

LCC Liquor Licensee History

Business name: **Kroger (#463)**

Address: 3125 John R

Licensee: Kroger of Michigan.

License type: SDM

Permits:

Comments: Rep: Celeste McCrary (614) 898-3248 Mgr: Allison Dombeck (248) 658-1700

Date	Troy Incident #	Type	Disposition	Date
08/06/07		Council approves new SDM		
08/15/07		Store opens		
08/23/07	07-32116	Sale to Minor-Compliance Test	Violation	
09/05/07		Dist Ct	P/G \$100 Fine	
12/05/07		MLCC Hearing: Neg. Settlement	\$400 Fine	
08/31/07	07-33404	Liquor Inspection (Road Patrol- M.Livingston)	NO VIOLATIONS	
10/17/07	07-39523	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS	
12/06/07	07-45806	Compliance Test	PASSED	



Michigan Department of Consumer & Industry Services
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive - P.O. Box 30005
 Lansing, Michigan 48909-7505
 Phone (517) 322-1390 ~ FAX (517) 322-6347

VIOLATION REPORT
 (Authorized by P.A.58 of 1998)

* This report is not to be faxed or electronically submitted - an original signature is required*

* Officers please obtain License No., Bus. ID and File # directly from the liquor license *

License No. 161307-2007 Business ID 197467 File # D71517/D1325

1. Name of Licensee KROGER STORE NO. 463 2. Doing Business As Kroger Company of Michigan

3. Mailing Address (street, city, zip code) 3125 John R Road; Troy, Michigan 48083

4. Township _____ 5. County Oakland

6. Type of License(s) & Permit(s) SDM

7. Date of Violation: Thursday 08/23/07 8:48 AM or PM
 (DAY) (DATE) (HOUR)

8. Violation Type: Minor
 Intoxicated Person After hours sales/consumption
 Gambling Fighting (must be inside licensed premises)
 Controlled Substances Failure to Cooperate
 Prohibited Conduct OTHER: _____

if MINOR: Birth date _____ Was this a DECOY? Yes No If no, you MUST answer below:
 If above minor violation was NOT a decoy describe enforcement action taken:

COPY OF APPEARANCE TICKET MUST BE ATTACHED

9. Submit Report Below or Indicate Attached Report # 07-32116

* REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.*

Officer Signature [Signature] Name and Title (print) Sergeant John Schaufier

Officer Signature [Signature] Name and Title (print) Officer Joseph Morgan

Department Name Troy Police Department Phone # 248-524-3477

WITNESSES

1. Name _____ Address 500 West Big Beaver Road; Troy MI

Will testify to: Purchased six-pack of Samuel Adams beer

2. Name Patricia Davis Address 30035 Wildbrook Dr #207; Southfield MI

Will testify to: Sold six-pack of Samuel Adams beer to student enforcement aide

3. Name _____ Address _____

Will testify to:

4. Name _____ Address _____

Will testify to:

5. Name _____ Address _____

Will testify to:

EVIDENCE

Location Held (Explain): Property tag 142231
Six-pack of Samuel Adams beer

Call For Service

CFS Number: 070032116

Date: 8/23/2007

Call For Service

CFS Number	070032116	Complainant	
Date	8/23/2007	Address	3125 John R Rd
Dispatcher	00507 - Irvin, JoAnn	City, State, Zip	TROY, MI 48083
Call Source	0 - Telephone	Phone	
Received	12:16:43 PM	Call type	
Dispatched	12:23:30 PM	Reported Offense	C3309 - Liquor Inspection
Arrived		Verified Offense	4171 - Violation of Liquor Control Laws
Cleared	12:23:47 PM	Tow Company	
Location	3125 John R Rd	Vehicle	
City, State, Zip	Troy, MI 48083	Vehicle License	
Jurisdiction		Disposition	N - No Report
Grid		Priority	
Sector		Classification	
Map			
X Coordinate	4103291	Agency	TR - Troy PD
Y Coordinate	0119213	Case	0700008031

Officers

00080 - Daniels, Timothy

00065 - Morgan, Joseph

Notes - C3309 LIQUOR INSPECT

00507 - 12:16:43 ASSIGN D1

00507 - 12:16:43 Original Location : KROGERS

Troy PD Not A Crime - Other Service

Case No. 0700008031
Report No. 0700008031.1
Report Date: 8/28/2007

Troy PD
500 W Big Beaver
Troy, MI 48084
248 524-3477

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Subject: 4171 - Violation of Liquor Control Laws

Case Report Status	I - In Process	Entered On	8/28/2007 9:41:24 AM	Reporting Officer	
County	63 - Oakland	Entered By	00065 - Morgan, Joseph		00080 - Daniels, Timothy
City/Township	84 - Troy	Verified On		Assisted By	
Occurred On	8/23/2007 8:48:00 AM	Verified By			
Or Between		Approved On			
Location	3125 John R Rd	Approved By			
CSZ	Troy, MI 48083	Related Cases		Agency Assisted	
Census/Geo Code		Disposition	Arrest		
Jurisdiction		Excp. Clear Reason			
Grid		Excp. Clear Date			
Sector		Reporting Agency	Troy PD		
Map		Division	Patrol		
Call Source	Telephone	Notified			
Vehicle Activity					
Dir. Veh. Traveling					
Cross Street					
Means					
Motive					
Report Narrative	2007-32116				

Writer, Officer Morgan, and Student Enforcement Aide _____, went to Kroger located at 3125 John R to conduct a L.C.C. inspection. _____ had no identification with him, it was being held at the Police Department. He activated a small personal tape recorder and gave a brief introduction indicating time, date and location. He then entered the business, selected a 6 pack of Sam Adams and proceeded to the sales clerk on register 5. _____ presented the 6 pack to sales clerk Patricia Davis for purchase. Davis asked _____ for his driver's license. _____ advised her that he did not have his driver's license with him but offered his d.o.b. to her. _____ stated his d.o.b. was 1-25-85. Davis keyed that d.o.b. into the system and completed the transaction. The transaction totaled \$8.54 and _____ provided Davis with a \$10 bill. _____ received his change and left the store with the beer. _____ returned to our location and handed the 6 pack of Sam Adams over to Sgt. Schaufler and I. A short time later Sgt. Schaufler and I entered the store and made contact with store manager. We explained the situation to the store manager and advised him what would be required of the store. I issued a citation to Davis for "Fail to inquire as to Age." (citation 3710333) We gathered the required information to complete an L.C.C. violation report. The 6 pack of Sam Adams, cassette tape and receipt were taken to TPD and processed as evidence. (property tag #142231)

Offense Detail: 4171 - Violation of Liquor Control Laws

Offense Description	4171 - Violation of Liquor Control Laws	Location Type	12 - Grocery/Supermarket	No. Prem. Entered	
IBR Code	90G - Liquor Law Violations	Offense Completed?	Yes	Entry Method	
IBR Group	B	Hate/Bias	00 - None (No Bias)	Type Security	
Crime Against	SO	Domestic Violence	No	Tools Used	
Offense File Class	41001 - LIQUOR LICENSE - ESTABLISHMENT				
PACC					
Local Code					
Using					
Criminal Activity					

Troy PD Not A Crime - Other Service

Case No. 0700008031
Report No. 0700008031.1
Report Date: 8/28/2007

Troy PD
500 W Big Beaver
Troy, MI 48084
248 524-3477

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Force Level

Arrestee A1: Davis, Patricia Ann

Arrestee Number	A1	El		Occupation/Grade	
Name	Davis, Patricia Ann	Ht.		Employer/School	
Aliases		Wt.		Employer Address	
Alert(s)		Eye Color		Employer CSZ	
Address	30035 Wildbrook Dr Apt 207	Hair Color		Res. County	
CSZ	Southfield, MI 48034	Hair Style		Res. Country	
Home Phone		Hair Length		Resident Status	C - Resides in the County but not the community where the offense occurred
Work Phone		Facial Hair			
Email Address					
Scars/Marks/Tattoos					
Modus Operandi		Complexion			
Attire		Build			
Habitual Offender Status		Teeth			
Arrest No.	710333	Arrested For	4171 - Violation of Liquor Control Laws	Booked On	
Arrest Type	S - Summoned/Cited	Count	1	Booked Location	
FBI No.		Fingerprints		Released Location	
Criminal Tracking Number CTN		Photos		Released On	
Transaction Control Number TCN		Miranda Read		Released By	
Person Control Number PCN		Miranda Waived		Release Reason	
State No.		Number of Warrants		Held For	
Armed With	01 - Unarmed	Juvenile Disposition		Date/Time Arrested	8/23/2007 8:48:00 AM
Multi. Clearance	N - Not Applicable	Adult Present		Arrest Location	
Multi. Clearance Offense		Detention Name			
Prev. Suspect No.					
Notified Name					
Arrest Notes					

Witness W1:

Witness Code	W1	DOB		Place of Birth	
Name		Age	18	SSN	
Aliases		Sex	M - Male	DLN	
Alert(s)		Race	W - White	DL State	
		Ethnicity		DL Country	

Troy PD Not A Crime - Other Service

Case No. 0700008031
Report No. 0700008031.1
Report Date: 8/28/2007

Troy PD
500 W Big Beaver
Troy, MI 48084
248 524-3477

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Address	500 E Big Beaver Rd	Ht.	Occupation/Grade
CSZ	Troy, MI 48083	Wt.	Employer/School
Home Phone		Eye Color	Employer Address
Work Phone		Hair Color	Employer CSZ
Email Address		Facial Hair	Res. County
Attire		Complexion	Res. Country
			Resident Status
			Testify

Witness Notes Student Enforcement Aide
purchased 6 pack of Sam Adams.

Property Description Item 1: 1305 - Recording - Cassette Tape 5426 - cassette tape of transaction

Item No. 1
Property Category 1305 - Recording - Cassette Tape 5426
Property Class 27
IBR Type 27 - Recordings-Audio/Visual
UCR Type F - TV's, Radios, Stereos, Etc...
Status E - Evidence (Including Other Seized Property And Tools)

Count 1
Value
Manufacturer
Model
Serial No.
License No.
Color
Description cassette tape of transaction
Vehicle Year
Body Style
State
License Year

Recovered Date/Time
Owner
Disposition
Evidence Tag 142231
Alert(s)
Evidence Recovered By
Evidence Recovered From
Evidence Location

Drug Type
Drug Quantity
Drug Measure

Property Notes 1-cassette tape of transaction, 1-6 pack of Sam Adams, 1-receipt from transaction

NARRATIVE REPORT
WITNESS STATEMENT

SUPP CORR DELETE

01	DATE 08/23/07	DAY THU	SHIFT 0254	PLAT 201	BADGE 1	BADGE 2	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> UNF <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> INACT	PRIM CLASS	YEAR 07	INCIDENT # 32116
----	------------------	------------	---------------	-------------	---------	---------	---	------------	------------	---------------------

02
03
04
05

06 On August 23, 2007 I entered the Kroger
 07 located at 3125 John R in Troy, MI. Once inside
 08 I proceeded to the Beer and wine section and picked
 09 up one six pack of Samuel Adams Boston Lager.
 10 I approached Register 5 where Patricia was cashing.
 11 I entered my phone number for the Kroger Plus discount.
 12 The cashier asked to see my Driver's License. I explained
 13 that I did not have my license on me and asked
 14 if a date of birth would work. The cashier agreed
 15 that it would. I then told her that my date of
 16 birth was January 25, 1985. The cashier accepted it
 17 as my true date of birth and completed the transaction.
 18 The transaction totaled \$8.54 and I paid with a \$10
 19 bill. I received \$1.46 change and left the
 20 store with the beer.

21
22
23
24
25
26

27
28 Taken By: *Sgt. J. Schawler*
 (SIGNATURE)

29 Place: 3125 JOHN R RD TROY Date: Time:

INVESTIGATING OFFICER(S) REVIEWED BY ASSIGNED TO / BADGE ATTENTION TO
 DPH - Sgt. Schawler

Reviewed By: _____

TROY POLICE DEPARTMENT PROPERTY RECORD

TAG **142231**

COMPLAINT# 2007-32116

FOR PROPERTY SECTION USE ONLY - BIN # _____

EVIDENCE PERSONAL FOUND RECOVERED CONFISCATED LOCKER # 12

CHARGE / INCIDENT FAIR TO ZINSON AL TO DESCRIPTION 16 pack of Snow & Adam
1 Receipt 1 Caswell

REPORTING OFFICER M. Gant SERIAL # _____ DRUG WT. _____

DEFENDANT: DAW PATRICIA AND DATE 8-23-07 TIME 2:30 P
Last First Middle DOB

DEFENDANT: _____
Last First Middle DOB

INSTRUCTIONS TO PROPERTY SECTIONS: Hold for trial/coverings

OWNER: NAME _____ PHONE _____

ADDRESS _____ CITY _____ ZIP _____

CLAIMED BY: _____ DATE _____

FOR PROPERTY SECTION USE ONLY

DISPOSITION: AUCTIONED DESTROYED REUSED OTHER DATE _____



Right Store. Right Price.

3125 JOHN R
(248) 658-1700
YOUR CASHIER WAS Patricia

	SAM ADM BEER	PC	7.49	T
MR	BTL DEP .60	NP	0.60	F
SC 8041	AUTOMATIC COUPON		0.50	
KROGER PLUS CUSTOMER		*****7833		
	TAX		0.45	
****	BALANCE		8.54	
	CASH		10.00	
	CHANGE		1.46	
	Date of Birth = Fri Jan 25, 1985 KEYED			
	TOTAL NUMBER OF ITEMS SOLD = 1			

*****YOUR KROGER SAVINGS TODAY*****
 STR CPN & KRO PLUS SAVINGS \$ 0.50
 TOTAL COUPONS \$ 0.50
 TOTAL SAVINGS (5 pct.) \$ 0.50
 *****YOUR KROGER SAVINGS TODAY*****

08/23/07 08:48pm 463 5 153 111

 Thank You for being a Great Customer!

**PLUS CARD SAVINGS:
YOU SAVED \$0.50**

BY USING YOUR KROGER PLUS CARD
YOU SAVED TO DATE \$515.80

THANK YOU FOR SHOPPING KROGER

APPLY ONLINE WWW.KROGER.COM
JOIN OUR TEAM TODAY

State of Michigan
Uniform Law Citation

Ticket No. **710333** Victim Involved

US DOT # _____ Incident No. **2007-32116** Dept. No. **84**

The People of the State of Michigan
 Township City Village County

Local Use/Arrest No. _____ Detection Device _____

OF: **TROY** BAC **1** of **1**

Name (First, Middle, Last) **PATRICIA ANN DAVIS**

Street **30035 WILD BROOK DR APT 207**

City **SOUTHFIELD** State **MI** Zip Code **48034**

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of Local Ordinance State Law Administrative Rule

UPON **3125 JOHN KROGER**

AT OR NEAR **KROGER**

WITHIN CITY VILLAGE TOWNSHIP OF **TROY**

COUNTY OF **OAKLAND**

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	No.
<input checked="" type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	98-10-11	FAIL TO INQUIRE AS TO AGE	1
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.		2
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.		3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) **1 2 3**

Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive
Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks:

CHECK IF APPROPRIATE Damage to Property Local Court Bond \$ _____
 Vehicle Impounded Injury License Posted in Lieu of Bond
 Traffic Crash Death Appearance Certificate
 Person in Active Military Service Yes No None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS

Appearance Date on or before **SEPT 5, 2007 8:30 AM**

Hearing Date (if applicable) on _____ Contact Court Formal Hearing Required (Court will Notify)

In the **52-4 DISTRICT** Court of **OAKLAND COUNTY**

Court Address & Phone Number
**520 W. BIG BEAVER RD.
 TROY, MI 48084
 PHONE (248) 528-0400**

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).
 I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable _____ Month **8** Day **23** Year **07**

Officer's Name (printed) **Michael J. Sample** Officer's ID No. **65120**

Agency ORI **MI-6378400** Agency Name **TROY POLICE DEPARTMENT**

Ticket No. **710333**
Name _____
Case No. _____



State of Michigan
 Department of Labor and Economic Growth
LIQUOR CONTROL COMMISSION
 7150 Harris Drive
 P.O. Box 30005
 Lansing, Michigan 48909-7505

Complaint No. 7-118073
 Business ID No. 197467
F-3

In Re: The Kroger Co. of Michigan
 d/b/a Kroger #463
 3125 John R
 Troy, MI 48083

Date: September 14, 2007

SDM

COMPLAINT

This Complaint alleges that on August 23, 2007, the licensee or the licensee's agent, clerk or employee:

sold or furnished alcoholic liquor to minor, who was
 less than twenty-one (21) years old, contrary to Const 1963, art 4, § 40 and contrary to Section 801(2)
 and/or Section 701(1) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL
 436.1701(1).

Wherefore, it is requested that a hearing be conducted, and a decision make in accordance with section 903 of the Michigan Liquor Control Code being MCL 436.1903, and the Commission's Rules.

List of Witnesses:

Sgt. John Schaufler, Troy PD
 Ofc. Joseph Morgan, Troy PD

LIQUOR CONTROL COMMISSION
 LICENSING AND ENFORCEMENT DIVISION

By *Daniel J. Bragdon*

ACKNOWLEDGMENTS

This complaint was drafted pursuant to a written Violation Report or other information which was submitted to the enforcement arm of the Commission. A copy of the Violation Report or other information is being furnished to you along with this Complaint. The licensee may waive a hearing and acknowledge the facts pursuant to this Report.

SEE REVERSE SIDE FOR WAIVER OF HEARING AND ACKNOWLEDGMENT FORM



STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
KEITH W. COOLEY, DIRECTOR

JENNIFER M. GRANHOLM
GOVERNOR

NIDA R. SAMONA
CHAIRPERSON

January 10, 2008

THE KROGER CO. OF MICHIGAN
D/B/A KROGER #463
3125 JOHN R
TROY, MI 48083

RE: Complaint No. 7-118073

Dear Licensee:

Enclosed is a copy of the Commissioner's Order issued as the result of the above Complaint.

If you elect to pay the fine, a bank or postal money order, certified check, or authorized credit card payable to the STATE OF MICHIGAN must be received in this office no later than FEBRUARY 11, 2008 as indicated on your Invoice No. 92795. Failure to submit the fine will result in confiscation of your license for the alternative penalty. In any event, costs assessed must be paid, as only fines assessed are alternative to a suspension.

If there are any questions regarding this Order, please contact Hearings and Appeals at (517) 322-1390. Our office hours are from 8:00 a.m. to 5:00 p.m.

Sincerely,

MICHIGAN LIQUOR CONTROL COMMISSION

Susan K. Conklin, Supervisor
Hearings and Appeals

SKC:ll

Enclosures

c: Home office
Atty Danon Goodrum
Troy PD

MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION
7150 HARRIS DRIVE, P.O. BOX 30005
LANSING, MI 48909

NOTICE OF SCHEDULED HEARING
(Authorized by M.A.C R436.1909)

October 30, 2007

TO: CHIEF
TROY POLICE
500 W BIG BEAVER
TROY, MI 48084

RE: THE KROGER CO. OF MICHIGAN
D/B/A KROGER #463
3125 JOHN R
TROY, MI 48083
Complaint No. 7-118073

A complaint has been filed against the above licensee alleging:

SALE TO MINOR

AUGUST 23, 2007

This matter is being scheduled for hearing at the following location, date, and time:

LIQUOR CONTROL COMMISSION
24155 DRAKE RD
FARMINGTON, MI 48335

**WEDNESDAY
DECEMBER 5, 2007
10:30AM

The officer(s) listed below are requested to attend the hearing and bring whatever evidence they have in connection with the case: *Please review charges and witnesses on the attached Complaint and contact this office immediately if you have any questions.

SGT. JOHN SCHAUFLE OFC. JOSEPH MORGAN

Enclosed is the subpoena for the witness involved in this case. We request it be served by your agency. If witness resides outside of your jurisdiction, please forward to proper agency. Please notify this office a minimum of 5 working days prior to the scheduled hearing date if subpoena has not been served.

TROY PD

Any request for postponement must be in writing and must be received in this office no less than two working days prior to the date of the hearing as required by Rule 434.1931 of the Hearings and Appeal Practice Rules. Please direct any postponement request to Lori Schrader at (517) 636-5299. If you have any questions, contact the Hearings and Appeals Section at (517) 322-1390. Our office hours are 8:00 a.m. to 5:00 p.m. Monday through Friday.

MICHIGAN LIQUOR CONTROL COMMISSION

**YOU MAY CALL OUR OFFICE ONE WORKING DAY PRIOR TO
SCHEDULED DATE TO CONFIRM HEARING**


Susan K. Conklin, Supervisor
Hearings and Appeals Section
SKC:ll
enclosure

c: SGT. JOHN SCHAUFLE
OFC. JOSEPH MORGAN

In case of inclement weather call 517-322-1390 to verify if hearings are being held

STATE OF MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES	SUBPOENA ORDER TO APPEAR	LIQUOR CONTROL COMMISSION P.O. Box 30005 Lansing, Michigan 48909-7505 (517) 322-1390
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Issued To:

c/o TROY PD

By the authority of Section 217(4) of the Michigan Liquor Control Code of 1998, you are ordered to appear before the Liquor Control Commission on the day and at the time and place stated to give evidence on this complaint.



Reference Licensee:

THE KROGER CO. OF MICHIGAN
D/B/A KROGER #463
3125 JOHN R
TROY, MI 48083

Complaint No. 7-118073

Complaint:

SALE TO MINOR

AUGUST 23, 2007

**** YOU MAY CALL OUR OFFICE ONE WORKING DAY PRIOR TO SCHEDULED DATE TO CONFIRM HEARING IS BEING HELD ****

Hearing Location: LIQUOR CONTROL COMMISSION 24155 DRAKE RD FARMINGTON, MI 48335	Date and time: ***WEDNESDAY DECEMBER 5, 2007 10:30AM
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FAILURE TO APPEAR AT THE STATED TIME AND PLACE, OR FAILURE TO PRODUCE THE PAPERS AND DOCUMENTS REQUIRED WILL SUBJECT YOU TO CONTEMPT PROCEEDINGS THROUGH THE APPROPRIATE COUNTY CIRCUIT COURT.

MICHIGAN LIQUOR CONTROL COMMISSION

By: *Simon H. Conklin*

Date: October 30, 2007

CERTIFICATE OF SERVICE

I certify that I am an authorized law enforcement or commission agent and that I personally served a copy of the subpoena on:

Name:	Complete address of service:	Day/Time/Date:
Signature of Agent:	Title:	Date:

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

IN RE: THE KROGER CO. OF MICHIGAN
D/B/A KROGER #463
3125 JOHN R
TROY, MI 48083

HEARING: DECEMBER 5, 2007
PLACE: FARMINGTON
COMPLAINT NO: 7-118073
BUSINESS ID NO. 197467
SDM

CHARGES - AUGUST 23, 2007

- (1) Sold or furnished alcoholic liquor to minor,
who was less than twenty-one (21) years old, contrary to Const 1963, art 4,
§ 40 and contrary to Section 801(2) and/or Section 701(1) of the Michigan Liquor
Control Code, MCL 436.1801(2) and/or MCL 436.1701(1).

NEGOTIATED SETTLEMENT

The Administrative Law Judge (ALJ) accepted, without objection, the Motion of Attorney Danon Goodrum, that the appearance of a Corporate Officer in this matter be waived, pursuant to the provisions of Rule 436.1913(2), said waiver to be subject to the express agreement by said Attorney Goodrum that she will inform the Licensed Corporation of the disposition in this matter. Valerie Brown, Risk Manager for the Licensed Corporation, also attended the hearing.

Attorney Goodrum, who with Rosendo Asevedo, Assistant Attorney General who represented all law enforcement agencies involved in this matter, proposed the following Negotiated Settlement for the ALJ to consider in Case No. 7-118073, pursuant to Section 903 of the Michigan Liquor Control Code, MCL 436.1903, and Rule 436.1909 of the Michigan Liquor Control Commission (Commission):

PROPOSED NEGOTIATED SETTLEMENT

- (1) The Licensed Corporation will fully acknowledge the one charge as cited;
- (2) The ALJ will enter the Violation Report of this case and attachments thereto into the record as substantive evidence without objection; the ALJ further will take notice of the prior record of this Licensed Corporation, since being licensed by the Michigan Liquor Control Commission at the above named location under the current ownership;
- (3) The Licensed Corporation will agree to the sanction of a fine of \$400 for the acknowledged charge;
- (4) Both parties hereto will agree that there shall be no appeals on this matter to the Appeal Board of the Commission or any court of law;
- (5) The parties hereto further agree that the Licensed Corporation will pay costs in the amount of \$8.70 for witness fees involved in connection with the hearing.

ORDER

In determining whether to approve the Negotiated Settlement as proposed above, the ALJ considered the statement of support for the aforementioned settlement by Officer Joseph Morgan on behalf of the Troy Police Department.

In determining whether to approve the Negotiated Settlement as proposed above, the ALJ considered the Licensed Corporation's total record, which shows no previous violations since being licensed on August 15, 2007, at the above named location under the current ownership.

In determining whether to approve the Negotiated Settlement as proposed above, the ALJ further took into consideration for mitigative circumstances statements made by Attorney

Goodrum, who stated in part that the clerk who made the sale in this case was sanctioned with two weeks without pay consistent with the Licensed Corporation's collective bargaining agreement and that all other clerks were re-trained as a result of this incident.

In consideration of the aforementioned circumstances and statements, the ALJ hereby accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follows:

The ALJ accepts the Licensed Corporation's plea of acknowledgment to the charge in Case No. 7-118073.

The ALJ hereby accepts the Violation Report of this case and attachments thereto as substantive evidence without objection, further, the ALJ hereby accepts a true copy of this Licensed Corporation's record since being licensed by the Michigan Liquor Control Commission at the above named location under the current ownership.

Based upon the aforementioned plea by the Licensed Corporation and a review of the Violation Report and attachments thereto, the ALJ finds that the Licensed Corporation in Case No. 7-118073 did violate Section 801(2) of the Michigan Liquor Control Code, MCL 436.1801(2), as cited in the one charge of the Complaint in this matter.

The ALJ further finds that the employee of said Licensed Corporation in this case did request proper proof of age, but did not make a diligent inquiry to determine the proper true age of the purchaser.

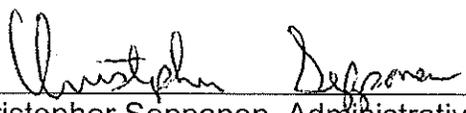
As penalty, the ALJ Orders a fine of \$400 for the acknowledged charge. In addition, the ALJ Orders that a suspension of 20 continuous days be imposed if the total fine of \$400 is not paid, with this suspension to be served consecutively and not concurrently with any other

suspensions Ordered by the Michigan Liquor Control Commission for this Licensed Corporation.

Said Licensed Corporation agrees this Negotiated Settlement was a full and final disposition of this matter before the Michigan Liquor Control Commission recognizing that as to the Complaint, there is no further right of administrative or judicial appeal, either to the Michigan Liquor Control Commission or a court of law, and also agrees that the plea in this case has been entered voluntarily and with the full understanding of all consequences, and furthermore, all parties hereto agree that there are no promises, stipulations, understandings or agreements other than those stated as part of the official record herein, and this document represents the final agreed settlement.

The ALJ also Orders the Licensed Corporation to pay total costs of \$8.70 for witness fees involved in connection with the hearing.

MICHIGAN LIQUOR CONTROL COMMISSION



Christopher Seppanen, Administrative Law Judge

Dated: January 7, 2008

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