



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

In the matter of)
)
MONKEYPETES, INC.) Business ID No. 222874
D/B/A CLARK'S CORNER)
2512 Hunt)
Adrian, Michigan 49221)
)
Adrian Township Lenawee County)
_____)

At the December 8, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Lansing, Michigan.

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

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission shall impose a suspension or revocation of the 2015 Specially Designated Distributor and Specially Designated Merchant licenses held by Monkeypetes, Inc., d/b/a Clark's Corner (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 August 1, 2014, April 15, 2015 and May 14, 2015.

The penalty hearing was held on December 8, 2015 at the Commission's Lansing office. Representing the licensee at the hearing was Attorney Dale Smith and sole stockholder, Todd Clark.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney Smith and Mr. Clark, and review of the MLCC file, the Commission finds that revocation of the licenses is not necessary in this matter. However, the Commission further finds that a suspension of the licenses is required, and the licensee has demonstrated reasons to order a suspension in this matter for the following reasons:

- The Commission finds that the licenses were originally issued to the licensee on February 19, 2010. The minors were sold alcoholic liquor in violation of MCL 436.1801(2) within a timeframe of less than 10 months; and the licensee acknowledged each violation and was assessed fines in all three (3) matters and a 3-day suspension was imposed in the most recent violation.
- The Commission finds that the minors were all 19 years of age, and identification was not requested in the incident that occurred on May 14, 2015. The selling clerk did, however, request identification in the incidents that occurred on August 1, 2014 and April 15, 2015 and alcohol was still sold to the minor decoys.
- The Commission finds that prior to these 3 occurrences which necessitated the penalty hearing, the licensee was also cited and found responsible for a sale to an 18-year old minor on August 24, 2010, and identification was not requested in that incident.
- The Commission finds that the employees who made the illegal sales on August 1, 2014 and May 14, 2015 were terminated.
- The Commission finds that the licensee did not take any actions after the first, second or third violations, other than terminating the selling clerk in the first and third violations, to prevent future sales to minors. The selling clerk in the violation that occurred on April 15, 2015 is still employed at the store.
- The Commission finds that the licensee stated he verbally trains all employees and that there are no written policies for employees to aid in the prevention of future sales to minors.
- The Commission finds that the licensee has demonstrated a policy exists requiring clerks to “card” all patrons who appear to be under 40 years of age prior to completing the sale and service of alcohol.
- The Commission finds that the licensee has not demonstrated any record of passed controlled-buy operations for alcohol sales conducted by the Commission’s Enforcement Division or local law enforcement.

- 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 twenty (20) day suspension is warranted for the reasons stated on the record, to be served from December 14, 2015 thru January 2, 2016; with the licenses to be returned on January 3, 2016.

THEREFORE, IT IS ORDERED that:

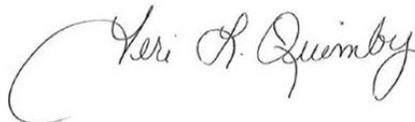
A. The 2015 Specially Designated Distributor and Specially Designated Merchant licenses held by Monkeypetes, Inc., d/b/a Clark's Corner at the subject location are SUSPENDED for twenty (20) days, to be served from December 14, 2015 thru January 2, 2016; with the licenses to be returned on January 3, 2016.

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

Date Mailed:

tlc