TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: March 11, 2008
SUBJECT: Continuation of Liquor Violations Hearings

Under Michigan liquor laws, each on-premises liquor license is automatically renewed unless City Council, after a due process hearing, objects to this automatic renewal for a specific licensee. It is for this reason that the liquor violation hearings are scheduled for February of each year, since any objection must be received on or before March 31. This year, there were two licensees that were properly notified of the scheduled February 20, 2008 liquor license violation hearings, but failed to appear. In order to accommodate these licensees prior to taking any adverse action, City Council postponed the hearings to a regular City Council regular meeting, which could not be later than March 17, 2008. City Administration then attempted to contact the licensees or their attorneys to reschedule the matter.

The first licensee is La Shish, which has subsequently closed its business. Since there is a value to an escrowed license, La Shish has 30 days to place this liquor license in escrow before forfeiture. Since it is unlikely that the business will re-open during this 30 day period, and since any transfer of the license would require City Council review and approval, it is our recommendation that no action be taken against this liquor license.

The second licensee is May Department Stores, d/b/a Macy's. We immediately contacted the attorney for Macy's, Ms. Sandra Cotter, who explained that there was some miscommunication between the Macy's clerk and her office, which resulted in mistaking the City Council public hearing notices as duplicate notices of the separate MLCC proceedings. Ms. Cotter has taken action to avoid this confusion in the future.

Ms. Cotter has sent the attached letter to the City Clerk, requesting that the liquor violation hearing be scheduled for the regular Council meeting on March 17th. She also indicated in a telephone conversation that both of Macy's 2007 liquor license violations would be admitted, and therefore there was no need for the witnesses, police officers, and decoys to attend the City Council meeting. These liquor violations were both admitted at the MLCC.

The first violation involved the sale of a bottle of wine to a female decoy (a minor) at Somerset Collection, 2750 W. Big Beaver Road, on May 10, 2007. The MLCC assessed a fine of $500 on June 29, 2007 (SDM License). The person who sold the wine pled guilty at the 52-4 District Court, and was required to pay a fine of $275.00.

The second violation involved the sale of beer to a male decoy (a minor) at the restaurant at the Oakland Mall, 500 W. Fourteen Mile Road, on December 13, 2007. On February 1, 2008, the MLCC assessed a $600.00 fine for this violation. The 52-4th District Court case against the server of the beer is still pending.

A proposed resolution has been prepared for your consideration.

DYKEMA

Dykema Gossett PLLC
Capitol View
201 Townsend Street, Suite 900
Lansing, MI 48933
WWW.DYKEMA.COM
Tel: (517) 374-9100
Fax: (517) 374-9191
Sandra M. Cotter
Direct Dial: (517) 374-9129
Email: SCOTTER@DYKEMA.COM

March 3, 2008

Via Email to lancastesm@troymi.gov
Facsimile to 248-524-3259
and USPS

Tonni L. Bartholomew, Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Re: The May Department Stores d/b/a Macy's

Dear Ms. Bartholomew:

On behalf of our client, the May Department Stores Company, d/b/a Macy's ("Macy's"), we submit this letter to respectfully request that certain liquor license violation matters affecting Macy's be considered by the Troy City Council at its March 17, 2008 meeting.

Sue Lancaster brought to our attention this afternoon that Macy's failed to appear at the Council's February 20, 2008 meeting. We did not receive notice of the hearing and were not aware that Macy's was on the agenda. We are sorry for any inconvenience this has caused the Council and the City of Troy. It was certainly not intentional.

We appreciate being able to appear before the Council at the March 17, 2008 meeting. I will be there on behalf of Macy's together with a member of management.

Thank you for your consideration.

Sincerely,

DYKEMA GOSSETT PLLC

Sandi Cotter

Sandra M. Cotter

cc: Robert Cantlon (via e-mail)
Stacy Nolan
Leah Kelly

LAN01\184109.1
ID\SDM

LCC
Liquor Licensee History

Business name:	**Macy's**
Address:	2750 W. Big Beaver (248) 816-4064
Licensee:	**May Department Stores**
License type:	SDM 133308-2007
Permits:	Sunday Sales, Dir Conn-1
Comments:	Somerset Collection North

Date	Troy Incident #	Type	Disposition	Date
07/22/96		Council Recommends License.		
6/18/97	**97-22043**	**Sale to Minor (compliance test)**	**$850.00**	**5-8-98**
02/22/99	99-07207	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/03/99	99-20649	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/23/99	99-23657	Compliance Test	PASSED	
11/23/99	none	Compliance Test	PASSED	
07/25/00	none	Compliance Test	PASSED	
10/16/00		Council approves transfer of 12 Months Resort C from Fairlane Town Center		
10/25/00	00-39546	Compliance Test	PASSED	
11/17/00	00-42650	Compliance Test	PASSED	
11/27/00	00-43902	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
01/23/01	01-02694	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
03/27/01	01-10450	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
05/03/01		Compliance Test	PASSED	
06/12/01	01-20628	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
08/17/01	01-29637	Compliance Test	PASSED	
09/15/01	01-31759	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/05/01	01-36164	Compliance Test	PASSED	
10/16/01	01-37318	Liquor Inspection (Road Patrol)	NO VIOLATIONS	

12/18/01	01-45144	Liquor Inspection (Road Patrol)	NO VIOLATIONS
02/27/02	02-06240	Liquor Inspection (Road Patrol)	NO VIOLATIONS
03/01/02	02-06518	Compliance Test	PASSED
04/22/02	02-12426	Liquor Inspection (Road Patrol)	NO VIOLATIONS
04/30/02	02-13423	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/11/02	02-18399	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/28/02	02-20749	Compliance Test	PASSED
10/18/02	02-34351	Compliance Test	PASSED
11/20/02	02-37772	Liquor Inspection (Road Patrol-Sewell)	NO VIOLATIONS
01/20/03	03-2068	Liquor Inspection (Road Patrol-Sewell)	NO VIOLATIONS
03/06/03	03-6806	Liquor Inspection (Road Patrol-Sewell)	NO VIOLATIONS
04/25/03	03-12385	Compliance Test	PASSED
06/26/03	03-19499	Compliance Test	PASSED
08/08/03	03-24587	Liquor Inspection (Road Patrol-Zagacki/Isham)	NO VIOLATIONS
08/23/03	03-26393	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
09/11/03	03-28381	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
10/28/03	03-33323	Compliance Test	PASSED
01/19/04	04-01881	Liquor Inspection (Road Patrol-Zagacki/Schehr)	NO VIOLATIONS
02/28/04	04-06002	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
03/08/04	04-06884	Liquor Inspection (Road Patrol-Zagacki/Schehr)	NO VIOLATIONS
03/23/04	04-08547	Compliance Test	PASSED
05/24/04	04-15146	Liquor Inspection (Road Patrol- Warzecha)	NO VIOLATIONS
06/30/04	04-19535	Compliance Test	PASSED
07/12/04	04-20980	Liquor Inspection (Road Patrol- Warzecha)	NO VIOLATIONS
09/17/04	MLCC	Class C license placed into escrow	
09/24/04	04-30263	Liquor Inspection (Road Patrol- Warzecha)	NOT OPERATING
10/27/04	**MLCC**	**SDM license placed into escrow**	
		License transferred to May Stores	

12/12/04	04-39468	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS
01/28/05	05-03224	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS
03/04/05	05-07343	Compliance Test	PASSED
03/24/05	05-09622	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS
05/14/05	05-16008	Liquor Inspection (Road Patrol-Langbeen)	NO VIOLATIONS
09/12/05	05-32331	Liquor Inspection (Road Patrol-Langbeen)	NO VIOLATIONS
11/17/05	05-40615	Liquor Inspection (Road Patrol-Allan/McLaughlin)	NO VIOLATIONS
09/19/06	06-36319	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
01/10/07	07-1170	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
1/24/07		Compliance Test	PASSED
01/30/07	07-3679	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
05/10/07 07/09/07: 06/29/07	**07-17203**	**Sale to Minor (Compliance Test) SDM Dist Ct MLCC Hearing,**	**Violation P/G $275 Fine $500 Fine**
10/18/07	07-32158	Compliance Test	PASSED
12/06/07	07-45839	Compliance Test	PASSED
12/27/07	07-48677	Liquor Inspection (Road Patrol-Clark)	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. SDM 133308-2007 Business ID 156005 File # _____

1. Name of Licensee MACY'S - MAY DEPT STORE 2. Doing Business As MARKETPLACE

3. Mailing Address (street, city, zip code) 2752 West Big Beaver Road; Troy, Michigan 48084

4. Township _____ 5. County Oakland

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

7. Date of Violation: Thursday (DAY) 05/10/07 (DATE) 6:45 (HOUR) ○ AM or ⊙ PM

8. Violation Type:
- [✓] Minor
- [ ] Intoxicated Person
- [ ] Gambling
- [ ] Controlled Substances
- [ ] Prohibited Conduct
- [ ] After hours sales/consumption
- [ ] Fighting (must be inside licensed premises)
- [ ] Failure to Cooperate
- 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 # 07-17203

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

Officer Signature [signature] #073 Name and Title (print) Michael Giorgi, Police Officer

Officer Signature [signature] #80 Name and Title (print) Timothy Daniels, Police Officer

Department Name Troy Police Department Phone # 248-524-3431

CONTINUED

WITNESSES

1. Name _____ Address 500 W Big Beaver Road; Troy 48084

Will testify to: Decoy

2. Name Officer Michael Giorgi Address 500 W Big Beaver Road; Troy 48084

Will testify to: Witness to sale of alcohol

3. Name Officer Timothy Daniels Address 500 W Big Beaver Road; Troy 48084

Will testify to: Witness to sale of alcohol

4. Name _____ Address _____

Will testify to:

5. Name _____ Address _____

Will testify to:

EVIDENCE

Location Held (Explain):

Troy PD Crime Report

Case No. **0700004209**
Report No. **0700004209.1**
Report Date: **5/10/2007**

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

Subject: **4102 - Liquor Violation - Sell**

Case Report Status	I - In Process	Entered On	5/10/2007 11:33:05 PM	Reporting Officer	
County	63 - Oakland	Entered By	00073 - Giorgi, Michael		00073 - Giorgi, Michael
City/Township	84 - Troy	Verified On			
		Verified By		Assisted By	
Occurred On	5/10/2007 6:45:00 PM	Approved On			00080 - Daniels, Timothy
Or Between		Approved By			
Location	2752 W Big Beaver Rd	Related Cases		Agency Assisted	
CSZ	TROY, MI 48083	Disposition	Citation		
Census/Geo Code		Excp. Clear Reason			
Jurisdiction		Excp. Clear Date			
Grid		Reporting Agency	Troy PD		
Sector					
Map	0 - N/A	Division	Patrol		
Call Source	Telephone	Notified			
Vehicle Activity					
Dir. Veh. Traveling					
Cross Street					
Means					
Motive					

Report Narrative **07-17203**

At approximately 1640 on 05-10-07, Ofc. Daniels and I (Ofc. Giorgi) accompanied Student Enforcement Aide o the 3rd floor of Macy's at 2752 W. Big Beaver Rd. Student Enforcement Aide vent to the wine display next to the restaurant. She selected a bottle of Chardonnay and went to the cash register at the wine display. Macy's employee Humphrey was at the cash register wrapping a gift basket. presented the bottle of wine to him. Humphrey did not as for her identification. He instead asked her what her date of birth was. replied, "09-01-85". At 1845, Humphrey entered the birth date into the cash register and rang up the wine. gave Humphrey a $20 bill. Humphrey placed the wine in a Macy's bag and gave change. left with the wine and then turned it over to me.

Ofc. Daniels and I then made contact with Humphrey. I identified myself and advised him that he had just sold wine to a minor. I asked him if he checked her identification. He advised that she looked young and he should have. He told me that he was busy wrapping a gift basket and that he just asked her for her date of birth. had advised me that Humphrey did not give her a receipt. Humphrey located the receipt for this transaction at the cash register where the transaction occured. He turned it over to me and I took possesion of it as evidence.

Ofc. Daniels and I made contact with Manager Baez and notified her of the incident. Sgt. Cantlon and Sgt. Schaufler came to our location to assist with this incident. I wrote Humphrey citation 710329 for Selling Alcohol to a Minor. Sgt. Schaufler completed a LCC Violation Report. Macy's employee Humphrey completed a written statement (see attached). Student Enforcement Aide also completed a written statement. Ofc. Daniels entered the wine a receipt into evidence.

Offense Detail: 4102 - Liquor Violation - Sell

Offense Description	4102 - Liquor Violation - Sell				
IBR Code	90G - Liquor Law Violations	Location Type	08 - Department/Discount Store		
IBR Group	B	Offense Completed?	Yes	No. Prem. Entered	
Crime Against	SO	Hate/Bias	00 - None (No Bias)	Entry Method	
Offense File Class	41002 - LIQUOR VIOLATIONS -OTHER	Domestic Violence	No	Type Security	

PACC
Local Code

Using
Criminal Activity
Force Level

Tools Used

Suspect S1: Humphrey, Jason Mattthew

Suspect Number	**S1**	DOB		Place of Birth	
Name	**Humphrey, Jason Mattthew**	Age	**30**	SSN	
Aliases		Sex	**M - Male**	DLN	
Alert(s)		Race	**W - White**	DL State	
		Ethnicity	**U - Unknown**	DL Country	
Address	**14252 Tuscola Rd. Clio, MI 48420**	Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
		Eye Color		Employer Address	
Home Phone		Hair Color		Employer CSZ	**Macy's**
Work Phone		Hair Style		Res. County	
Email Address		Hair Length		Res. Country	
Scars/Marks/Tattoos		Facial Hair		Resident Status	**S - Resides in the State but not the county or community where the offense occurred**
MO		Complexion			
		Build			
Attire		Teeth			
Habitual Offender Status					
Suspect Notes					

Witness W1:

Witness Code				Place of Birth	
Name				SSN	
Aliases				DLN	
Alert(s)				DL State	
				DL Country	
Address	**520 W. big Beaver Rd. Troy, MI 48084**	Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
		Eye Color		Employer Address	
Home Phone	**586 354-0821**	Hair Color		Employer CSZ	
Work Phone		Facial Hair		Res. County	
Email Address		Complexion		Res. Country	
Attire				Resident Status	
				Testify	
Witness Notes	Student Enforcement Aide				

Witness W2: Baez, Jerry Lee

Witness Code	**W2**	DOB		Place of Birth	
Name	**Baez, Jerry Lee**	Age		SSN	
Aliases		Sex	**F - Female**	DLN	
Alert(s)		Race	**W - White**	DL State	
		Ethnicity	**U - Unknown**	DL Country	
Address	**9335 Fenton Redford, MI 48237**	Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
		Eye Color		Employer Address	
Home Phon		Hair Color		Employer CSZ	
Work Phone	**248 816-4000**	Facial Hair		Res. County	
Email Address		Complexion		Res. Country	
Attire				Resident Status	
				Testify	

Witness Notes: Restaurant Manager

Property Description Item 1: 1299 - Other Alcohol Product 5402 - wine

Item No.	**1**
Property Category	**1299 - Other Alcohol Product 5402**
Property Class	**02**
IBR Type	**02 - Alcohol**
UCR Type	**I - Consumable Goods**
Status	**E - Evidence (Including Other Seized Property And Tools)**
Count	**1**
Value	**9.08**
Manufacturer	
Model	
Serial No.	
License No.	
Color	
Description	**wine**
Vehicle Year	
Body Style	
State	
License Year	
Recovered Date/Time	
Owner	
Disposition	
Evidence Tag	
Alert(s)	
Evidence Recovered By	
Evidence Recovered From	
Evidence Location	
Drug Type	
Drug Quantity	
Drug Measure	

Property Notes: one bottle of Reserva Estate grown Chardonnay 2005 Santa Rita (evidence tag 140909)

TROY POLICE DEPT.
500. Big Beaver, Troy, MI 48084
ORI # MI6378400

NARRATIVE REPORT
WITNESS STATEMENT

☑ SUPP ☐ CORR ☐ DELETE PAGE 1 OF 1

DATE	DAY	SHIFT	PLAT	BADGE 1	BADGE 2	INCIDENT STATUS	PRIM CLASS	YEAR	INCIDENT #
05/10/07	THU	02	919	80	73	☐CLR ARREST ☐UNF ☐CLR EXCEPT ☐INACT		07	17203

Name:

Address: 120 W. Big Beaver Business Phone:

City: Troy State: MI Zip: 48084

E-mail Address: Cell Phone:

On Thursday, May 10, 2007 I went to a Wine Stand located in Macy's by the resturant. 3rd floor I grabbed a bottle of Chardonay and proceeded to the check out and the clerk asked me my date of birth. I then told him it was 9-1-85. He told me the total was $9.08 and he cashed me out and I then met up with officer Daniels and officer [redacted]. Giorgi The cashier was a white male, with a heavy build, black hair, and black beard. The clerk never asked me for my Id.

X:

Taken By: Sgt. J. Schaeffer (SIGNATURE)

Place: STATION Date: 05-10-07 Time: 2300

INVESTIGATING OFFICER(S)	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO

TROY POLICE DEPT.
500. Big Beaver, Troy, MI 48084
ORI # MI6378400

NARRATIVE REPORT
WITNESS STATEMENT

☐ SUPP ☐ CORR ☐ DELETE PAGE 1 OF 1

DATE	DAY	SHIFT	PLAT	BADGE 1	BADGE 2	INCIDENT STATUS	PRIM CLASS	YEAR	INCIDENT #
05/10/07	TH	02	CR	073		☐CLR ARREST ☐UNF ☐CLR EXCEPT ☐INACT		07	17203

Name: Jason Humphrey (PLEASE PRINT) DOB:

Address: 14252 Tuscola Rd. Business Phone: 248-814-4000

City: Clio

E-mail Address:

A lady ask to buy wine. I asked for her birthday and inputed that date and completed the sale.

X:

Taken By: [signature] #07 (SIGNATURE)

Place: 2752 W Big Beaver Date: 05-10-07 Time: 1470

INVESTIGATING OFFICER(S)	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO
GTORGE			

MACY'S
2750 WEST BIG BEAVER RD
TROY, MI 48084

30006471300001

001-149-2255
115536 149 6:45 PM 5/10/2007

PURCHASE

WINE	8.57
089419007190 780/6	
Orig 12.25	
6.000% MI RGLR Tax	0.51
Total	**9.08**
Cash	20.00
Change	**10.92**

0011492255

ASK ABOUT OUR $20 PEARL NECKLACE PWP

PLEASE RETAIN RECEIPT FOR RETURNS
OR EXCHANGES.

Outstanding Service is our goal.
Please tell Macy*s how our service
was today at www.macys.com/tellus

Associate_ _ _ _ _ _ _ _ _ _ _ _

CUSTOMER COPY

State of Michigan
Uniform Law Citation

Ticket No. 710329 ☐ Victim Involved

US DOT #

Incident No. 07-17205 | Dept. No. 784

Local Use/Arrest No. | Detection Device

The People of: ☐ the State of Michigan
☐ Township ☒ City ☐ Village ☐ County
TROY

BAC

Name (First, Middle, Last) Jason Matthew Humphrey

Street 14252 Tuscola Rd.

City Clio | State MI | Zip Code 48420

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

AT OR NEAR 2752 W Big Beaver Rd.

WITHIN ☒ CITY ☐ VILLAGE ☐ TOWNSHIP OF TROY

COUNTY OF OAKLAND DID THE FOLLOWING

Type	MCL Cite/PACC Code/ Ordinance	Description (include any bond amount collected on each charge)	Charge No.
☐ C/I ☐ Warn ☐ Misd ☐ Fug ☒ Fel ☐ Waiv	☐ Authorization pend. 10.06	Sell Alcohol to Person under 21	1
☐ C/I ☐ Warn ☐ Misd ☐ Fug ☐ Fel ☐ Waiv	☐ Authorization pend.		2
☐ C/I ☐ Warn ☐ Misd ☐ Fug ☐ Fel ☐ Waiv	☐ Authorization pend.		3

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

Offense Code(s) 1 436.17011-A 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 ☐ Vehicle Impounded ☐ Injury ☐ Traffic Crash ☐ Death

☐ Local Court Bond $ ☐ License Posted in Lieu of Bond ☐ Appearance Certificate ☐ None

Person in Active Military Service ☐ Yes ☒ No

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

Appearance Date on or before 05-30-07/0830

Hearing Date (if applicable) on ☐ Contact Court

☐ Juvenile Traffic Misd. (Court will Notify) ☐ 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	Day	Year
J. Schaffer	5	10	07

Officer's Name (printed)	Officer's ID No.
J. Schaffer	073/201

Agency ORI	Agency Name
MI-6378400	TROY POLICE DEPARTMENT

UC-01a
(rev. 6/05)

COURT COPY 2

Ticket 710329

Name

Case No.

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

JENNIFER M. GRANHOLM
GOVERNOR

NIDA R. SAMONA
CHAIRPERSON

July 9, 2007

THE MAY DEPARTMENT STORES COMPANY
D/B/A MACY'S
2752 BIG BEAVER
TROY, MI 48084

RE: Complaint No. 7-114764

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 AUGUST 13, 2007 as indicated on your Invoice No. 91611. 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.

Should you wish to appeal the decision, a request for an appeal, accompanied by a fee of $25, must be received in this office within 20 days from the mailing date of this Order. **IN FILING FOR AN APPEAL, YOU MUST STATE YOUR REASONS FOR REQUESTING THE APPEAL OR YOUR REQUEST WILL NOT BE HONORED.**

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

Susan K. Conklin, Supervisor
Hearings and Appeals

SKC:ll

Enclosures

c: Mailing address
Chief, Troy PD

STATE OF MICHIGAN

DEPARTMENT OF LABOR AND ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

IN RE: THE MAY DEPARTMENT STORES COMPANY
D/B/A MACY'S
2752 BIG BEAVER
TROY, MI. 48084

COMPLAINT NO. 7-114764
BUSINESS I.D. NO. 156005

SDM

_____/

CHARGE - May 10, 2007

(1) Sell, furnish or give away alcoholic liquor to who had not then attained the age of twenty-one (21) years, 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).

FINDINGS OF FACT

The Commissioner finds as fact that based upon the signature of Sandra M. Cotter, an officer of the above-named Licensed Corporation, on the Waiver and Acknowledgment form of the Michigan Liquor Control Commission (MLCC), the aforementioned Licensee in this case voluntarily waived right to contest the cited allegation in this matter and, further, waived right to a hearing and entered a plea of acknowledgment to the one charge stated in Case No. 7-114764 pursuant to Rule 436.1907 of the MLCC.

The Commissioner further accepts the Violation Report of this case and attachments therein and a True Copy of the prior record of this Licensee since being licensed by the MLCC at the above-named location under the current ownership as evidence in lieu of testimony in this matter.

The Commissioner believes and finds as fact, on the bases of the Violation Report and attachments therein, that while under the direction of the Troy Police Department, entered the above named licensed establishment during May 10, 2007 and purchased alcoholic liquor from an employee of the above-named Licensee without showing proper proof of age.

The Commissioner further finds that the employee of the above-named Licensee in this case did not demand, nor was shown, proper proof of age and did not make a diligent inquiry to determine the proper true age of the purchaser.

The Commissioner further believes and finds as fact, on the bases of the Violation Report and attachments therein, that was 19 years of age at the time of this incident.

The Commissioner took under consideration for mitigative circumstances a signed written statement submitted to the MLCC by the above-named Sandra M. Cotter which stated, in part, that the employee involved in this case has been dismissed and that all employees have been re-trained as a result of this incident.

CONCLUSIONS OF LAW

Based upon the aforementioned Acknowledgment and Findings of Fact, the Commissioner concludes that the Licensee in Case No. 7-114764 did violate MCL 436.1801(2), as cited.

ORDER

In determining penalty for the charge for which a violation was found, the Commissioner considered the Licensee's total record which shows no prior violation since being licensed by the MLCC on January 14, 2005 at the above-named location under the current ownership.

The Commissioner, therefore, Orders a fine of $500.00 as penalty in this matter. The Commissioner further Orders that a suspension of 25 days be imposed if the fine is not paid.

MICHIGAN LIQUOR CONTROL COMMISSION

Dated: 6-29-07

Judith M. Allen, Commissioner