

VILLAGE OF HUNTLEY
LIQUOR COMMISSION HEARING
January 16, 2014
MINUTES

CALL TO ORDER:

A meeting of the Huntley Liquor Commission was called to order on Thursday, January 16, 2014 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, Harry Leopold, John Piwko and JR Westberg.

ABSENT: Commissioners: Nick Hanson and Niko Kanakaris

IN ATTENDANCE: Village Manager David Johnson, Assistant Village Manager Lisa Armour, Village Clerk Rita McMahon, Management Assistant Barbara Read and Village Attorney Mike Coppedge.

PUBLIC COMMENTS: None

HEARING:

A) Complaint – Huntley Food & Liquor; 10729 Dundee Road

On December 17, 2013, the Police Department conducted an alcohol compliance check of all liquor license retailers within the Village of Huntley. Approximately sixty days prior to the compliance check, a letter was sent to all licensed liquor establishments informing them of the upcoming compliance check. An eighteen year old male was used to conduct these checks, given instruction on the proper procedures and accompanied by a Police Detective. The eighteen year old male entered Huntley Food & Liquor and purchased an eight pack of seven ounce bottles of Miller Lite from the sales clerk. The Detective then approached the 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 Huntley Food & Liquor 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 one previous violation for Huntley Food & Liquor, 10729 Dundee Road for previous owners.

Chairman Sass reported that Village Attorney Mike Coppedge would conduct the questioning of the defendant.

Attorney Coppedge asked Mr. Anil Brahmhatt representing Huntley Food & Liquor to step up to the podium.

Attorney Coppedge: Mr. Brahmhatt are you representing ANSC Corporation d/b/a Huntley Food & Liquor? Mr. Brahmhatt: yes.

Attorney Coppedge: Mr. Brahmhatt were you served with the Complaint? Mr. Brahmhatt: yes.

Attorney Coppedge read the complaint.

Attorney Coppedge: Mr. Brahmhatt what is your position with ANSC Corporation? Mr. Brahmhatt: President. Attorney Coppedge: Mr. Brahmhatt as the President of the Corporation do you have the authority to enter a plea? Mr. Brahmhatt: yes.

Attorney Coppedge: Mr. Brahmhatt on behalf of the Corporation what is your plea; guilty or not guilty? Mr. Brahmhatt: guilty.

Attorney Coppedge: Detective Kevin Keane are there any aggravations in this case? Detective Keane: no.

Attorney Coppedge: Mr. Brahmhatt any explanation or excuse as to how this happened? Mr. Brahmhatt: the employee checked the identification but misread the date.

Attorney Coppedge: Mr. Brahmhatt do you use a computer scanning system in your register? Mr. Brahmhatt: not right now. Was the employee, Mr. Patel, BASSET trained or certified? Mr. Brahmhatt: not at that time but he is now. Attorney Coppedge: Mr. Brahmhatt how many employees in your corporation that can sell alcohol? Mr. Brahmhatt: two (2). Attorney Coppedge: Mr. Brahmhatt are your employees now BASSETT trained? Mr. Brahmhatt: yes. Attorney Coppedge: Mr. Brahmhatt is Mr. Patel still employed by your corporation? Mr. Brahmhatt: yes. Attorney Coppedge: Mr. Brahmhatt is he now BASSETT trained? Mr. Brahmhatt: yes.

Attorney Coppedge: Mr. Brahmhatt is there anything else you would like to tell the Commission? Mr. Brahmhatt: I am very sorry and will work very hard not to have this happen again.

Attorney Coppedge: just to make this very clear, is it true that you were only in business 18 days when this violation occurred? Mr. Brahmhatt: yes. Attorney Coppedge: Mr. Brahmhatt did you have any involvement with the prior owner? Mr. Brahmhatt: no.

Attorney Coppedge reported that he had no further questions.

Chairman Sass asked if the Liquor Commission had any questions; there were none. Chairman Sass adjourned the hearing and the Commission moved into the conference room at 7:06 p.m. to discuss.

The Liquor Commission came back into session at 7:10 p.m.

Attorney Coppedge reported that the Liquor Commission discussed the matter and wants to make it clear to Mr. Brahmbhatt that it is a privilege to hold a liquor license in the Village of Huntley. The Liquor Commission will consider this a first offense and as it has done in the past: 1) impose a fine of \$400 to be paid within seven (7) days which is on or before January 23, 2014; 2) suspend their liquor license for five (5) days beginning at 12:01 a.m. on January 20, 2014 through 11:59 p.m. on January 24, 2014. Attorney Coppedge explained that Huntley Food & Liquor may stay open during the suspension time but may only sell non-alcoholic items.

Attorney Coppedge asked Mr. Brahmbhatt if he had any questions; Mr. Brahmbhatt said no.

OTHER BUSINESS: None

ADJOURNMENT:

There being no further business to discuss, a MOTION was made to adjourn the meeting at 7:12 p.m.

MOTION: Commissioner Leopold

SECOND: Commissioner Piwko

The Voice Vote noted all ayes and the motion carried.

Respectfully submitted,

Barbara Read
Recording Secretary