

## HAVE YOU READ THE MLCC VIOLATIONS REPORT LATELY? An Ounce of Prevention is Worth a Pound of Cure

*By: Michael J. Brown/August 2000*

When was the last time you reviewed the MLCC Violations Report in the Beverage Journal? For many of you, it may be the first page you turn to when the new magazine arrives each month. Everybody loves gossip, and what better gossip than to know which of your fellow bar-owners, restaurants, and party stores have been cited by the MLCC for one violation or another.

There are, however, a few more, shall we say, legitimate reasons to review the MLCC Violations Report each month. One, licensees should recognize that the possible penalties for violations have increased dramatically in the last few years. The "good old days" of getting a warning, or maybe only a \$50 or \$100 fine, for your first violation are long gone. Now, the penalties associated with many MLCC violations, even if it is your first violation, or your first violation in several years, can be substantial. As a result, licensees should carefully weigh the decision to simply acknowledge a complaint or request a hearing in the case. Many factors should be evaluated in deciding whether to contest a violation complaint, and it may be helpful, or necessary, to consult a lawyer to assist you in evaluating your case.

Second, a review of recent MLCC violations indicates an emerging trend to reduce the penalties for violations if the licensee and its staff have recently taken a server-training course or will agree to take such a course in the immediate future. Many MLCC Violation Orders now include a provision that will automatically reduce the licensee's penalty if proof of server-training course completion is provided to the MLCC within a certain time period.

When you combine the fact that violations today generally result in more significant penalties than they did several years ago, and given the incentive to reduce possible penalties by showing that your employees have recently completed a server-training course, the old maxim that "an ounce of prevention is worth a pound of cure" seems appropriate for licensees to remember. Not only does having your servers properly trained make good business sense, it may also mean the difference between a lesser penalty and a more significant penalty. Viewed that way, the server-training course may actually pay for itself in reduced penalties. Of course, there is no guarantee that simply having your staff complete a server-training course will influence the MLCC's decision on your possible penalties, and it does not happen in every single case, but combined with the other benefits of reducing your likelihood for committing violations, being involved in a dramshop claim, and simply to better serve your customers, there are many good reasons to get the "ounce of prevention" that comes from a properly trained staff.

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