



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

In the matter of	)	
	)	
<b>WAL-MART STORES EAST, LIMITED</b>	)	Business ID No. 143179
<b>PARTNERSHIP</b>	)	
<b>D/B/A WAL-MART SUPERCENTER #2238</b>	)	
1879 E Sherman	)	
Muskegon, Michigan 49444	)	
	)	
Fruitport Township     Muskegon County	)	

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At the October 6, 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 2015 Specially Designated Merchant license with permission for motor vehicle fuel pumps under MCL 436.1541(1), Sunday Sales Permit (A.M.) and 3 Direct Connections to unlicensed premises held by Wal-Mart Stores East, Limited Partnership, d/b/a Wal-Mart Supercenter #2238 (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 September 21, 2013, April 25, 2014 and May 8, 2015.

The penalty hearing was held on October 6, 2015 at the Commission's Lansing office. Representing the licensee at the hearing was Attorney Sandra Cotter, Regional Compliance Manager, Kiewanin Johnson, and Store Manager, Tim Keyes.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney Cotter and Wal-Mart representatives, and review of the MLCC file with exhibit

presented, 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 was issued to the licensee on August 2, 2002. The minors were all 19 and 20 years of age and identification was checked in each occurrence.
- The Commission finds that the licensee has demonstrated that a standard operating procedure and policy exists for disciplinary action taken against employees who do not adhere to the policies and procedures for prevention of selling to minors. All three (3) selling clerks involved in the sales were immediately terminated.
- The Commission finds that the licensee has new management in place and regular employee meetings are conducted.
- The Commission finds that the licensee has demonstrated a policy is in place specific to this location to check identification of all customers purchasing alcoholic beverage products. All other stores adhere to a policy of requesting identification of all who appear 40 years of age or younger.
- The Commission finds that the licensee has demonstrated that signage is posted throughout the store relating to the legal age for alcohol sales, including at the point of sale and at the point of selection of alcoholic beverage products.
- The Commission finds that the licensee has implemented a "Secret Shopper Program" and is executed and reviewed regularly to ensure employees are compliant with the laws of the State regarding the sale of age restricted products.
- The Commission finds that the licensee has passed one (1) controlled-buy operation for alcohol conducted by the Commission's Enforcement Division in 2014. Attorney Cotter also indicated the Fruitport Police Department conducted a controlled-buy operation at this location on September 18, 2015 and the store successfully passed.

- The Commission finds this licensee has no history of failure to cooperate with law enforcement or with the Commission during any of these occurrences.

Under MCL 436.1903(1), the Commission shall issue a penalty of suspension or revocation in this matter. The Commission finds that a four (4) consecutive day suspension is warranted for the reasons stated on the record, to be served October 19, 20, 21 and 22, 2015.

THEREFORE, IT IS ORDERED that:

A. The 2015 Specially Designated Merchant license with permission for motor vehicle fuel pumps under MCL 436.1541(1), Sunday Sales Permit (A.M.) and 3 Direct Connections to unlicensed premises held by Wal-Mart Stores East, Limited Partnership, d/b/a Wal-Mart Supercenter #2238 is SUSPENDED for four (4) consecutive days, to be served on October 19, 20, 21 and 22, 2015.

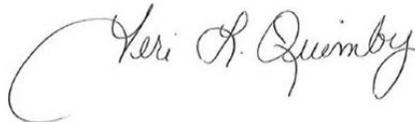
B. The suspension is to run consecutively and not concurrently with any other suspension ordered by the Michigan Liquor Control Commission for this licensee.

MICHIGAN LIQUOR CONTROL COMMISSION



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Andrew J. Deloney, Chairman



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Teri L. Quimby, Commissioner



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Dennis Olshove, Commissioner