PUBLIC MEETING NOTICE AND AGENDA
VILLAGE OF HUNTLEY
LIQUOR COMMISSION HEARING

THURSDAY, JANUARY 16, 2014
7:00 P.M.

AGENDA

I. Call to Order

II. Public Comments

III. Hearing

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

IV. Other Business

V. Adjournment

MEETING LOCATION
10987 Main Street
Huntley, IL 60142

The Village of Huntley is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, are requested to contact Mr. David Johnson, Village Manager at 847-515-5200. The Village Board Room is handicap accessible.

David J. Johnson, Village Manager

Agenda Item: **Complaint – Huntley Food & Liquor / 10729 Dundee Road**

Department: **Police Department**

Introduction

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.

Legal Analysis

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

Action Requested

Action is requested of the Liquor Commission on the complaint filed for Huntley Food & Liquor; 10729 Dundee Road.

Exhibits

- Complaint & Notice – Huntley Food & Liquor; 10729 Dundee Road
- Liquor Violation History Spreadsheet

LIQUOR CONTROL COMMISSION
VILLAGE OF HUNTLEY
MCHENRY COUNTY, ILLINOIS

COMPLAINT

Detective Kevin Keane (hereinafter called "COMPLAINANT"), being sworn on oath, states as follows:

On December 17, 2013, at approximately 2:18 p.m., A N S C Corporation / Huntley Food and Liquor, located at 10729 Dundee Road, Huntley, Illinois 60142 (hereinafter called the "RESPONDENT"), committed a violation of §110.12(A) of the Code of Ordinances of the Village of Huntley and §235 I.L.C.S. 5/6-16 of the Illinois Liquor Control Act in that, Raj Patel, an employee and agent of RESPONDENT sold one eight pack of seven ounce bottles of Miller Lite, an alcoholic liquor, to an individual under the age of twenty-one years and did so after looking at identification identifying the individual as being born in 1995, making the individual 18 years of age. COMPLAINANT therefore requests that due notice be served upon the RESPONDENT and that a hearing be held in accordance with the Code of Ordinances of the Village of Huntley, McHenry County and in accordance with the laws of the State of Illinois.

Detective Kevin Keane

SUBSCRIBED and SWORN to before
me this 19TH day of DECEMBER, 2013

NOTARY PUBLIC

MICHAEL C. KLUNK
OFFICIAL SEAL
Notary Public - State of Illinois
My Commission Expires
October 02, 2016

LIQUOR CONTROL COMMISSION
VILLAGE OF HUNTLEY
MCHENRY and KANE COUNTIES, ILLINOIS

TO: A N S C Corporation / Huntley Food & Liquor
10729 Dundee Road
Huntley, IL 60142

NOTICE OF HEARING

WHEREAS, a Complaint has been filed with the Local Liquor Control Commission of the Village of Huntley, McHenry County, Illinois, alleging the sale of an alcoholic liquor to a minor, having been committed upon a business licensed to you and commonly known at Huntley Food & Liquor; 10729 Dundee Road; Huntley, IL 60142, with said charge alleging a violation of Chapter 110.12(A) of the Liquor Control Ordinances of the Village of Huntley and of certain provisions of the State of Illinois Liquor Control Commission:

YOU ARE HEREBY NOTIFIED that a hearing on this Complaint will be held on the 16th day of January, 2014 at the hour of 7:00 p.m., in the Board Room of the Village of Huntley, Municipal Complex, 10987 Main Street; Huntley, Illinois, before the Liquor Control Commission of the Village to determine whether your license to sell alcoholic liquor under the Code of Ordinances of the Village of Huntley and the laws of the State of Illinois should be revoked, suspended or whether some other penalty, including, but not limited to a fine should be imposed. At which time you may appear if you see fit.

Dated this 23rd day of December, 2013.

Liquor Control Commission, Charles H. Sass

Liquor Violations

Date	Establishment	Violation	Fines	Suspensions	*Establishments can remain open but no sale of alcohol is allowed*
10.18.01	Parkside Food & Spirits	serving a minor	$400	5 days	
	Kelly's Huntley Pub & Pizzeria	serving a minor	$400	5 days	
	Huntley Supermarket	serving a minor	$400	5 days	
	Armanetti's Wine & Liquor*	serving a minor	$800	10 days	
	Del Toro's Mexican American Grill	serving a minor	$400	5 days	
	**Second offense*		*Fines are due within 14 days*		
08.22.02	Parkside Tap	gambling	$1,000	no suspension	
			Fine due within 7 days		
10.24.02	Eagle Inn	serving a minor	$400	5 days	
	Walleye Grill / Del Webb	serving a minor	$500**	5 days	
			Fines due within 7 days		
			***Add'l $100 due to a request for deferral of suspension*		
01.17.08	Jewel Food	serving a minor	$400	5 days	
	Soula's Village Inn	serving a minor	$400	5 days	
	Parkside Tap	Multiple violations	requested a hearing -		

1. With Respect to the charge that Respondent violated Section 110.07 of the Village of Huntley Liquor Control Ordinance, Respondent is found guilty.
2. With respect to the charge that Respondent violated Section 110.12(A) of the Village of Huntley Liquor Control Ordinance, Respondent is found not guilty.
3. With respect to the charge that Respondent violated Section 110.12(A)(1) of the Village of Huntley Liquor Control Ordinance, Respondent is found guilty.
4. With respect to the charge that Respondent violated Section 110.13 of the Village of Huntley Liquor Control Ordinance, Respondent is found not guilty.
5. With regard to the violation of Section 110.07, Respondent is fined $1,000.00.
6. With regard to the violation of Section 110.12(A)(1), Respondent is fined $1,000.00.
7. The fines assessed pursuant to the terms of this Order must be paid to the Village of Huntley on or before March 12, 2008 at 5:00 p.m.

03.27.08	Huntley Food & Liquor	serving a minor (4 counts)	$3,200	20 days
2.05.09	Niko's Grill and Pub	serving a minor	$500	5 days

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