1.0 h

STATE OF MICHIGAN
LIQUOR CONTROL COMMISSION
DEPARTMENT OF LABOR & ECONOMIC GROWTH
KEITH W. COOLEY, DIRECTOR

JENNIFER M. GRANHOLM
GOVERNOR

NIDA R. SAMONA
CHAIRPERSON

August 14, 2008

CORRECTED ORDER

NLM, Inc.
d/b/a Manny's Liquor Shoppe-Troy
42951 Dequindre
Troy MI 48098

RE: Complaint No. 8-126049

Dear Licensee:

Enclosed is a copy of the Corrected Commission's Order in the above matter. We have corrected the paragraph regarding the name of the person who sold the alcoholic liquor to the minor on page 2. Please discard the previous Commission Order.

Should any questions arise regarding this matter, 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

SKC:alf

cc: Inv. Kyra Jefferson, MLCC
Troy Police Department

STATE OF MICHIGAN

DEPARTMENT OF LABOR AND ECONOMIC GROWTH
LIQUOR CONTROL COMMISSION

IN RE: NLM, INC.
D/B/A MANNY'S LIQUOR SHOPPE-TROY
42951 DEQUINDRE
TROY, MI 48098

COMPLAINT NO. 8-126049
BUSINESS I.D. NO. 9431

SDD SDM

_____/

CHARGE - May 29, 2008

(1) Sell, furnish or give away alcoholic liquor to an unnamed minor, X-170, date of birth February 16, 1990, 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 Ammanuel E. Yasso, 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. 8-126049 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 an unnamed minor, X-170, date of birth February 16, 1990, while under the direction of the Michigan Liquor Control Commission, entered the above named licensed establishment during May 29, 2008 and purchased alcoholic liquor from an employee of the above-named Licensee after showing proper proof of age which stated her true age of 18 and included the words "Under 21" on it.

The Commissioner further finds that the employee of the above-named Licensee in this case requested and 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 the unnamed minor, X-170, date of birth February 16, 1990, was 18 years of age at the time of this incident.

CONCLUSIONS OF LAW

Based upon the aforementioned Acknowledgment and Findings of Fact, the Commissioner concludes that the Licensee in Case No. 8-126049 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 young age of the purchaser and the Licensee's total record which shows eight prior violations, four of which are similar to the Charge in this Complaint, the latest of which occurred in 2001, since being licensed by the MLCC on

September 14, 1984, at the above-named location under the current ownership.

The Commissioner, therefore, Orders a fine of $800.00 as penalty in this matter. The Commissioner further Orders that a suspension of 40 days be imposed if the fine is not paid.

MICHIGAN LIQUOR CONTROL COMMISSION

Dated: 7/31/08

Colleen A. Pobur, Commissioner

LCC
Liquor Licensee History

Business name: **Manny's Liquor Shoppe**

Address: 42951 Dequindre (248) 828-7245

Licensee: NLM Inc.

License type: **SDD** (10801-2002) **SDM** (13095-2002)

Permits: Sunday Sales

Comments:

Date	Troy Incident #	Type	Disposition	Date
8/20/84		Council approved transfer to NLM, Inc.		
5/20/85		Council approved location transfer		
10/23/87	**87-33795**	**Sale to minor (compliance test)**	**Fined $200**	**7/21/88**
10/26/89	**89-33806**	**Sale to minor (compliance test)**	**Fined $500**	**5/24/90**
7/23/92	**92-21628**	**Furnish alcohol to minor**	**Dismissed**	**07/09/93**
7/28/98		Transfer stock to Loreta Asmer, Nancy Yasso & Krist Yasso.		
10/28/98	**98-43643**	**Sale to Minor (Compliance Test)**	**$400**	**04/20/99**
06/22/99	99-23606	Compliance Test	PASSED	
07/21/99	**MLCC**	**Sale to Minor (MLCC Compliance Test)**	**Dismissed per attorney**	**11/19/99**
10/27/99	none	Compliance Test	PASSED	
07/25/00	**00-26964**	**Sale to Minor (Compliance Test)**	**$600**	**01/22/01**
11/15/00	00-42358	Compliance Test	PASSED	
02/28/01		**Council Show Cause**-resolution to require TIPS/TAM training for all employees who sell with proof to PD within **60 days**		
04/24/01		Compliance Test	PASSED	
05/21/01		Reminder letter sent "Where's proof?" **Response: TIPS training done-Scott Forbes was supposed to send certs. Will re-send them.**		
08/14/01	01-29123	Compliance Test	PASSED	

09/25/01	01-34505	Compliance Test	PASSED
10/30/01	01-39155	Liquor Inspection (Road Patrol)	NO VIOLATIONS
01/02/02	02-00131	Liquor Inspection (Road Patrol)	NO VIOLATIONS
02/27/02	02-06914	Liquor Inspection (Road Patrol)	NO VIOLATIONS
02/28/02	02-06386	Compliance Test	PASSED
04/19/02	02-12009	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/25/02	02-20183	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/25/02	02-	Compliance Test	PASSED
08/25/02	02-28008	Liquor Inspection (Road Patrol-Fitzpatrick)	NO VIOLATIONS
10/16/02	02-34074	Compliance Test	PASSED
12/10/02	02-39969	Liquor Inspection (Road Patrol-Piper)	NO VIOLATIONS
01/06/03	03-587	Liquor Inspection (Road Patrol-Piper)	NO VIOLATIONS
03/09/03	03-7072	Liquor Inspection (Road Patrol-Piper)	NO VIOLATIONS
03/24/03	03-8727	Compliance Test	PASSED
05/21/03	03-15121	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
06/19/03	03-18538	Compliance Test	PASSED
07/25/03	03-22944	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
09/04/03	03-27590	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
10/27/03	03-33202	Compliance Test	PASSED
11/13/03	03-35007	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
02/04/04	04-03564	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
03/03/04	04-06332	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
03/22/04	04-08405	Compliance Test	PASSED
04/15/04	04-10794	Liquor Inspection (Road Patrol-Beekman)	NO VIOLATIONS
06/30/04	04-19819	Compliance Test	PASSED
02/11/05	05-04780	Compliance Test	PASSED
03/07/05	05-07587	Liquor Inspection (Road Patrol-Linton)	NO VIOLATIONS
03/12/05	05-08172	Liquor Inspection (Road Patrol-Linton)	NO VIOLATIONS
06/02/05	05-18420	Liquor Inspection (Road Patrol- Baroky)	NO VIOLATIONS

08/25/05	05-30016	Liquor Inspection (Road Patrol- Baroky)	NO VIOLATIONS
09/17/05	05-32942	Liquor Inspection (Road Patrol- Baroky)	NO VIOLATIONS
10/13/05		Compliance Test	PASSED
12/13/05	05-43806	Liquor Inspection (Road Patrol- Wolfe)	NO VIOLATIONS
01/16/06	06-1972	Liquor Inspection (Road Patrol- Wolfe)	NO VIOLATIONS
03/08/06	06-8914	Liquor Inspection (Road Patrol- Wolfe)	NO VIOLATIONS
05/09/06	06-17409	Liquor Inspection (Road Patrol- Clark)	NO VIOLATIONS
06/24/06	06-23914	Liquor Inspection (Road Patrol- Clark)	NO VIOLATIONS
11/19/06	06-43911	Liquor Inspection (Road Patrol- Clark)	NO VIOLATIONS
12/06/06	**06-46092**	**City Ordinance Violation for Improper Display of Alcohol**	
05/03/07	07-16151	Compliance Test	PASSED
07/21/07	07-27388	Liquor Inspection (Road Patrol- Maczka)	NO VIOLATIONS
08/23/07	07-32126	Compliance Test	PASSED
10/26/07	07-40659	Liquor Inspection (Road Patrol- Bednard)	NO VIOLATIONS
12/06/07	07-45811	Compliance Test	PASSED
01/09/08	08-1134	Liquor Inspection (Road Patrol- Bednard)	NO VIOLATIONS
02/21/08	08-6562	Compliance Test	PASSED
03/11/08	08-8990	Liquor Inspection (Road Patrol-Bednard)	NO VIOLATIONS
04/29/08	08-15037	Liquor Inspection (Road Patrol- Barrows)	NO VIOLATIONS
05/21/08	08-17765	Compliance Test	PASSED
07/15/08	08-24897	Liquor Inspection (Road Patrol- Barrows)	NO VIOLATIONS
05/29/08 07/31/08		**MLCC Compliance Test: Sale to Minor Violation Upheld**	**VIOLATION $800 Fine**
10/02/08	08-34243	Compliance Test	PASSED
12/30/08	08-44493	Compliance Test	PASSED

January 28, 2009

NLM, Inc.
dba: Manny's Liquor Shoppe
42951 Dequindre
Troy, Michigan 48098

Re: NOTICE OF PUBLIC HEARING - Liquor License Violation

To whom it may concern:

A Public Hearing will be held by and before the Council of the City of Troy at City Hall, 500 W Big Beaver, Troy, Michigan on **Wednesday, February 11, 2009 at 7:30 PM,** or as soon thereafter as the agenda will permit, to determine whether the City Council should recommend to the Michigan Liquor Control Commission, the revocation of licenses allowed for the sale and/or consumption of alcoholic beverage, for the following reasons:

License Type:	SDD/SDM
License Number:	SDD 10801; SDM 13095
Violation :	MLCC Compliance Test - Sale to Minor
Violation Date(s):	5/29/2008

You will be given an opportunity to be heard and present evidence at the public hearing and legal counsel may represent you. If you have questions regarding the procedure or the facts and circumstances surrounding your violation(s), you may contact the City Attorney's office at 248-524-3320.

Sincerely,

Barbara A. Pallotta, CMC
Deputy City Clerk

c: Attorney: Contact not on file.