



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

In the matter of)
)
CINDY'S FOOD MARTS, INC.) Business ID No. 15021
D/B/A EXPRESS LANE)
812 W. Laketon)
Muskegon, Michigan 49441)
)
Muskegon County)
_____)

At the May 26, 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 Motor Vehicle Fuel Pumps under MCL 436.1541(5) and Sunday Sales Permit (A.M.) held by Cindy's Food Marts, Inc., d/b/a Express Lane (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 December 14, 2012, June 23, 2014 and November 26, 2014.

The penalty hearing was held on May 26, 2015 at the Commission's Lansing office. Representing the licensee at the hearing was Attorney Keith McEvoy and sole stockholder, Cindy Camp.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Mr. McEvoy and Ms. Camp, 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 this licensed corporation was subject to penalty hearing proceedings in 2000 for violations of MCL 436.1801(2), and was ordered a 10-day suspension as penalty at that time.
- The Commission finds the licensee is developing standard operating procedures 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 has new management in place and regular employee meetings are conducted.
- The Commission finds that the licensee has passed two (2) controlled-buy operations for alcohol conducted by the Commission's Enforcement Division; and has passed six (6) controlled-buy operations for alcohol conducted by the Muskegon Police Department.
- 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 on June 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, 2015.

THEREFORE, IT IS ORDERED that:

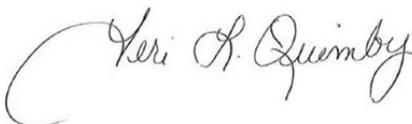
A. The 2015 Specially Designated Merchant license with Motor Vehicle Fuel Pumps under MCL 436.1541(5) and Sunday Sales Permit (A.M.) held by Cindy's Food Marts, Inc., d/b/a Express Lane is SUSPENDED for twenty (20) days to be served on June 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27, 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:

tlc