



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

In the matter of)
)
WALGREEN CO.) Business ID No. 220259
(AN ILLINOIS PUBLIC CORPORATION))
D/B/A WALGREEN'S #5168)
23007 Telegraph)
Brownstown, Michigan 48134)
)
Wayne County)
_____)

At the February 12, 2015 hearing of the Michigan Liquor Control Commission (Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney
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 Sunday Sales Permit (A.M.) held by Walgreen Co. (An Illinois Public Corporation), d/b/a Walgreen's #5168 (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 26, 2012, August 13, 2014 and September 17, 2014.

The penalty hearing was held on February 12, 2015 at the Commission's Southfield office. Representing the licensee at the hearing was Attorney Patrick Howe and Dan Wiseman, General Manager at this location.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney Howe and Mr. Wiseman, 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 originally issued to the licensee on January 8, 2010. The minors were ages 18 and 19, and the same selling clerk failed to request identification in the incidents that occurred on September 26, 2012 and September 17, 2014, and the selling clerk is still employed at this location. The licensee acknowledged each violation and was assessed fines in all three (3) matters.
- The Commission finds that the licensee has an established policy of “carding” patrons who appear to be age 40 and under.
- The Commission finds that the licensee has represented 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.
- The Commission finds that the licensee requires all managers and employees to complete the TIPS® training program upon hire.
- The Commission finds that Walgreen Co. is licensed at 217 locations in Michigan and no other location has been subject to penalty hearing proceedings under MCL 436.1903(1).
- 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 three (3) day suspension is warranted for the reasons stated on the record, to be served on February 24, 25 and 26, 2015.

THEREFORE, IT IS ORDERED that:

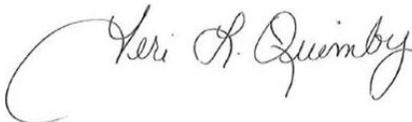
A. The 2014 Specially Designated Merchant license with Sunday Sales Permit (A.M.) held by Walgreen Co. (An Illinois Public Corporation), d/b/a Walgreen's #5168 is SUSPENDED for three (3) days, to be served on February 24, 25 and 26, 2015.

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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