

**SENATE BILL NO. 1030**

March 24, 1998, Introduced by Senators BULLARD, STEIL, CHERRY, MILLER, BYRUM, KOIVISTO, DINGELL, HART, DE BEAUSSAERT and V. SMITH and referred to the Committee on Economic Development, International Trade and Regulatory Affairs.

A bill to amend 1933 (Ex Sess) PA 8, entitled "The Michigan liquor control act," by amending sections 19 and 20 (MCL 436.19 and 436.20), section 19 as amended by 1992 PA 300 and section 20 as amended by 1986 PA 176, and by adding section 20b.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 19. (1) ~~The~~ AN APPLICANT SHALL PAY THE following  
2 license fees ~~shall be paid~~ at the time of filing applications  
3 or as otherwise provided in this act:

4       (a) Manufacturers of spirits, but not including makers,  
5 blenders, and rectifiers of wines containing 21% of alcohol or  
6 less by volume, \$10,000.00.

7       (b) Manufacturers of beer, \$50.00 per 1,000 barrels, or  
8 fraction of a barrel, production annually with a maximum fee of  
9 \$1,000.00, and in addition \$50.00 for each motor vehicle used in

1 delivery to retail licensees. A fee increase ~~shall~~ DOES not  
2 apply to a manufacturer of less than 15,000 barrels production  
3 per year.

4 (c) Outstate seller of beer, delivering or selling beer in  
5 this state, \$1,000.00.

6 (d) Wine makers, blenders, and rectifiers of wine, including  
7 makers, blenders, and rectifiers of wines containing 21% or less  
8 alcohol by volume, \$100.00. The small wine maker license fee  
9 ~~shall be~~ IS \$25.00.

10 (e) Outstate seller of wine, delivering or selling wine in  
11 this state, \$300.00.

12 (f) Outstate seller of mixed spirit drink, delivering or  
13 selling mixed spirit drink in this state, \$300.00.

14 (g) Dining cars or other railroad or pullman cars selling  
15 alcoholic liquor, \$100.00 per train.

16 (h) Wholesale vendors other than manufacturers of beer,  
17 \$300.00 for the first motor vehicle used in delivery to retail  
18 licensees and \$50.00 for each additional motor vehicle used in  
19 delivery to retail licensees.

20 (i) Watercraft, licensed to carry passengers, selling alco-  
21 holic liquor, a minimum fee of \$100.00 and a maximum fee of  
22 \$500.00 per year computed on the basis of \$1.00 per person per  
23 passenger capacity.

24 (j) Specially designated merchants, for selling beer or wine  
25 for consumption off the premises only, but not at wholesale,  
26 \$100.00 for each location regardless of ~~the fact that~~ WHETHER

1 the location ~~may be~~ IS a part of a system or chain of  
2 merchandising.

3 (k) Specially designated distributors licensed by the com-  
4 mission to distribute spirits and mixed spirit drink in the orig-  
5 inal package for the commission for consumption off the premises,  
6 \$150.00 per year; and \$3.00 additional fee for each \$1,000.00 or  
7 major fraction of that amount in excess of \$25,000.00 of the  
8 total retail value of merchandise purchased under each license  
9 from the ~~liquor control~~ commission during the previous calendar  
10 year.

11 (l) Hotels of class A selling beer and wine, a minimum fee  
12 of \$250.00 and for all bedrooms in excess of 20, \$1.00 for each  
13 additional bedroom, but not to exceed \$500.00.

14 (m) Hotels of class B selling beer, wine, mixed spirit  
15 drink, and spirits, a minimum fee of \$600.00 and for all bedrooms  
16 in excess of 20, \$3.00 for each additional bedroom. If a hotel  
17 of class B sells beer, wine, mixed spirit drink, and spirits in  
18 more than 1 public bar, the fee ~~shall entitle~~ ENTITLES the  
19 hotel to sell in only 1 public bar, other than a bedroom, and a  
20 ~~license~~ LICENSEE shall ~~be secured~~ SECURE A LICENSE for each  
21 additional public bar, other than a bedroom, the fee for which  
22 shall be \$350.00.

23 (n) Taverns, selling beer and wine, \$250.00.

24 (o) Class C license selling beer, wine, mixed spirit drink,  
25 and spirits, \$600.00. ~~If a~~ A class C licensee WHO sells beer,  
26 wine, mixed spirit drink, and spirits in more than 1 bar —  
27 SHALL PAY a fee of \$350.00 ~~shall be paid~~ for each additional

1 bar. In municipally owned or supported facilities in which  
2 nonprofit organizations operate concession stands, THE LICENSEE  
3 SHALL PAY a fee of \$100.00 ~~shall be paid~~ for each additional  
4 bar.

5 (p) Clubs selling beer, wine, mixed spirit drink, and spir-  
6 its, \$300.00 for clubs having 150 or less duly accredited members  
7 and \$1.00 for each additional member. The membership list for  
8 the purpose only of determining the license fees to be paid under  
9 this section ~~shall be~~ IS the accredited list of members as  
10 determined by a sworn affidavit 30 days before the closing of the  
11 license year. This section ~~shall~~ DOES not prevent the commis-  
12 sion from checking a membership list and making its own determi-  
13 nation from the list or otherwise. The list of members and addi-  
14 tional members ~~shall~~ IS not ~~be~~ required of a club paying the  
15 maximum fee. The maximum fee shall not exceed \$750.00 for any 1  
16 club.

17 (q) Warehouses, to be fixed by the commission with a minimum  
18 fee for each warehouse of \$50.00.

19 (r) Special licenses, a fee of \$50.00 per day, except that  
20 the fee for that license or permit issued to any bona fide non-  
21 profit association, duly organized and in continuous existence  
22 for 1 year before the filing of its application, ~~shall be~~ IS  
23 \$25.00. ~~Not~~ THE COMMISSION SHALL GRANT NOT more than 5 special  
24 licenses ~~may be granted~~ to any organization, including an aux-  
25 iliary of the organization, in a calendar year.

1 (s) Airlines licensed to carry passengers in this state,  
2 which sell, offer for sale, provide, or transport alcoholic  
3 liquor, \$600.00.

4 (t) Brandy manufacturer, \$100.00.

5 (u) Mixed spirit drink manufacturer, \$100.00.

6 (v) Brewpub, \$100.00.

7 (2) The COMMISSION SHALL NOT PRORATE fees provided in this  
8 act for the various types of licenses ~~shall not be prorated~~ for  
9 a portion of the effective period of the license.

10 (3) THE LICENSE FEE OF A PERSON DESIGNATED BY THE COMMISSION  
11 AS A RESPONSIBLE VENDOR UNDER SECTION 20B AT THE TIME OF THE  
12 FILING OF THE RENEWAL APPLICATION IS REDUCED TO \$50.00.

13 Sec. 20. (1) ~~The~~ SUBJECT TO SECTION 20B, THE commission,  
14 and any commissioner or duly authorized agent of the commission  
15 designated by the chairperson of the commission, upon due notice  
16 and proper hearing, may suspend or revoke any license upon a vio-  
17 lation of this act or any ~~of the~~ rules promulgated ~~by the~~  
18 ~~commission~~ under this act. ~~The~~ SUBJECT TO SECTION 20B, THE  
19 commission, and any commissioner or duly authorized agent of the  
20 commission designated by the chairperson of the commission, may  
21 assess ~~a penalty~~ AN ADMINISTRATIVE FINE of not more than  
22 \$300.00 for each violation of this act or rules promulgated under  
23 this act, or not more than \$1,000.00 for each violation of  
24 section 22(3), in addition to or in lieu of revocation or suspen-  
25 sion of the license, which ~~penalty~~ ADMINISTRATIVE FINE shall be  
26 paid to the commission, ~~and~~ deposited with the state treasurer,  
27 and ~~shall be~~ credited to the general fund. ~~of the state.~~ The

1 commission shall hold a hearing and order the suspension or  
2 revocation of a license if the licensee has been found liable,  
3 within a 24-month period, for 3 or more separate violations of  
4 section 22(3) which violations occurred on different occasions.

5 (2) The commission shall provide the procedure by which any  
6 licensee feeling aggrieved by any ~~penalty~~ SANCTION imposed  
7 under subsection (1) and any suspension or revocation of a  
8 license ordered by the commission, a commissioner, or a duly  
9 authorized agent of the commission, may request a hearing for the  
10 purpose of presenting any facts or reasons to the commission why  
11 the ~~penalty~~ ADMINISTRATIVE FINE or the suspension or revocation  
12 should be modified or rescinded. Any such request shall be in  
13 writing and accompanied by a fee of \$25.00. The commission after  
14 reviewing the record made before a commissioner or a duly autho-  
15 rized agent of the commission may allow or refuse to allow the  
16 hearing in accordance with the commission's rules. ~~Such right,~~  
17 ~~however,~~ A COURT shall not ~~be interpreted by any court~~  
18 INTERPRET THAT RIGHT TO A HEARING as curtailing, removing, or  
19 annulling the right of the commission to suspend or revoke  
20 licenses as provided for in this act. A licensee ~~shall~~ DOES  
21 not have a right of appeal from the final determination of the  
22 commission ~~,~~ except by ~~writ of certiorari~~ LEAVE to the  
23 ~~circuit~~ A court OF COMPETENT JURISDICTION. Notice of the order  
24 of suspension or revocation of a license or assessment of ~~a~~  
25 ~~penalty~~ AN ADMINISTRATIVE FINE, or both, shall be given in the  
26 manner prescribed by the commission. The suspension or  
27 revocation of a license or assessment of ~~a penalty~~ AN

1 ADMINISTRATIVE FINE, or both, by the commission or a duly  
2 authorized agent of the commission ~~shall~~ DOES not prohibit the  
3 institution of a criminal prosecution for a violation of this  
4 act. The institution of a criminal prosecution for a violation  
5 of this act, or the acquittal or conviction of any person for a  
6 violation of this act, ~~shall~~ DOES not prevent the suspension or  
7 revocation of a license or assessment of ~~a penalty~~ AN ADMINIS-  
8 TRATIVE FINE, or both, by the commission. In a hearing for the  
9 suspension or revocation of a license issued pursuant to this  
10 act, proof that the defendant licensee or an agent or employee of  
11 the licensee demanded and was shown, before furnishing any alco-  
12 holic liquor to a person less than 21 years of age, a motor vehi-  
13 cle operator or chauffeur license, a registration certificate  
14 issued by the federal selective service, or other bona fide docu-  
15 mentary evidence of majority and identity of the person, may be  
16 offered as evidence in a defense to ~~a~~ THAT proceeding. ~~for the~~  
17 ~~suspension or revocation of a license issued under this act.~~ A  
18 licensee who has reason to believe that a person less than 21  
19 years of age has used fraudulent identification to purchase alco-  
20 holic liquor in violation of section 33b shall file a police  
21 report concerning the violation with a local law enforcement  
22 agency and shall also present the alleged fraudulent identifica-  
23 tion to the local law enforcement agency at the time of filing  
24 the report if the identification is in the possession of the  
25 licensee. The commission may promulgate rules pursuant to the  
26 administrative procedures act of 1969, ~~Act No. 306 of the Public~~  
27 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~

1 ~~Compiled Laws~~ 1969 PA 306, MCL 24.201 TO 24.328, regarding the  
2 utilization by licensees of equipment designed to detect altered  
3 or forged driver licenses, state identification cards, and other  
4 forms of identification.

5 (3) In addition to the hearing commissioners provided for in  
6 section 5, the chairperson of the commission may designate not  
7 more than 2 duly authorized agents to hear violation cases. A  
8 person appointed under this subsection shall be a member in good  
9 standing of the state bar of Michigan.

10 (4) A duly authorized agent who has been designated by the  
11 chairperson pursuant to subsection (3) ~~shall have~~ HAS the same  
12 authority and responsibility as does a hearing commissioner under  
13 this act and the rules promulgated pursuant to this act ~~,~~ in  
14 the hearing of violation cases.

15 (5) A duly authorized agent who has been designated by the  
16 chairperson pursuant to subsection (3) ~~shall be~~ IS ineligible  
17 for appointment to the commission for a period of 1 year after  
18 the person ceases to serve as a duly authorized agent.

19 SEC. 20B. (1) AS USED IN THIS SECTION:

20 (A) "ADMINISTRATOR" MEANS A QUALIFYING COMPANY, POSTSECOND-  
21 ARY EDUCATIONAL INSTITUTION, OR TRADE ASSOCIATION AUTHORIZED BY  
22 THE COMMISSION TO OFFER SERVER TRAINING PROGRAMS AND INSTRUCTOR  
23 CERTIFICATION CLASSES IN COMPLIANCE WITH THIS SECTION AND TO CER-  
24 TIFY TO THE COMMISSION THAT THOSE PERSONS MEET THE REQUIREMENTS  
25 OF THIS SECTION.



1 (B) "INSTRUCTOR" MEANS AN INDIVIDUAL CERTIFIED BY AN  
2 ADMINISTRATOR AND APPROVED BY THE COMMISSION TO TEACH SERVER  
3 TRAINING PROGRAMS.

4 (C) "PROHIBITED SALE" MEANS THE SALE OF ALCOHOLIC LIQUOR BY  
5 AN EMPLOYEE OF A LICENSEE TO A VISIBLY INTOXICATED PERSON OR TO A  
6 MINOR, OR BOTH.

7 (D) "RESPONSIBLE VENDOR" MEANS A DESIGNATION BY THE COMMIS-  
8 SION OF A RETAIL LICENSEE MEETING THE STANDARDS OF THIS SECTION.

9 (E) "SERVER TRAINING PROGRAM" MEANS AN EDUCATIONAL PROGRAM  
10 WHOSE CURRICULUM HAS BEEN APPROVED BY THE COMMISSION UNDER THE  
11 STANDARDS DESCRIBED IN THIS SECTION AND IS OFFERED BY AN ADMINIS-  
12 TRATOR TO A RETAIL LICENSEE FOR ITS EMPLOYEES.

13 (2) THE COMMISSION SHALL ESTABLISH A PROGRAM IN WHICH THE  
14 COMMISSION DESIGNATES CERTAIN RETAIL LICENSEES AS RESPONSIBLE  
15 VENDORS. THE COMMISSION MAY ADOPT THE EXISTING STANDARDS AND  
16 PROGRAMATIC FRAMEWORK OF A PRIVATE ENTITY AND MAY DELEGATE NON-  
17 DISCRETIONARY ADMINISTRATIVE FUNCTIONS TO AN OUTSIDE ENTITY.

18 (3) THE COMMISSION SHALL DESIGNATE AS A RESPONSIBLE VENDOR A  
19 RETAIL LICENSEE WHO MAKES AVAILABLE TO ALL FULL-TIME AND  
20 PART-TIME RETAIL EMPLOYEES, WITHIN 60 DAYS AFTER BEING HIRED, A  
21 SERVER TRAINING PROGRAM AND WHO IS ALSO FREE OF CONVICTIONS OR  
22 ADMINISTRATIVE DETERMINATIONS INVOLVING PROHIBITED SALES FOR NOT  
23 LESS THAN 12 MONTHS BEFORE APPLYING FOR THE DESIGNATION. THE  
24 DESIGNATION CONTINUES UNTIL SUSPENDED BY THE COMMISSION.

25 (4) A PERSON MAY APPLY TO THE COMMISSION FOR QUALIFICATION  
26 AS AN ADMINISTRATOR FOR THE OFFERING OF SERVER TRAINING PROGRAMS  
27 AND INSTRUCTOR CERTIFICATION CLASSES.

1 (5) THE COMMISSION SHALL APPROVE A CURRICULUM FOR A SERVER  
2 TRAINING PROGRAM PRESENTED BY A CERTIFIED INSTRUCTOR IN A MANNER  
3 CONSIDERED BY THE COMMISSION TO BE ADEQUATE THAT INCLUDES, BUT IS  
4 NOT LIMITED TO, ALL OF THE FOLLOWING TOPICS:

5 (A) THE IDENTIFICATION OF PROGRESSIVE STAGES OF INTOXICATION  
6 AND THE VISIBLE SIGNS ASSOCIATED WITH EACH STAGE.

7 (B) THE IDENTIFICATION OF THE TIME DELAY BETWEEN CONSUMPTION  
8 AND VISIBILITY OF SIGNS OF PROGRESSIVE INTOXICATION.

9 (C) BASIC EQUIVALENCY AND ALCOHOL CONTENT AMONG DIFFERENT  
10 TYPES OF MEASURED DRINKS CONTAINING ALCOHOLIC LIQUOR.

11 (D) VARIABLES ASSOCIATED WITH VISIBLE INTOXICATION, INCLUD-  
12 ING THE RATE OF DRINKING, EXPERIENCE, WEIGHT, FOOD CONSUMPTION,  
13 SEX, AND USE OF OTHER DRUGS.

14 (E) PERSONAL SKILLS TO HANDLE SLOW-DOWN OF SERVICE AND  
15 INTERVENTION PROCEDURES.

16 (F) PROCEDURES FOR MONITORING CONSUMPTION AND MAINTAINING  
17 INCIDENT REPORTS.

18 (G) THE UNDERSTANDING OF ACCEPTABLE FORMS OF PERSONAL IDEN-  
19 TIFICATION, TECHNIQUES FOR DETERMINING THE VALIDITY OF IDENTIFI-  
20 CATION, AND PROCEDURES FOR DEALING WITH FRAUDULENT  
21 IDENTIFICATION.

22 (H) ASSESSMENT OF THE NEED TO ASK FOR IDENTIFICATION BASED  
23 ON APPEARANCE OR COMPANY POLICY.

24 (I) THE IDENTIFICATION OF POTENTIAL SECOND-PARTY SALES AND  
25 FURNISHING ALCOHOL TO MINORS BY PERSONS 21 YEARS OF AGE OR OVER.

1 (J) THE UNDERSTANDING OF POSSIBLE LEGAL, CIVIL, AND  
2 ADMINISTRATIVE CONSEQUENCES OF VIOLATIONS OF THIS ACT, THE RULES  
3 OF THE COMMISSION, AND OTHER PERTINENT STATE LAWS.

4 (K) THE UNDERSTANDING OF MICHIGAN LAWS PERTAINING TO MINORS  
5 ATTEMPTING TO PURCHASE, MINORS IN POSSESSION, AND SECOND-PARTY  
6 SALES OR FURNISHING OF ALCOHOL FROM ADULTS TO MINORS.

7 (L) KNOWLEDGE OF THE LEGAL HOURS OF ALCOHOL SERVICE AND  
8 OCCUPANCY.

9 (M) THE IDENTIFICATION OF SIGNS OF PROHIBITED ACTIVITIES,  
10 SUCH AS GAMBLING, SOLICITATION FOR PROSTITUTION, AND DRUG SALES.

11 (N) ANY OTHER PERTINENT LAWS AS DETERMINED BY THE  
12 COMMISSION.

13 (6) THE COMMISSION SHALL ISSUE AN INSTRUCTOR CERTIFICATION  
14 TO AN INDIVIDUAL PRESENTING EVIDENCE ACCEPTABLE TO THE COMMISSION  
15 OF HAVING SUCCESSFULLY COMPLETED INSTRUCTOR CERTIFICATION CLASSES  
16 AND SHALL ISSUE AN IDENTIFICATION CARD INDICATING THAT CERTIFICA-  
17 TION BY THE COMMISSION.

18 (7) UPON APPROVAL BY THE COMMISSION OF A SERVER TRAINING  
19 PROGRAM, THE COMMISSION SHALL APPOINT THE PERSON SPONSORING THE  
20 SERVER TRAINING PROGRAM AS AN ADMINISTRATOR OF THAT PROGRAM. THE  
21 ADMINISTRATOR SHALL PROVIDE A CERTIFICATION TO THE COMMISSION  
22 THAT A RETAIL LICENSEE HAS SUCCESSFULLY COMPLETED THE SERVER  
23 TRAINING PROGRAM OFFERED BY A CERTIFIED INSTRUCTOR AND APPROVED  
24 BY THE COMMISSION AND SHALL RECOMMEND THAT THE COMMISSION DESIG-  
25 NATE THE LICENSEE AS A RESPONSIBLE VENDOR.

26 (8) AS A CONDITION OF THE DESIGNATION OF A LICENSEE AS A  
27 RESPONSIBLE VENDOR, THE LICENSEE SHALL MAKE AVAILABLE TO THE

1 ADMINISTRATOR IN NOT LESS THAN 60-DAY TIME INCREMENTS RECORDS  
2 SUFFICIENT TO VERIFY THE NAMES AND SOCIAL SECURITY NUMBERS OF HIS  
3 OR HER EMPLOYEES. THE ADMINISTRATOR SHALL PROVIDE TO THE COMMIS-  
4 SION A LIST OF NAMES AND SOCIAL SECURITY NUMBERS OF INDIVIDUALS  
5 WHO HAVE SUCCESSFULLY COMPLETED THE SERVER TRAINING PROGRAM AND  
6 SHALL MONITOR THE LICENSEE IN A MANNER APPROVED BY THE COMMISSION  
7 IN ORDER TO VERIFY CONTINUED COMPLIANCE OF THE LICENSEE'S STATUS  
8 AS A RESPONSIBLE VENDOR. THE ADMINISTRATOR SHALL NOTIFY THE COM-  
9 MISSION IN WRITING AS SOON AS IT DETERMINES THAT THE LICENSEE HAS  
10 FAILED TO MAINTAIN THE STANDARDS FOR SERVER TRAINING OR HAS  
11 FAILED TO COOPERATE WITH THE ADMINISTRATOR'S VERIFICATION  
12 PROCEDURE. UPON RECEIPT OF SUCH A NOTICE FROM THE ADMINISTRATOR,  
13 THE COMMISSION SHALL SUSPEND THE LICENSEE'S DESIGNATION AS A  
14 RESPONSIBLE VENDOR.

15 (9) NOTWITHSTANDING SECTION 20, THE COMMISSION SHALL NOT  
16 SUSPEND OR REVOKE THE LICENSE OF A RETAIL LICENSEE QUALIFIED AS A  
17 RESPONSIBLE VENDOR FOR A PROHIBITED SALE BY AN EMPLOYEE OF THE  
18 LICENSEE IF THE EMPLOYEE HAS SUCCESSFULLY COMPLETED A SERVER  
19 TRAINING PROGRAM BEFORE COMMITTING THE PROHIBITED SALE.

20 (10) NOTWITHSTANDING SECTION 20, THE COMMISSION SHALL CON-  
21 sider A RETAIL LICENSEE'S DESIGNATION AS A RESPONSIBLE VENDOR IN  
22 MITIGATION OF ADMINISTRATIVE SANCTIONS REGARDING A PROHIBITED  
23 SALE AND SHALL NOT ORDER AN ADMINISTRATIVE FINE IN EXCESS OF 50%  
24 OF THE MAXIMUM FINE ALLOWED UNDER SECTION 20 UPON ITS DETERMINA-  
25 TION THAT A PROHIBITED SALE OCCURRED.

26 (11) THE COMMISSION MAY SUSPEND THE DESIGNATION OF A RETAIL  
27 LICENSEE AS A RESPONSIBLE VENDOR UPON A CONVICTION OR

1 ADMINISTRATIVE DETERMINATION OF A PROHIBITED SALE ON THE  
2 LICENSEE'S LICENSED PREMISES. THE RETAIL LICENSEE LOSING SUCH A  
3 DESIGNATION MAY REAPPLY FOR DESIGNATION AS A RESPONSIBLE VENDOR  
4 UPON THE PASSAGE OF 12 MONTHS FROM THE DATE OF THE CONVICTION OR  
5 ADMINISTRATIVE DETERMINATION OF A PROHIBITED SALE IF THE LICENSEE  
6 IS NOT CONVICTED OR ADMINISTRATIVELY DETERMINED TO HAVE ENGAGED  
7 IN A PROHIBITED SALE ON THE LICENSED PREMISES. AFTER THE FIRST  
8 INSTANCE OF A RETAIL LICENSEE LOSING ITS DESIGNATION AS A RESPON-  
9 SIBLE VENDOR, THAT RETAIL LICENSEE IS NOT ELIGIBLE TO REAPPLY FOR  
10 SUCH A DESIGNATION UNTIL AN ADDITIONAL 3 MONTHS FOR EACH SUBSE-  
11 QUENT CONVICTION OR DETERMINATION. THE 3-MONTH TIME PERIODS ARE  
12 TO BE IN ADDITION TO THE 12-MONTH PERIOD DESCRIBED IN THIS  
13 SUBSECTION.

14 (12) A RESPONSIBLE VENDOR IS NOT CONSIDERED TO BE IN VIOLA-  
15 TION OF THE PROHIBITION CONTAINED IN R 436.1005(4) REGARDING  
16 ALLOWING AN INTOXICATED PERSON TO FREQUENT OR LOITER ON THE  
17 LICENSED PREMISES UNLESS THE FACTS DEMONSTRATE OTHERWISE.