

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

MINUTES OF WEDNESDAY, AUGUST 13, 2008

Chairman Hammerand called the meeting to order at 9:21 a.m. The following members were in attendance: John Hammerand; James P. Kennedy; and Yvonne M. Barnes. Mary McCann and Nick Provenzano joined the Commission at 9:25 am. Also in attendance: Jamie Rein, Assistant State's Attorney; Sergeant John Kozieo – Sheriff's Office; and Ken Koehler, County Board Chairman.

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 July 9, 2008 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye.

PUBLIC COMMENT: None.

PRESENTATION: None.

NEW BUSINESS:

*Liquor Hearings:* It was noted that the liquor hearings scheduled for today's meeting were canceled.

*Class "D" Liquor License:* Alex Camen addressed the Commission. He stated he currently has a Class "A" liquor license for Deeter's Restaurant and would like permission to add a Class "D" license that would allow for outside consumption of alcoholic beverages. Mr. Kennedy made a motion, seconded by Ms. Barnes, to grant a Class "D" Liquor License to Deeter's Restaurant located at 15105 Route 14, Woodstock IL. Mr. Camen reported that he currently has an outside patio area located next to the banquet room and this area would be used for the Class "D" license. He stated he plans no outside events that would include music and bands. He noted his establishment is not close to any residential area. He explained he has no plans to expand his facility. After discussion, a roll call vote was called. The motion carried with all members present voting aye (Barnes, McCann, Provenzano, Kennedy and Hammerand).

*Raffle Applications:* Members reviewed the following three Raffle Permit Applications: Wonder Lake Ski Show Team; Marengo Area Schools Education Foundation; and the McHenry County Harley Owners Group. Noting all documents were completed and bond information provided for each organization, Mr. Provenzano made a motion, seconded by Ms. McCann to approve the three requests as submitted. The motion carried with all members voting aye on a voice vote.

OLD BUSINESS

*Update on Sting Operations:* Sergeant Kozieo reviewed the July 17, 2008 sting operation. The following four establishments were involved: Crystal Lake Citgo; Nezda Food Shop; Shell Food Mart; and Mobil Speed Mart. Only Crystal Lake Citgo did not sell liquor to the underage volunteers during this event. It was noted that this is the third such violation for Mobil Speed Mart within the past eight months and involving the same cashier. Ms. Rein reported that the State Liquor Commission suspended the Mobil Speed Mart's liquor license for the dates of July 14, 15, and 16 due to the number of violations. Ms. Reins stated she would be sending out the hearing notices to these three establishments and would like direction from the Commission as to fines to impose. Members raised concerns with the continued violations during sting operations and after a discussion, directed Ms. Reins to set the violation fine at \$1,000 for both Nezda Food Shop and the Shell Food Mart. Mr. Provenzano asked if all County Liquor License holders could be sent a copy of sting operation press releases when available to send the message that such violations are unacceptable and establishments will be cited. The Commission agreed that a hearing should be scheduled as soon as possible for the owner of the Mobil Speed Mart. Ms. Reins stated the ordinance allows for a fine of up to \$2,500. She stated she would review regulations with the State Liquor Commission to see what other actions can be taken by the local commission. Members felt the hearing for the Mobil Speed Mart should be held sooner than the next scheduled meeting of the Commission. After discussion, they agreed to hold this hearing on Wednesday, August 20, 2008 at 9:15 am. Chairman Hammerand commented that he would like to make sure that the Commission is in compliance with all rules and regulations when scheduling a hearing prior to the case being heard by the courts. County Board Chairman Koehler questioned why the State Liquor Commission is given the power to suspend a liquor license. Ms. Rein responded that the State Commission has their own standards and regulations that they apply to a first offense, second offense, etc. and they have the latitude to suspend a license. The local Liquor Commission cannot suspend a license without first holding a hearing. She noted that the State Commission never has a hearing for a violation.

Ms. Rein next reported that a recent investigation by the Sheriff's department confirmed that BBT's located in Wonder Lake has been operating without a State Liquor License. Their State Liquor License expired on June 20, 2008. Since that time, the owner has been purchasing liquor through a local store. Ms. Rein stated that selling without a valid State Liquor License could be a violation, however she will research this issue and review such requirements.

Sergeant Kozieo reported that a rodeo event planned by Mr. Luna for July 13 did take place without a proper event permit issued by the Planning and Development Department and without a liquor license. During that event undercover officers witnessed the sale and purchase of alcoholic beverages. Incident reports were written and numerous citations were given. Members questioned why people were not arrested during this event. Ms. Rein stated that the event took place on private property and she is working with the State to address concerns. She stated the owner will be cited under the zoning ordinance and under the local liquor ordinance. Ms. McCann noted that Kane County currently has a mass gathering ordinance but it does not include rodeo events and they would be interested in finding a "universal" method to address these events. Chairman Koehler commented that the State Department of Agriculture has regulations regarding animal used for such events and without proper certification of each animal they can shut down such events immediately. Members noted that should the Commission become aware of a future rodeo event, perhaps this Department of Agriculture should be notified.

Mr. Provenzano noted that J.R.'s Broken Inn does not currently have a Class "D" liquor license and there should be no outside consumption or service of alcoholic beverages at this location. He asked Sergeant Kozieo if officers could check to make sure that J.R.'s Broken Inn is in compliance. Sergeant Kozieo stated he would do so and document any violation observed.

*Liquor Ordinance:* Ms. Rein provided proposed amendments to the Liquor Ordinance to provide allow for license classifications that would include a wine maker license and a product sampling or tasting event license. The Wine Making license would be a class "G." A class "G-1" would cover tasting or product sampling. Other issues and concerns were raised including zoning requirements and outdoor service/consumption without a Class D license. After discussion, Ms. Rein stated she would continue to work on revisions taking all concerns into consideration. She will e-mail an updated version to all for review. Members also requested that the proposed ordinance contain a table with the various liquor license classes with fees for each.

Mr. Provenzano left the meeting at 10:45 am.

EXECUTIVE SESSION: None

ADJOURNMENT: Noting no further business, the meeting adjourned at 10:49 a.m. on a motion by Ms. Barnes, seconded by Ms. McCann, with all members present voting aye.

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