

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

MINUTES OF WEDNESDAY, May 13, 2009

Vice-Chairman Kennedy called the meeting to order at 9:15 a.m. The following members were in attendance: Bob Bless; James P. Kennedy; and Barbara Wheeler. Mary McCann arrived at 9:30 a.m. John Hammerand was absent. Also in attendance: Jamie Rein and Sarah Jansen, Assistant State's Attorney; Captain Tony Cundiff – Sheriff's Office; Steven Haugh, Hearing Office; and a court reporter.

John Hammerand, Chairman
Bob Bless James P. Kennedy
Mary T. McCann Barbara Wheeler

MINUTES OF THE PREVIOUS MEETING

Ms. Wheeler made a motion, seconded by Mr. Bless, to approve the minutes of the April 8, 2009 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 Manager: The Commission reviewed Cheryl Carrico's application for liquor manager for the Clubhouse of Cary. After interviewing the applicant Ms. Wheeler made a motion, seconded by Mr. Bless, to approve Ms. Carrico as the liquor manager for the Clubhouse of Cary. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless and Kennedy).

Liquor License: The Commission reviewed a new liquor license application for the Liquor Hole, located at 7237 Staet Park Road in Spring Grove. Mr. Todd Almlad, the new owner was interviewed by the Commission. Noting that all documents were complete, Ms. Wheeler made a motion, seconded by Mr. Bless, to recommend approval of a Class A Liquor License for the Liquor Hole contingent up a clear background check and finger print results. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, and Kennedy).

RAFFLE PERMIT

Members reviewed the following three Raffle Permit Applications: Two from the Hooved Animal Humane Society and one from the Knights of Columbus. Noting all documents were completed and bond information provided, Ms. Wheeler made a motion, seconded by Mr. Bless to approve the requests as submitted. The motion carried with all members voting aye on a roll call vote (Bless, Wheeler and Kennedy).

The Commission reviewed a Raffle Permit Application from Save A Vet. Ms. Wheeler made a motion, seconded by Mr. Bless, to approve the Raffle Permit for Save A Vet pending receipt of the bond insurance. The motion carried with a roll call vote of all ayes (Bless, Wheeler and Kennedy).

Special Liquor License: The Commission reviewed an application for a Special Liquor License for Save a Vet for an event to be held at the McHenry County Fair Grounds on July 11, 2009. Ms. Wheeler made a motion, seconded by Mr. Bless, to approve the special liquor license pending receipt of the certificate of dram shop insurance. The motion carried with all members present voting aye on a roll call vote (Bless, Wheeler and Kennedy).

OLD BUSINESS: None

EXECUTIVE SESSION: None

REPORTS: None.

HEARING: Hearing Officer Steve Haugh called the hearing to order. The following cases were heard:

Alden Quick Mart: A Citation and Notice of Hearing was served on Vijay Patel, Inc. doing business as (DBA) Alden Quick Mart. Mr. Patel signed an affidavit and accepted the fine of \$1,000 for a December 4, 2008 violation of selling to a minor. Ms. Wheeler made a motion, seconded by Mr. Bless, to ratify the affidavit as submitted. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennedy).

Big Foot Inn: A Citation and Notice of Hearing was served on Lee Archos, President of Big Foot Inn. Mr. Archos signed an affidavit and accepted the fine of \$1,000 for a December 4, 2008 violation of selling to a minor. Ms. McCann made a motion, seconded by Ms. Wheeler, to ratify the affidavit as submitted. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennedy).

Wonder Foods Inc. for Wonder Foods and Village Market West: Ms. Rein report that Mr. Alan Mrowka, President of Wonder Foods Inc, DBA Village Market West and Wonder Foods, has asked to meet with the Commission to discuss his fine of \$1,000 for each establishment for violations of selling to a minor. Mr. Mrowka addressed the Commission and noted that he was previously fined by the State Liquor Commission in the amount of \$500 for these violations. He stated the State had informed him if he had first been fined by the County the State could waive or reduce these fines. He reviewed his employee training procedures and how age and ID cards are verified. He stated he is doing everything possible to hire and train responsible people and felt the fines should be reduced. He felt that to impose a fine on someone other than the one who actually made the sale was wrong. Members discussed these concerns with Mr. Mrowka, noting that the owner of the business is ultimately responsible for the action of his employees. Ms. Wheeler made a motion, seconded by Mr. Bless, to fine Wonder Foods \$1,000 for the violation of selling to a minor on November 20, 2008. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennedy). Ms. McCann made a motion, seconded by Ms. Wheeler to fine Village Market West \$1,000 for the violation of selling to a minor on November 20, 2008. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennedy).

Lakeside Liquors: The Citation and Notice of Hearing was read for Suram Corporation for a violation of selling to a minor on November 20, 2008. Mr. Nehal Desai came before the Commission to request a reduction in the proposed fine of \$1,000. He reported that he had paid his fine to the State for this violation and that this was the first violation for this establishment. Members discussed these concerns and stated that it would be possible to accept monthly payments on the fine. Ms. Wheeler made a motion, seconded by Ms. McCann, to accept a fine of \$1,000 for the November 20, 2008 violation of selling to a minor, said fine to be paid in three payments: May 13, 2009, June 12, 2009 and July 13, 2009. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennedy).

Mr. Desai reported that over the last 2.5 years his establishment has been broken into twice. The Sheriff has been quick to respond but no suspect has been found for these events. In addition, there has been no follow-up by the Sheriff. Captain Cundiff provided Mr. Desai with a phone number and contact person to discuss his concerns.

Chemung County Store: The Findings of Fact were read for a violation of selling to a minor that occurred on December 4, 2008 at the Chemung County Store. It was noted that this is the second violation in a one year period for this establishment. The fine for this violation is set at \$1,500. Mark Smith, President of Chemung Country Store Inc. came before the Commission to discuss this incident. He stated as owner he does not condone selling to minors and provides training to all personnel. He stated the employee has been terminated and wanted the Commission to know that he has taken steps to address these issues with employees. He stated since that time the terminated employee has returned to the establishment and claims the case had been dropped. Ms. Rein reviewed how such cases are handled and that this is a separate issue that has different standards than those of a criminal court. Ms. McCann made a motion, seconded by Mr. Bless to accept the fine of \$1,500 for the December 4, 2008 violation. Members discussed if this fine should be reduced. Ms. McCann made a motion to amend the main motion to reduce the fine to \$1,000. The motion died for lack of a second. A roll call vote on the original motion was then called. The motion carried with all members present voting aye (Wheeler, Bless, McCann and Kennedy).

Wonder Lake Citgo: A Citation and Notice of Hearing was served on John O. Graham, President of Graham C-Stores DBA Wonder Lake Citgo. Mr. Graham signed an affidavit and accepted the fine of \$1,000 for November 20, 2008 violation of selling to a minor. Ms. Wheeler made a motion, seconded by Mr. Bless, to ratify the affidavit as submitted and accept the fine of \$1,000. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennedy).

Sentimental Journey: Ms. Rein noted that the owner was served on April 19, 2009. She asked that this hearing be continued to June 10, 2009 as the Special Agent could not be present at today's meeting. Ms. McCann made a motion, seconded by Mr. Bless, to move this case to June 10, 2009 and re-notify the owner and Special Agent of this change. The motion carried with all members present voting aye on a roll call vote (Wheeler, Bless, McCann and Kennety).

The liquor hearings were closed at 11:00 am.

ADJOURNMENT: Noting no further business, the meeting adjourned at 11:01 a.m. on a motion by Ms. Wheeler, seconded by Mr. Bless, with all members present voting aye.

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RECOMMENDED FOR BOARD ACTION/REVIEW:

None

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