



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

In the matter of)
TECLARK, INC.)
D/B/A MIDWAY MARKET) Business ID No. 144631
2401 Occidental Hwy)
Adrian, MI 49221-9504)
)
Raisin Township Lenawee County)

At the February 28, 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 hold a Penalty Hearing and impose a suspension or revocation of the 2018 Specially Designated Distributor and Specially Designated Merchant licenses held by Teclark, Inc., d/b/a Midway Market ("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 May 5, 2017, July 31, 2017 and June 29, 2018.

The penalty hearing was properly noticed and held on February 28, 2019 at the Commission's Southfield office. Representing the licensee at the hearing were Attorney Torree Breen and stockholder, Todd Clark.

After reviewing the record of the three (3) violations within a consecutive 24-month period which necessitated the penalty hearing, hearing arguments from Attorney Breen and Mr. Clark, 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 originally issued to the licensee on May 29, 2003.
- The Commission finds that the minors who were sold alcoholic beverages were 19 and 20 years of age. It appears that identification was not requested in the incidents occurring on May 5, 2017 and June 29, 2018. Identification was requested in the incident that occurred on July 31, 2017, indicating either a careless disregard of the law or deliberate actions of the clerk.
- The Commission finds that the licensee has demonstrated a policy for alcohol sales has been in place but the sales of alcohol to minors still occurred.
- The Commission finds that the licensee provided a written demonstration that all employees recently completed eTIPS Off Premise 3.0 - Michigan training, and all new employees will be required to complete this training upon hire.
- The Commission finds that the licensee demonstrated an identification scanner is in use to assist employees in determining the age of patrons prior to the sale of alcohol.
- The Commission finds that the licensee demonstrated signage is posted throughout the establishment reminding employees and patrons of the legal age to purchase alcohol.
- 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 8, 2019 through Sunday, March 24, 2019; with the licenses to be returned on Monday, March 25, 2019.

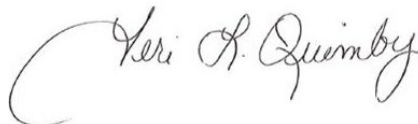
THEREFORE, IT IS ORDERED THAT:

- A. The 2018 Specially Designated Distributor and Specially Designated Merchant licenses held by Teclark, Inc., d/b/a Midway Market at the above-noted address, are SUSPENDED for seventeen (17) days, to be served Friday, March 8, 2019 through Sunday, March 24, 2019; with the licenses to be returned on Monday, March 25, 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: March 4, 2019

tlc