

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

MINUTES OF WEDNESDAY, JANUARY 9, 2008

In the absence of Chairman Hammerand, Vice-Chairman Provenzano called the meeting to order at 9:15 a.m. The following members were in attendance: Yvonne M. Barnes; James P. Kennedy; Mary McCann; and Nick Provenzano. Also in attendance: Michelle Courier, Assistant State's Attorney; Captain Tony Cundiff – Sheriff's Office; and interested public.

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. Kennedy, to approve the regular session minutes of December 12, 2007. The minutes were approved as submitted with all members present voting aye.

PUBLIC COMMENT: Ms. Reiland of 2412 S. Lily Lake Road, McHenry, Illinois addressed the Commission and raised concerns with the establishment known as Mackey's Hideout on S. River Road. She noted the established is open from 6 a.m. to 2 a.m. and asked for clarification of the hours of operation. She stated the late hours have caused a raise in accidents and the safety of the surrounding neighborhood. She also reported that the establishment has an outdoor area and loud music and amplified voices can be heard at her home which is 600 feet away from the tavern. She stated that when she contacted the Sheriff's Department to voice a complaint she was told the County did not have an ordinance that addresses these noise issues. She asked the Commission to consider a change in hours of operation and how to address the noise issue. Ms. Barnes asked how long the problems have existed. Ms. Reiland replied the problems have existed since the tavern opened some 2.5 years ago. Captain Cundiff stated the noise issue could be addressed as a disorderly conduct complaint and asked if Ms. Reiland would be willing to sign such a complaint. Ms. Reiland replied she indeed would sign a complaint. Captain Cundiff recommended that Ms. Reiland continue to contact the Sheriff's Department, noting he would discuss her concerns with the Sheriff's Dispatch. Ms. Courier reviewed the Sections of the Liquor Ordinance that relate to noise violations and hours of operations. Ms. Reiland will be provided a copy of the Liquor Ordinance.

PRESENTATION: None.

NEW BUSINESS

*Discussion with the Owner of Suds-R-U's:* Vice-Chairman Provenzano invited Mr. Brinsko to join the Commission to review the general operations of his establishment known as Suds R Us. Mr. Brinsko and his attorney Bill Hellyer stepped forward and joined the Commission. Mr. Hellyer stated that neither he nor his client, Mr. Brinsko, had received a copy of the report or violation. Vice-Chairman Provenzano stated that the Commission would not be discussing the results of a current sting operation, but would be reviewing issues and concerns that have been raised over the general operations of the establishment. He stated that the Sheriff has numerous reports for the establishment over the past 24 months which have raised a "red flag" for the Commission. He noted that the Sheriff conducts bar-checks and has voiced concerns with resistance during some of those checks at Suds R Us. He stated that a liquor license is a privilege and not a right; the owner must operate within the ordinance and law, noting that on-gong issues at Suds R Us have raised grave concerns. He noted that during the upcoming renewal process the Commission will be taking a fresh look all events and concerns to determine if a new license will be granted. He pointed out that deputies doing bar-checks do so for the safety of all citizens and during bar-checks at Suds-R-U's have met with harassment at the entrance, including being requested to show proper ID, to sign a log-in sheet and to pay a cover charge. He stated the officer could have arrested those making these requests, but in all cases showed leniency and flexibility by not doing so. Mr. Hellyer asked if he could have the name of the individual at the establishment who had requested the cover charge. He stated that the tavern does not have a cover charge and indicated that the person may have been someone in the vestibule or parking area trying to make some money. This appears to have taken place on Halloween night and many patrons were in costume. Captain Cundiff reported that the "bouncer" felt perhaps the officer was in costume, but this should not have been an issue as the patrol car was parked outside. Mr. Brinsko stated that the deputy and Lieutenant Lutz had met with him after closing that evening with all staff present at that that time the deputy was unable to identify a staff member who had made the request earlier in the evening. Captain Cundiff stated it is important the all parties work together on these concerns as the biggest issue should be public safety. Mr. Brinsko stated he has operated this establishment for over 21 years and in July of 2006 the Sheriff's deputies began making bar-checks at the establishment two to three times a day. He had asked what was going on and received no response other than they were just checking. He stated with on-going checks each day he felt his establishment was being singled out and wanted to keep a log of these events. To keep a log he did begin to ask

for either the deputy's business card or badge number, but his request for such information was refused. He stated he just

wanted a dialogue as to what was happening and why was there an increase in bar-checks. He noted his patrons were feeling they were being profiled. He stated his requests for additional information from deputies ended in late 2006. Mr. Hellyer stated that better communication would be helpful. Vice-Chairman Provenzano stated that perhaps the officer should have made arrests and a judge could make a final decision. He stated he is concerned that such violations by someone other than an employee at the front door indicates that the owner does not have the establishment under control and presents a dangerous situation. The owner should have full knowledge of what takes place at the entrance door. He also noted that the Liquor Commission frequently requests an increase in monitoring of establishments by patrol officers and the presence of an officer should be welcomed. Mr. Kennedy stated that a better working relationship with law enforcement is the owner's responsibility. Officers are there to address public safety and want to work with the owner to provide a safe environment for all to enjoy. He stated the operation of a liquor establishment is different that any other business and needs to include a spirit of cooperation between all parties. He noted it is not the intent of the Commission to close any establishment, but as a Commission we want to insure the establishment remains a safe place. Mr. Hellyer agreed noting that today's meeting is a wake-up call. Ms. Barnes encouraged Mr. Brinsko to be responsible in the selling of alcohol, management, staff training and to be a good business person for both himself and his patrons. Mr. Hellyer thanked the Commission adding that the input will make the next 21 years of operation better for all.

*New and Renewal Liquor License, Manager and/or Amusement License Requests:* Vice-Chairman Provenzano reported that the finger print results were back for Mr. Patel and no convictions, arrests or criminal activity was reported. Mr. Patel provided payment in the amount of \$1,675 to cover his application and license fee. Ms. Barnes made a motion, seconded by Ms. McCann to approve a liquor license for Nathabhai Bhechabhai Patel, Inc. DBA Alden Grocery Store located in Alden Illinois. The motion carried with all members present voting aye on a roll call vote (McCann, Barnes, Kennedy and Provenzano). The expiration of the liquor license is April 30, 2008.

*Raffle Permits:* None.

OLD BUSINESS

*Incident Reports:* None

*Update on Sting Operations:* Captain Tony Cundiff reviewed sting operations that took place on December 16, 2007 and December 27, 2007. The December 16, 2007 sting operation cited six establishments for selling to an underage individual. The December 27, 2007 sting operation cited five establishments for selling to the underage person. Of the five establishments noted during the 27<sup>th</sup> sting operation, one was also identified during the December 16<sup>th</sup> operation. Sting operations will continue during 2008. Ms. Courier reviewed the process for a liquor hearing, which takes place after the criminal case is closed. It can take a number of months before the Liquor Commission can call for a hearing. She noted that in the past when an establishment is sent a citation for an ordinance violation most have paid the fine with no hearing necessary.

EXECUTIVE SESSION: None

REPORTS

Ms. McCann reported that she has no additional information regarding liquor licenses for wineries, but will update the Commission as information becomes available.

ADJOURNMENT: Noting no further business, the meeting adjourned at 10:01 a.m. on a motion by Ms. Barnes, seconded by Mr. Kennedy, with all members present voting aye.

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