



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

In the matter of)	
WOODWARD DETROIT CVS, L.L.C.)	
D/B/A CVS PHARMACY #1748)	
57090 10 Mile Rd)	Business ID No. 206653
South Lyon, MI 48178-9718)	
)	
<u>Lyon Township</u> <u>Oakland County</u>)	

At the February 21, 2019 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

CORRECTED ORDER

PENALTY HEARING ORDER

Under MCL 436.1903(1), the Commission shall hold a Penalty Hearing and impose a suspension or revocation of the 2018 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.) held by Woodward Detroit CVS, L.L.C., d/b/a CVS Pharmacy #1748 (“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 30, 2016, March 28, 2017 and July 23, 2018.

The penalty hearing was held on February 21, 2019 at the Commission’s Southfield office. Representing the licensee at the hearing was Attorney Russell Carniak and store manager, Sara Post.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney Carniak and Ms. Post, 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 issued to the licensee on May 30, 2018.
- The Commission finds that the minor in the first sale that occurred on November 30, 2016 was only 17 years of age. The minors in the second and third sales were both 19 years of age. In all three (3) incidents when the clerk requested identification, each decoy responded that they did not have any. The clerk then asked for their date of birth, an incorrect birthdate was given, and the sales occurred.
- The Commission finds that the licensee provided a written demonstration that all employees at this store recently completed TIPS training (Training Intervention and Procedures), and that all new employees will also be required to complete this training.
- The Commission finds that the licensee demonstrated a policy is in place requiring employees to check identification of all customers purchasing alcoholic beverage products, and to scan identification prior to completing sales of alcoholic beverage products.
- The Commission finds that the licensee indicated a written policy exists for alcohol sales, including disciplinary actions for those who do not adhere to the policies; and that regular meetings are held to remind employees of these policies. A written demonstration of these policies was not provided at the hearing.
- The Commission finds that the licensee has demonstrated that all employees involved in the sale of alcohol to minors were terminated.
- The Commission finds that the licensee has passed two (2) controlled-buy operations for alcohol conducted by the MLCC on June 11, 2009 and April 18, 2015.

- The Commission finds that 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 seventeen (17) consecutive day suspension is warranted for the reasons stated on the record, to be served Friday, March 1, 2019 through Sunday, March 17, 2019; with the licenses to be returned on Monday, March 18, 2019.

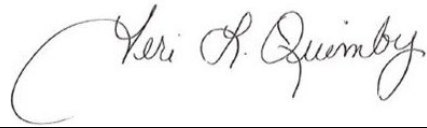
THEREFORE, IT IS ORDERED that:

- A. The 2018 Specially Designated Distributor and Specially Designated Merchant licenses with Sunday Sales Permits (A.M. & P.M.) held by Woodward Detroit CVS, L.L.C., d/b/a CVS Pharmacy #1748, at the subject address are SUSPENDED for seventeen (17) consecutive days, to be served Friday, March 1, 2019 through Sunday, March 17, 2019; with the licenses to be returned on Monday, March 18, 2019.
- 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 (**dissent**)



Dennis Olshove, Commissioner

Date Mailed: February 26, 2019

tlc

*Correction Notes: The order failed to reflect the dissenting vote of Commissioner Teri L. Quimby.

The correction has no substantive effect on the decision made by the Commission.