



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

In the matter of)
WALGREEN CO. (AN ILLINOIS PUBLIC)
CORPORATION)
D/B/A WALGREEN'S #5171) Business ID No. 219980
7110 Dixie Hwy)
Clarkston, MI 48346-2014)
Oakland County)

At the January 17, 2019 hearing of the Michigan Liquor Control Commission in Southfield, 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 2018 Specially Designated Merchant license with Sunday Sales Permit (A.M.) held by Walgreen Co. (An Illinois Public Corporation), d/b/a Walgreen's #5171 ("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 7, 2017, November 21, 2017 and July 13, 2018.

The penalty hearing was held on January 17, 2019 at the Commission's Southfield office. Representing the licensee at the hearing were Attorney J. Patrick Howe, Walgreen's Regional Manager, Joshua Shina, and Store Manager, Travis Bernard.

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 management staff on behalf of the licensee, 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 the license was originally issued to the licensee on January 12, 2010.
- The Commission finds that the licensee was found responsible for a previous sale to minor violation that occurred on July 15, 2015, which is not included in this penalty hearing; and has also passed four (4) controlled-buy operations for alcohol since licensure (2012, 2013, 2016 and 2017).
- The Commission finds that the minors who were sold alcohol in the incidents included in this penalty hearing were all 19 years of age. Identification was not shown in all three (3) incidents. In the July 13, 2018 incident, the clerk asked the decoy for identification and when the decoy did not produce identification the clerk then asked the minor for their date of birth, entered it into the cash register, and the sale was completed.
- The Commission finds that the licensee has demonstrated a policy for alcohol sales was in place at the time the violations occurred, and two (2) employees responsible for selling alcohol to minors were given a written warning as discipline consistent with the policy.
- The Commission finds that the licensee has demonstrated a new policy has been implemented requiring employees to check identification of all patrons purchasing alcohol, and failure to do same will result in immediate termination.
- The Commission finds that the licensee has demonstrated that a point of sale system requiring identification to be swiped prior to the sale of alcohol is installed to aid in the prevention of the sale of alcohol to minors.
- 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 five (5) consecutive day

suspension is warranted for the reasons stated on the record, to be served Monday, January 28, 2019 through Friday, February 1, 2019; with the license to be returned on Saturday, February 2, 2019.

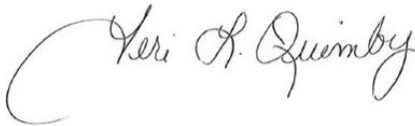
THEREFORE, IT IS ORDERED that:

- A. The 2018 Specially Designated Merchant license with Sunday Sales Permit (A.M.) held by Walgreen Co. (An Illinois Public Corporation), d/b/a Walgreen's #5171 at the subject address is SUSPENDED for five (5) consecutive days, to be served Monday, January 28, 2019 through Friday, February 1, 2019; with the license to be returned on Saturday, February 2, 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



Dennis Olshove, Commissioner

Date Mailed: January 18, 2019

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