



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

In the matter of)	
)	
M.E.S. PETROLEUM, INC.)	Business ID No. 215340
D/B/A BP GAS STATION)	
1729 S M 37)	
Hastings, Michigan 49058)	
)	
Hastings Township)	
Barry County)	
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At April 21, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Teri L. Quimby, Commissioner
Dennis Olshove, Commissioner

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission shall impose a suspension or revocation of the 2014 Specially Designated Merchant license with permission for motor vehicle fuel pumps under MCL 436.1541(3), and Sunday Sales Permit (A.M.) held by M.E.S. Petroleum, Inc., d/b/a BP Gas Station (licensee) at the above-noted address, as the licensee was found liable for three (3) violations of MCL 436.1801(2) on different occasions within a 24-month period. Those violations occurred on November 1, 2013, June 9, 2014 and November 10, 2014.

The penalty hearing was held on April 21, 2015 at the Commission's Lansing office. Representing the licensee at the hearing was Attorney Robert Byington and sole stockholder, Mohammed Hossain.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney

Byington and Mr. Hossain, and review of the MLCC file, the Commission finds that revocation of the license is not necessary in this matter. However, the Commission further finds that a suspension of the license is required, and the licensee has demonstrated reasons to order a suspension in this matter for the following reasons:

- The Commission finds that the license and permits were originally issued to the licensee on May 18, 2009. The minors were 18 and 19 years of age, and identification was not requested in the incidents that occurred on June 9, 2014 and November 10, 2014.
- The Commission finds that a 19 year old minor was sold or furnished alcoholic liquor on November 1, 2013 and identification was requested and shown; indicating either a careless disregard of the law or deliberate actions of the clerk.
- The Commission finds that all three (3) violations were acknowledged by the licensee.
- The Commission finds that all employees who made the illegal sales were terminated.
- The Commission finds that the licensee has now instituted a policy of “carding” all patrons prior to completing the sale of alcohol.
- The Commission finds that the licensee requires all employees to sign a company policy regarding alcohol sales acknowledging that they will be terminated if an illegal sale is made.
- The Commission finds that the licensee utilizes age identification scanning equipment for the purposes of verifying identification.
- The Commission finds that the licensee has passed four (4) controlled-buy operations for alcohol conducted by the Commission’s Enforcement Division.
- The Commission finds there was no failure to cooperate with law enforcement or with the Commission.

Under MCL 436.1903(1), the Commission shall issue a penalty of suspension or revocation in this matter. The Commission finds that a seven (7) day suspension is warranted for the reasons stated on the record, to be served April 28, 29, 30, May 1, 2, 3 and 4, 2015.

THEREFORE, IT IS ORDERED that:

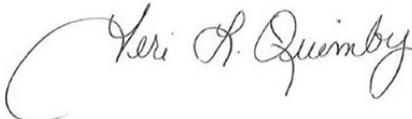
A. The 2014 Specially Designated Merchant license with permission for motor vehicle fuel pumps under MCL 436.1541(3), and Sunday Sales Permit (A.M.) held by M.E.S. Petroleum, Inc., d/b/a BP Gas Station is SUSPENDED for seven (7) days to be served on April 28, 29, 30, May 1, 2, 3 and 4, 2015.

B. The suspension is to run consecutively and not concurrently with any other suspension ordered by the Michigan Liquor Control Commission for this licensee.

MICHIGAN LIQUOR CONTROL COMMISSION



Andrew J. Deloney, Chairman



Teri L. Quimby, Commissioner



Dennis Olshove, Commissioner

Date Mailed:

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