



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LIQUOR CONTROL COMMISSION

In the matter of	)	
<b>DANDY OIL, INC.</b>	)	
<b>D/B/A DANDY OIL</b>	)	Business ID No. 15062
5465 Sashabaw Rd	)	
Clarkston, MI 48346-3874	)	
	)	
<u>Independence Township</u>	<u>Oakland County</u>	)

At the December 13, 2018 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

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

**2018 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.) and permission for motor vehicle fuel pumps under MCL 436.1541(6) held by Dandy Oil, Inc. d/b/a Dandy Oil (“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 December 13, 2018 at the Commission’s Southfield office. Representing the licensee at the hearing was Attorney Seth Tompkins and District Manager, Brendan Robinson.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney Tompkins and Mr. Robinson, and review of the MLCC file, the Commission finds that the licensee has demonstrated reasons to order a REVOCATION in this matter for the following reasons:

- The Commission finds that the license was originally issued to the licensee on October 18, 1989.

- The Commission finds that since licensure in 1989, the licensee has been found responsible for a total of fifteen (15) sale to minor violations, which is contrary to MCL 436.1801(2).
- Commission finds that the three (3) most recent sale to minor violations that necessitated this hearing, the minors who were sold alcoholic beverages were all 19 years of age. Identification was not requested in two (2) of those incidents, however the sales still occurred. In the last sale to minor that occurred on July 13, 2018, the clerk requested identification, the decoy did not present identification, but the sale still occurred.
- The Commission finds that at each of these three (3) violation hearings, the licensee was represented by an attorney, however, no officer of the corporation was present at any of the hearings.
- The Commission finds that MLCC records indicate the licensee had a prior penalty hearing held on September 21, 2017, resulting in a 15-day suspension imposed as the penalty. These three (3) most recent violations occurred within a 10-month period following the last penalty hearing. Further, an attorney appeared on behalf of the licensee, although no officer of the corporation appeared at the 2017 penalty hearing.
- The Commission finds that the licensee stated at the 2017 penalty hearing that no written training policies were in place. Today, at this 2018 penalty hearing, the licensee was only able to demonstrate one general and vague paragraph regarding alcohol sales.
- The Commission finds that, at the 2018 penalty hearing, the licensee demonstrated that they have point of sale technology to help prevent illegal sales. However, the licensee made the same demonstration at the 2017 penalty hearing and the additional sales to minors still occurred.
- The Commission finds that at the 2018 penalty hearing, the licensee demonstrated that they have a policy requiring all purchases of alcohol to show identification. However, the licensee made the same demonstration at the 2017 penalty hearing and the additional sales to minors still occurred.
- The Commission finds that the licensee has clearly demonstrated that it does not take these matters seriously, has taken minimal efforts to prevent

future violations, and places the health, safety and welfare of the public at risk.

Under MCL 436.1903(1), the Commission shall issue a penalty of suspension or revocation in this matter. The Commission finds that a REVOCATION is warranted for the reasons stated on the record, to be effectuated immediately.

THEREFORE, IT IS ORDERED THAT:

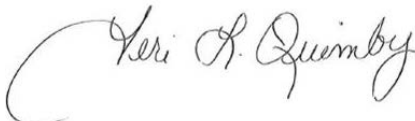
- A. The 2018 Specially Designated Merchant license with Sunday Sales Permit (A.M.) and permission for motor vehicle fuel pumps under MCL 436.1541(6) held by Dandy Oil, Inc., d/b/a Dandy Oil at the above-noted address is IMMEDIATELY REVOKED under MCL 436.1903(1).
- B. Under MCL 436.1907(1), any and all privileges conferred by the license shall be forfeited and the Commission shall seize any and all alcoholic liquor found in the possession of the licensee.
- C. Under MCL 436.1907(2), the Commission shall remit to the licensee the purchase price less 10% paid by the licensee to the Commission for all alcoholic liquor seized. All other alcoholic liquor seized shall be disposed of in accordance with the law and no payment shall be made for that alcoholic liquor.

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