

LIQUOR AND LICENSE COMMISSION
McHenry County Government Center – Administration Building
667 Ware Road - Woodstock IL 60098

MINUTES OF WEDNESDAY, SEPTEMBER 12, 2007

Chairman Hammerand called the meeting to order at 9:15 a.m. The following members were in attendance: John Hammerand, Chairman; Yvonne M. Barnes; James P. Kennedy; Mary T. McCann; and Nick Provenzano. Also in attendance: Jamie Rein, Assistant State's Attorney; Peter Austin, County Administrator.

John Hammerand, Chairman
Yvonne M. Barnes James P. Kennedy
Mary T. McCann Nick Provenzano

MINUTES OF THE PREVIOUS MEETING

Ms. Barnes made a motion, seconded by Mr. Provenzano, to approve the regular session minutes of August 8, 2007. Typos were noted and minutes were approved as revised with all members present voting aye.

PUBLIC COMMENT: None

PRESENTATION: None.

NEW BUSINESS

New and Renewal Liquor License, Manager and/or Amusement License Requests: The Commission met with Belul Estrefi, Nuredin Estrefi, and Osmon Estrefi who are applying for a liquor license for an establishment to be known as Chicago Char House located at 24015 W. Grant Highway in Marengo IL. It was noted that the application only included one letter of recommendation for Osmon Estrefi and two more were necessary. In addition, a Health Permit is needed and the finger print report for each person must be received. Ms. Barnes made a motion, seconded by Mr. Kennedy, to request the applicants attend the next scheduled Commission meeting (October 10, 2007) and bring the additional documents required to process their application. The motion carried with all members present voting aye on a roll call vote (Kennedy, Barnes, Provenzano, McCann and Hammerand).

Susan Haggerty presented her application to be resident liquor manager for Donley's Wild West located in Union. It was noted that the previous manager had tendered her resignation. Noting that Ms. Haggerty must complete the finger printing process and provide three letters of recommendation, Ms. McCann made a motion, seconded by Mr. Kennedy, to approve Ms. Haggerty as the Liquor Manager for Donley's Wild West Steakhouse subject to the standard conditions as noted. The motion carried with all members present voting aye on a roll call vote (Kennedy, Barnes, Provenzano, McCann and Hammerand).

Mr. Desai met with the Commission to discuss his application for a liquor license for Lakeside Liquors located in Wonder Lake. Ms. Reins stated she had researched a police report that had been received regarding a charge of retail theft and reported that there was no conviction and the charges will be dropped from the records after Mr. Desia attends a one day/four hour program on October 13th. It was noted a previous motion made in July had approved the liquor license pending the finger print results and submission of the current liquor license for this establishment. Ms. Barnes stated she felt the matter on the arrest and charge were still an open issue. She asked what would happen if Mr. Desia does not attend the one-day program and noted it was her opinion that this concern is not yet resolved. Ms. Reins stated that if Mr. Desia does not attend on the 13th, he would have up to one year to do so. She also stated again that there is no conviction. Members asked that the file for this establishment be "flagged" for review during the renewal process. They also agreed that the current owner would need to come in and surrender the current liquor license after which Mr. Desia could receive his liquor license. Mr. Desia stated he is planning on doing this on Monday, September 17, 2007.

Raffle Permits: A Raffle Application was reviewed for the Marengo Area Schools. Noting all paperwork was completed, Mr. Provenzano made a motion, seconded by Ms. McCann, to approve a raffle permit as requested for the Marengo Area Schools. The motion carried with a unanimous voice vote of all ayes.

Discussion – Liquor Commission Members' Badges: Mr. Austin joined the Commission noting that there has been a suggestion that the Commission Members could benefit by having some type of I.D. badge that would identify them as a McHenry County Liquor Commissioner. He stated that such a badge would not resemble a law enforcement badge so there would be no confusion. He suggested a badge similar to the current employee I.D. badge. Ms. Reins stated there are some legal concerns in how this might impact a liquor hearing should a Commissioner witness an incident. It is the State's Attorney's opinion that there would be a conflict should the Commission be both a witness and jury member at

such a hearing. Mr. Kennedy stated he did not agree noting if he witnessed a liquor violation he would call 9-1-1 and let a law officer handle the situation, but could also be a witness to the violation. Mr. Provenzano also stated that the current

employee I.D. badges "suck" and he would not support this type of badge for the Commissioners. Ms. McCann asked if other Counties provide such identification to their liquor commissioners. Mr. Austin was unsure and stated he would discuss this issue further with the Sheriff to see what type of badges would be available. Ms. McCann questioned why it would be necessary to go into an establishment in an official capacity. Mr. Provenzano stated it is way to show the Commission is watching and keeping their eye on establishments licensed by the County. Chairman Hammerand noted there was some interest in pursuing this issue and asked that staff do additional research and any information be brought back to the Commission for additional consideration.

Discussion – Changes to the Open Meetings Act: Ms. Reins reported that there has been a change in the Open Meetings Act that now allows two members of a five member committee/commission to have conversations on relative issues. She stated she would provide a copy of the new statutes to members. She also stated that a five member liquor commission could increase its membership to seven.

OLD BUSINESS

Chairman Hammerand reported that he had discussed to previously noted situation of a six year old serving in a liquor establishment with Captain Shepherd. Captain Shepherd investigated this allegation and found no evidence of such activity. It was also noted that the guardian of the six year old is no longer associated with the liquor establishment.

Ms. Barnes asked if a representative from the Sheriff's Department should attend the Liquor Commission meetings. Chairman Hammerand responded that Captain Shepherd has been on vacation and usually attends if there is something to report or review.

ADJOURNMENT: Noting no further business, the meeting adjourned at 10:20 a.m. on a motion by Mr. Provenzano, seconded by Ms. Barnes, with all members present voting aye.

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