

**VILLAGE OF HUNTLEY
LIQUOR COMMISSION HEARING
January 12, 2017
MINUTES**

CALL TO ORDER:

A meeting of the Huntley Liquor Commission was called to order on Thursday, January 12, 2017 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main Street, Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Chairman Charles H. Sass; Commissioners: Ronda Goldman, Timothy Hoeft, Niko Kanakaris, Harry Leopold, John Piwko and JR Westberg.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Village Clerk Rita McMahan, Chief of Police Robert Porter, Detective Theo Kallantzes, Director of Development Services Charles Nordman, Director of Public Works and Engineering Tim Farrell and Village Attorney John Cowlin.

PUBLIC COMMENTS: None

ITEMS FOR CONSIDERATION:

- a) Approval of December 15, 2016 Liquor Commission Meeting Minutes

Chairman Sass noted Commissioner Goldman was absent at the December 15, 2016 meeting and then asked if the Liquor Commission had any comments or changes to the minutes. There were none.

A MOTION was made to approve the December 15, 2016 Liquor Commission Meeting Minutes.

MOTION: Commissioner Piwko

SECOND: Commissioner Kanakaris

AYES: Commissioners: Hoeft, Kanakaris, Leopold, Piwko and Westberg

NAYS: None

ABSTAIN: Commissioner Goldman

ABSENT: None

The Motion Carried: 6-0-1-0

- b) Complaint – Bowl-Hi Lanes / 10520 Route 47
- c) Complaint – American Drug Stores LLC d/b/a Osco Drug #3394 / 13200 Village Green
- d) Complaint – Walmart Supercenter / 12300 Route 47

Chairman Sass reported on December 19, 2016, the Police Department conducted an alcohol compliance check of all liquor license retailers within the Village of Huntley. Approximately thirty days prior to the compliance check, a letter was sent to all licensed liquor establishments informing them of the upcoming compliance check. A nineteen year old was used to conduct these checks, given instruction on the proper procedures and accompanied by a Police Detective.

Bowl-Hi Lanes

On December 19, 2016, the nineteen year old entered Bowl-Hi Lanes, ordered and received a bottle of Miller Lite from the bartender. The Detective then approached the bartender and issued a violation for Section 110.12(A) Sales to a Minor.

American Drug Stores LLC / Osco Drug #3394 (Jewel)

On December 19, 2016, the nineteen year old entered Jewel and purchased a 12 pack of Miller Lite from the sales clerk. The Detective then approached the sales clerk and issued a violation for Section 110.12(A) Sales to a Minor.

Walmart Supercenter (Walmart)

On December 19, 2016, the nineteen year old entered Walmart, purchased a six pack of Miller Lite from the sales clerk. The Detective then approached the sales clerk and issued a violation for Section 110.12(A) Sales to a Minor.

Section 110.12(a) It shall be unlawful for any person under the age of 21 years to purchase or obtain alcoholic liquor in any tavern or any place in the Village where alcoholic liquor is sold.

Staff Analysis

A Notice of Hearing has been delivered to Bowl Hi Lanes, Jewel, and Walmart to appear before the Huntley Liquor Commission. Pursuant to the Village of Huntley Liquor Control Ordinance the penalty provisions are as follows:

Section 110.52 (c) The sale of alcoholic liquor to minors or to other persons to whom the sale is prohibited by this chapter shall be cause for suspension of any license hereunder for not less than five days or for revocation hereunder as may be determined by the President and Board of Trustees of the Village.

Section 110.99 Penalty

- (a) *Any person, firm or corporation violating the provisions of this chapter shall be fined not less than \$25 nor more than \$1,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.*
- (b) *In addition to the foregoing penalty any person, firm or corporation violating the provisions of this chapter may suffer the penalty of having his license revoked for any such violation. The revocation shall be signed by the Chairman of the Liquor Control Commission.*

A review of liquor files disclosed no previous violation for Bowl Hi or Walmart. Jewel had a previous violation in November 2007.

Legal Analysis

The Village Attorney has reviewed the complaint documents and all is in order for consideration by the Liquor Commission.

Chairman Sass continued the hearing questioning each respondent.

Chairman Sass: Are the parties involved in this matter for Bowl Hi Lanes present? Please step up to the podium and state your name for the record. Respondent: Yes, Donald Zielinski

Chairman Sass: Does the respondent acknowledge receipt of a copy of the charges and notice of hearing?
Respondent: Yes

Chairman Sass: Will the respondent waive reading of the charges? Respondent: Yes

Chairman Sass: What is the plea of Bowl Hi Lanes: Guilty or Not-Guilty? Respondent: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?
Respondent: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain? Respondent: Mr. Zielinski: I am very embarrassed. My business has been in town for many years without an altercation with the Liquor Commission. In addition to the fine I'll incur, I would like to offer a donation of \$500 to go towards additional BASSET training classes. I think the classes should be offered more than once a year by the Village. I would also like to request a higher fine instead of closing. I've noticed that Lake in the Hills allows for a larger fine with less days of suspension. Chairman Sass: Every community handles it differently. Mr. Zielinski: I have several leagues and fund raisers planned and would like to ask the suspension to be deferred until June. The loss of revenue from a suspension now will be detrimental to my business. Chairman Sass: What kind of fund raisers are planned? Mr. Zielinski: Pub 47 has their Christmas party planned for Monday, January 16th and I have leagues throughout the week. I can provide a schedule if you like. Chairman Sass: No thank you.

Thank you – you may be seated.

Chairman Sass: Are the parties involved in this matter for American Drug Store LLC d/b/a Osco Drug #3394 present? Please step up to the podium and state your name for the record. Respondent: Yes, Ms. Connie Zaio, License Coordinator; Jewel-Osco Itasca Store Support Center and Ms. Cary Saladino, Huntley Store Manager.

Chairman Sass: Does the respondent acknowledge receipt of a copy of the charges and notice of hearing?
Respondent: Yes

Chairman Sass: Will the respondent waive reading of the charges? Respondent: Yes

Chairman Sass: What is the plea of American Drug Store LLC d/b/a Osco Drug #3394: Guilty or Not-Guilty? Respondent: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?
Respondent: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain? Respondent: Ms. Zaio: On behalf of Jewel Food Stores I would like to apologize for appearing before the Liquor Commission. We pride ourselves on being in business as long as we have not having to appear before you in a very long time. All of our employees are BASSET trained and we have an extensive training program in place. The employee came from another store but was trained. The cashier had difficulty with the system and eventually over-rode the system to finish the transaction. The clerk was suspended for three days without pay and liable for court fines and fees. I have a booklet that outlines our training procedures and would like to submit this to the commission for your review. Chairman Sass: Thank you. Ms. Zaio: Jewel respectfully requests to get the highest fine possible with the lowest suspension. Jewel would like to offer to donate for a community service or event in lieu of a suspension.

Chairman Sass: Thank you – you may be seated.

Chairman Sass: Are the parties involved in this matter for Walmart Superstore present? Please step up to the podium and state your name for the record. Respondent: Yes. Ms. Josh Cotton, District Manager for Walmart and Dominic Gallo, Huntley Store Manager.

Chairman Sass: Does the respondent acknowledge receipt of a copy of the charges and notice of hearing?
Respondent: Yes

Chairman Sass: Will the respondent waive reading of the charges? Respondent: Yes

Chairman Sass: What is the plea of Walmart Supercenter: Guilty or Not-Guilty? Respondent: Guilty

Chairman Sass: You understand that by pleading guilty you are waiving the right to a hearing and appeal?
Respondent: Yes

Chairman Sass: Do you have anything you would like to offer to the Commission in mitigation that you wanted to explain? Respondent: Mr. Gallo: I would like the Commission to know that Walmart has a zero tolerance policy on liquor violations and is taking this very seriously. The clerk has been terminated due to the zero tolerance policy and additional training and discussions have taken place throughout the last couple of weeks with existing clerks regarding the violation. I would like to submit to the Commission our Compliance Policy and action taken against the employee. Chairman Sass accepted the documents.

Chairman Sass asked if the Commission had any questions for the respondents or of counsel. Commissioner Leopold asked Mr. Gallo how long the clerk had been employed by Walmart. Mr. Gallo said six weeks.

Chairman Sass: Thank you – you may be seated.

Chairman Sass stated it was time to deliberate and requested a motion and second to enter into Executive Session.

EXECUTIVE SESSION:

A MOTION was made at 7:12 p.m. to enter into Executive Session.

MOTION: Commissioner Westberg

SECOND: Commission Piwko

The Voice Vote noted all ayes and the motion carried.

A MOTION was made at 7:23 p.m. to exit Executive Session.

MOTION: Commissioner Leopold

SECOND: Commissioner Kanakaris

POSSIBLE ACTION ON ANY CLOSED SESSION ITEMS:

Chairman Sass reported on the Commission discussions from Executive Session.

Chairman Sass reported that the Commission took into consideration for the Christmas party being held at Bowl Hi on Monday January 16th and for Bowl Hi the penalty will be:

1. A \$400 fine.
2. The fine is to be paid to the Village Clerk within seven (7) days from this evening's meeting.
3. The Liquor License will be suspended for five (5) consecutive days from Tuesday, January 17th through Saturday, January 21st. The establishment is allowed to begin selling liquor on January 22nd.

Chairman Sass reported that for Walmart the penalty will be:

1. A \$400 fine.
2. The fine is to be paid to the Village Clerk within seven (7) days from this evening's meeting.
3. The Liquor License will be suspended for five (5) consecutive days from Monday, January 16th through Friday, January 20th. The establishment is allowed to begin selling liquor on January 21st.

Chairman Sass reported that for Jewel, being a second offense, the penalty will be:

1. A \$800 fine
2. The fine is to be paid to the Village Clerk within seven (7) days from this evening's meeting.
3. The Liquor License will be suspended for ten (10) consecutive days from Monday, January 16th through Wednesday, January 25th. Jewel is allowed to begin selling liquor on January 26th.

Chairman Sass explained to all establishments they do not need to close and they will need to rope off, post or designate they are not allowed to sell alcohol. Chairman Sass continued and reminded each of the businesses that the Police Department will be attentive to the fact that they are not allowed to sell alcohol and if the Police stop in and check and find the sale of alcohol, the next penalty will not be as lenient.

Ms. Zielinski asked how this will affect his video gaming. Chairman Sass stated that without the liquor license the gaming will be shut down and thanked Mr. Zielinski for asking.

Chairman Sass asked if there was any other business. There was none.

OTHER BUSINESS: None.

ADJOURNMENT:

There being no further business to discuss, a MOTION was made to adjourn the hearing at 7:29 p.m.

MOTION: Commissioner Hoeft

SECOND: Commissioner Piwko

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Rita McMahan
Village Clerk