

# 'Diligent inquiry' is the best defense

By Joanne Maliszewski  
staff writer

Liquor licensees should keep in mind one key phrase: "diligent inquiry."

Your defense is to substitute inquiry. Your line of defense is asking for that identification that diligent that person is of legal age to drink," said David Mazurek, a district supervisor in the Michigan Liquor Control Commission's enforcement division. Mazurek spoke to representatives of the 77 liquor-licensed establishments in Farmington Hills last August. The veteran MLCC investigator reinforced exactly what a licensee must do under the state's liquor laws.

But he admitted that what the laws require isn't always easy to do. The choice facing most licensees is denying a sale or taking the chance of getting caught selling to someone under 21, the state's legal drinking age.

Above all, licensees and their em-

ployees must ask for identification, particularly of young-looking people. Identification comes in two forms: a driver's license or a Michigan Personal Identification Card.

THOUGH A licensee most likely will be found guilty by the MLCC if they have sold to a minor, diligent inquiry — asking for identification, asking questions — are taken into consideration when penalties are levied, Mazurek said.

A licensee may be committed to asking for identification. But it's usually the employees who make a mistake because they don't ask questions. Licensees are responsible for training their employees and may deny sale to anyone, Mazurek said.

"It is not written in the laws that you have to ask every person for identification, but if you feel a young person is under 21, ask," said Police Chief William Dwyer said. "If a youth presents what appears to be false or altered identification, several steps can be taken:

- Ask for other identification. Test the customer using information on the identification he or she presented.

- Ask the customer to sign their name to determine if it matches the signature on the identification.

LICENSEES MUST be careful of altered identification. Youths often alter licenses by typing in a different birth date or cutting a birth date off another license.

Again, steps can be taken when confronted with a suspected altered identification. Tell the customer the license doesn't appear to be in order, that it appears altered. If that doesn't daunt the customer, call the police. They can put the license number through the Law Enforcement Information Network (LEIN) to determine if the license is altered or stolen.

Police and MLCC officials admit licensees are faced with a tough situation. But licensees can get information, questions answered and tips on

how to handle certain circumstances.

"All they have to do is call and we will respond," Farmington Hills Sgt. Charles Nebus said.

Even if the customer has left the store, but the licensee has enough information for a report, the licensee or police may file a complaint. The information will be given to an investigator, Nebus said.

Licensees should require employees to attend the well-publicized Techniques of Alcohol Management, offered through the Lansing-based Michigan Licensed Beverage Association.

THE TAM program educates licensees and employees about the state's liquor laws and teaches them how to handle intoxicated customers. It also helps them identify prob-

lems that if left unattended, may land the licensee before the MLCC.

Farmington Hills liquor licensee Julie Hardesty, owner of the 7-Eleven at Nine Mile and Middlebelt, has attended the TAM course and drilled what she learned into her employees.

"It was an excellent program. I think it should be mandatory. It was extremely informative and you can get a lot of questions answered," she said.

"They use that a lot (stressing diligent inquiry) in the MLCC laws. You have to make a diligent inquiry that this liquor is not being purchased for a minor.

"I see the MLCC making great efforts but they really aren't trying hard enough. Something drastic has to happen before the licensee and the public are really educated."



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— William Dwyer, Police Chief

## Sweeps stay Liquor stores warned of surprises

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rules of the Michigan Liquor Control Commission. We got the attention of 90 percent of the licensees and many have implemented procedures."

Julie Hardesty, owner of the 7-Eleven convenience store at Nine Mile and Middlebelt, agrees that many licensees fail to teach their employees the ins-and-outs of selling liquor. "You have to know what your rights are and what your privileges are. And there's a big difference between the two."

HARDESTY WILL confirm the police department's continuing liquor inspections. Police inspect just about everything: selling to minors, underage employees selling liquor, health hazards and after-hours sales.

"We want to keep people on their toes," Farmington Hills Sgt. Charles Nebus said. "It's important. There's still an occasional problem. I think the things we've done have deterred problems. We've raised the consciousness that we're out there and we are watching."

The controversial undercover operations, in which police cadets younger than 21 were used, were considered successful because of



Sgt. Charles Nebus

Improvements also can be seen in the police department's annual crime statistics. In 1986, 219 incidents of liquor law violations were reported compared to 134 in 1987.

IN 1986, 303 motorists were arrested for driving under the influence of liquor. In 1987, 236 were arrested. Of those arrested for driving under the influence of liquor, adults predominated, contrary to popular opinion that it is usually the younger driver.

"I think our liquor sweeps have been effective," Dwyer said. "Our strong enforcement of the OUIL (Opening Under the Influence of Liquor) and the city party (host liability) ordinance has helped decrease the use of alcohol by minors.

While Dwyer said enforcement will continue, including undercover operations, he also promises that officers will be at the end of a telephone should a licensee need help when confronted with someone trying to illegally buy liquor.

"Any time they feel a person is using fraudulent identification, we encourage them to call us. I would encourage them to call us if they're having problems." But, he added, "The burden is on the licensee. It lies with them to make sure the buyer has attained the age of 21."

the number of licensees ticketed for violating liquor laws, particularly selling to minors. In the October and November 1986 sweep, 49 liquor licensees were ticketed for selling to minors. Another three were ticketed for allowing an employee under 18 years of age to sell liquor. In the June 1987 sweep, the number of licensees ticketed decreased. Twelve were ticketed for selling to minors.

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HARDESTY ADMITS she was among the many liquor licensees in Farmington Hills ticketed in one of the police department's undercover liquor control operations in the past two years. She makes no excuses. Her store was caught selling to an undercover police cadet younger than 21.

The Michigan Liquor Control Commission sends rules and regulations she and her employees must follow. She has attended special classes and seminars on selling liquor. And yes, the burden of teaching her employees the rules is on her.

But Hardesty also would like to see tough mandatory programs for licensees, youths, adults and drivers. "I'm concerned about overall drinking. I want to see more education. The public doesn't seem to be appropriately educated on what their legal rights and responsibilities for buying liquor are," she said.

The same legal and moral toughness should apply to everyone: licensees who make money selling liquor, youths and adults who want the liquor, and the drinking driver who sooner or later will kill someone.

"I'm scared to death that kids aren't educated about these things. If people aren't educated while they're young, they're going to grow up and stay in the same pattern," Hardesty said.

THE LIQUOR violation she received made her all the more determined to pull the strings tighter on the buying public and her employees, who are faced with imaginative stories from customers trying to illegally buy beer and wine.

"I want people to know my store is liable. I have a future to lose. My life would be ruined if I sold to someone who was hurt or killed," Hardesty said.

That's why Hardesty is drilling her employees on the rules. "I tell them, 'If you have any doubts, do not sell.'"

That's always easier said than done. Owning the store for more than two years, Hardesty has favorite anecdotes of games played to illegally buy beer and wine. "You hear everything," she said.

A 19-year-old man, for example, placed his military identification next to the six-pack of beer he was buying. "I said, 'No, I'm sorry, you're

not old enough,'" Hardesty said.

Another male customer overheard Hardesty refuse to sell, and blurted: "If he's old enough to die for his country, he's old enough to drink beer."

The young man left empty-handed.

AND THERE are those who consistently forget their identification but promise to return with it. Or those who are just buying for a friend — generally the minor standing behind the building.

"Ninety-nine percent of the time, people won't say a peep about the kids waiting around," Hardesty said.

But she wishes customers and the public would speak up more often. "I'm liable for selling and for the people injured. It's a privilege for me to sell alcohol and it's a privilege for you as a citizen to be allowed to buy it."

Her employees are ordered to be observant. Customer behavior often is a clue to something going on. Hardesty tells her employees that if the customer doesn't look at least 25, ask for a license or deny the purchase.

"I can deny a sale for any reason," she said.

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