent of the commission, could request a hearing, at which time facts or reasons could be provided to the LCC as to why the license revocation should be modified or rescinded. Hearing requests would have to be made in writing and be accompanied by a \$25 fee.

The LCC, after reviewing the record made before a commissioner or a duly authorized agent of the commission, could allow or refuse to allow the hearing in accordance with the LCC's rules. The bill states that the right to a hearing provided in the bill is not to be interpreted by any court as curtailing, removing, or annulling the right of the LCC to revoke licenses as provided for under the Liquor Code.

Licensees would not have a right to appeal the final determination of the LCC, except by leave of the circuit court. Notice of the order of revocation of a license would have to be provided in a manner as determined by the LCC.

### FISCAL IMPACT:

House Bill 5963 would not have a significant fiscal impact on the Liquor Control Commission (LCC). To the extent that licensees would be found guilty of the violation in the bill, the LCC could assess up to \$300 per violation in penalties which are deposited into the General Fund. Penalized licensees are permitted to request an administrative hearing; such a request must be accompanied by a \$25 fee.

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