

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

MINUTES OF WEDNESDAY, DECEMBER 8, 2010

Chairman Hammerand called the meeting to order at 9:30 a.m. The following Commission members were present: John Hammerand, Chairman; Bob Bless, Mary McCann; and John Jung. Barb Wheeler was absent. Also in attendance: Kenneth Koehler, County Board Chairman and Liquor Commissioner; Jamie Rein and Sarah Jansen, State's Attorney's Office; Stephen M. Haugh, Hearing Officer; Joan M. Holub, Court Reporter, and interested public.

John Hammerand, Chairman
Bob Bless John Jung, Jr.
Mary T. McCann Barbara Wheeler

MINUTES: Ms. McCann made a motion, seconded by Mr. Bless, to approve the minutes of the November 10, 2010 Liquor and License Commission meeting. The minutes were approved as submitted with all members present voting aye on a voice vote.

PUBLIC COMMENT: None.

PRESENTATION: None.

NEW BUSINESS: *Hearings on Liquor Ordinance Violations:* It was noted that the Commission is meeting today to hold a liquor ordinance violation hearing for several liquor violations.

Lakeside Liquors: Mr. Haugh introduced himself as the Hearing Officer. The first hearing is for Shree Sai, LLC, Liquor License No. 005. Devang N. Patel was present and stated that he is the registered agent of Lakeside Liquors and that the name of the business is Shree Sai, LLC. Mr. Patel understood what the charges brought against him were. He did not have an attorney present to represent him and he was sworn in by Mr. Haugh. Mr. Patel was informed that a court reporter was present and would be taking down everything said during the hearing. Mr. Haugh informed Mr. Patel that the Commission will hear the facts and will decide if there was a violation. If a violation is found, then the Commission will decide what the proper punishment will be. Mr. Haugh asked the Commission to identify themselves: Bob Bless, District 1; John Jung, District 4; John Hammerand, District 4; Mary McCann, District 6; and Ken Koehler, County Board Chairman and Liquor Commissioner. Also: Jamie Rein, State's Attorney's Office and Sarah Jansen, State's Attorney's Office. Ms. Jansen stated that she has been in contact with Mr. Patel. He was served with the Citation and Notice of this Hearing and he has signed a Stipulation which states the following: "That on November 4, 2010 Shree Sai, LLC had McHenry County Liquor License No. 005 for the operation of a dram shop at 7407 Hancock Drive, Wonder Lake, Illinois 60097, said license to expire on May 1, 2011. That on November 4, 2010 Sharish F. Patel, an employee of the licensee, sold or furnished alcoholic liquor to a person under 21 years of age in violation of Section 18, paragraph A of the McHenry County Liquor Control Ordinance. Mr. Patel acknowledges that a hearing will be conducted today solely to determine what penalty shall be imposed for the violation under the McHenry County Liquor Ordinance. As stated in the stipulation, the hearing will continue solely to determine the penalty to be imposed on Shree Sai, LLC. This licensee has not had a violation in the past 12 months, therefore, the licensee is subject to suspension, revocation or a fine not to exceed \$1,000. Mr. Haugh asked the Commission if they understood what the charge is and they stated that they did understand, and they did not need any further explanation. Mr. Patel stated that this is the first violation against his business during the past 12 months and he acknowledged that his employee sold alcohol to a minor. The employee has not received BASSETT training and Mr. Patel knows that everyone who sells alcohol must have BASSETT training. Mr. Patel plans to have the employee receive BASSETT training before his court appearance. Ms. McCann made a motion, seconded by Mr. Bless, that the Commission fine the licensee \$500 which must be paid by January 7, 2011; Shirish F. Patel, the offending agent, shall receive BASSETT training by January 7, 2011; and if the fine is not paid and the proof of BASSETT training is not presented to the Commission by January 7, 2011, McHenry County Liquor License #005 shall be suspended for three (3) days. The motion carried with a unanimous voice vote of all ayes. Mr. Haugh concluded the hearing on Shree Sai, LLC.

The second hearing is for China Girl, Inc., d/b/a Ed's Wonder Inn, Liquor License No. 014. Michael Collins was present and stated that he is the owner and president of Ed's Wonder Inn. Mr. Collins understood what the charges brought against him are. He did not have an attorney present to represent him and he was sworn in by Mr. Haugh. Ms. Jansen stated that she has been in contact with Mr. Collins. He was served with the Citation and Notice of this Hearing and he signed a Stipulation which states the following: "That on November 4, 2010 China Girl, Inc., d/b/a Ed's Wonder Inn, had McHenry County Liquor License No. 014 for the operation of a dram shop at 5506 East Wonder Lake Road, Wonder Lake, Illinois 60097, said license to expire on May 1, 2011. That on November 4, 2010 an agent of the licensee sold or furnished alcoholic liquor to a person under 21 years of age in violation of Section 18, paragraph A of the McHenry County Liquor Control Ordinance. China Girl, Inc., d/b/a Ed's Wonder Inn acknowledges, through their president Mr. Collins, that they waive their right to appear and defend against the charges and call witnesses on their behalf. Mr. Collins acknowledges that a hearing will be conducted today solely to determine what penalty shall be imposed for the violation under the McHenry County Liquor Control Ordinance. This licensee has not had a violation in the past 12 months, therefore, the license is subject to suspension, revocation or fine not to exceed \$1,000. Mr. Haugh asked the Commission if they understood the charge and they stated that they did, and they did not need any further explanation. Mr. Collins stated that an employee sold alcohol to a minor. The person is a new employee and she has received BASSETT training. Mr. Collins mentioned that China Girl, Inc. is his corporation and Ed's Wonder Inn is what the business was called when he bought the business and that is why it is known as China Girl, Inc., d/b/a Ed's Wonder Inn. Ms. McCann made a motion, seconded by Mr. Bless, that the Commission fine the licensee \$500 which must be paid by January 7, 2011. If the fine is not paid by that date, he will not be able to renew his liquor license in 2011. Mr. Collins informed the Committee that this is a full-time career for the employee and he has talked with her about this violation and the bad decision that she made. The motion carried on a roll call vote of all ayes (Hammerand, Bless, McCann and Jung). Mr. Haugh concluded the hearing on China Girl, Inc., d/b/a Ed's Wonder Inn.

The third hearing is for Alden Grocery. Ms. Jensen mentioned that she has been in contact with Ricky Patel, the registered agent for JIYA 1, Inc., d/b/a Alden Grocery in Alden, Illinois. He was served on December 3, 2010 with a citation for a violation and Notice of Hearing for today. Mr. Patel indicated to her that he was unable to make the hearing today because he started a new job within the past two weeks in Mt. Prospect, Illinois. Ms. Jensen informed him that since this was his first violation and his first request for a continuance, and given the current economic conditions, she agreed to continue the hearing at a date to be set by this Commission. This is their first violation in 12 months. It was the consensus of the Commission that the hearing concerning Alden Grocery take place in February, 2011. Chairman Hammerand stated that this concluded today's hearings.

New Liquor License, Manager and/or Amusement License Requests: None.

Raffle Permit and Special Liquor License Requests: None.

OLD BUSINESS:

Pending Liquor Licenses: None.

Incident Reports: None.

Update on Sting Operations: None.

EXECUTIVE SESSION: None.

REPORTS TO COMMISSION:

OTHER BUSINESS:

Chairman Hammerand mentioned that Ms. Wheeler will be unable to attend future meetings if they will be held on Wednesdays. He suggested that the Liquor and License Commission meetings be held at 10:00 a.m. on Mondays before County Board meetings. Ms. Rein stated that meetings held on Mondays would be very hard for a State's Attorney to attend because of commitments for Court appearances. It was agreed that they will wait until the new committees are scheduled which should be the first part of 2011.

Chairman Hammerand stated that there will not be a Liquor and License Commission meeting held in January, 2011.

Ms. Rein mentioned that the hearing concerning Alden Grocery will be on the February, 2011 agenda.

Ms. McCann asked that the winery license discussion be placed on the February, 2011 agenda.

ADJOURNMENT: Noting no further business, Ms. McCann made a motion, seconded by Mr. Jung, to adjourn the meeting at 10:29 a.m. The motion carried with a unanimous voice vote.

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RECOMMENDED FOR BOARD/COMMITTEE ACTION/REVIEW:

None

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