

**VILLAGE OF HUNTLEY  
LIQUOR COMMISSION HEARING  
January 22, 2015  
MINUTES**

**CALL TO ORDER:**

A meeting of the Huntley Liquor Commission was called to order on Thursday, January 22, 2015 at 7:00 p.m. in the Municipal Complex, Village Board Room, 10987 Main Street, Huntley, Illinois 60142.

**ATTENDANCE:**

**PRESENT:** Chairman Charles H. Sass; Commissioners: Ronda Goldman, Niko Kanakaris, Harry Leopold, John Piwko and JR Westberg.

**ABSENT:** Commissioner Charles Huffman

**IN ATTENDANCE:** Village Manager David Johnson, Assistant Village Manager Lisa Armour, Management Assistant Barbara Read and Village Attorney Mike Coppedge.

**PUBLIC COMMENTS:** None

**ITEMS FOR CONSIDERATION:**

- a) Complaint – Best Price Tobacco and Gifts / 11717 Main Street
- b) Complaint – Tee 2 Green Indoor Golf / 11173 Dundee Road

Chairman Sass reported that on December 10, 2014, the Police Department conducted an alcohol compliance check of all liquor license retailers within the Village of Huntley. Approximately thirty days prior to the compliance check, a letter was sent to all licensed liquor establishments informing them of the upcoming compliance check. A nineteen year old male was used to conduct these checks, given instruction on the proper procedures and accompanied by a Police Detective.

**Best Price Tobacco and Gifts**

On December 10, 2014, the nineteen year old male entered Best Price Tobacco and Gifts and purchased a six pack of Miller Lite from the sales clerk. The Detective then approached the clerk and issued a violation for Section 110.12(A) Sales to a Minor.

**Tee 2 Green Indoor Golf**

On December 10, 2014, the nineteen year old male entered Tee 2 Green Indoor Golf, ordered and received a Miller Lite from the bartender. The Detective then approached the bartender and issued a violation for Section 110.12(A) Sales to a Minor.

Section 110.12(a) *It shall be unlawful for any person under the age of 21 years to purchase or obtain alcoholic liquor in any tavern or any place in the Village where alcoholic liquor is sold.*

**Staff Analysis**

A Notice of Hearing has been delivered to Best Price Tobacco and Gifts and Tee 2 Green Indoor Golf to appear before the Huntley Liquor Commission. Pursuant to the Village of Huntley Liquor Control Ordinance the penalty provisions are as follows:

Section 110.52 (c) *The sale of alcoholic liquor to minors or to other persons to whom the sale is prohibited by this chapter shall be cause for suspension of any license hereunder for not less than five days or for revocation hereunder as may be determined by the President and Board of Trustees of the Village.*

Section 110.99 Penalty

- (a) *Any person, firm or corporation violating the provisions of this chapter shall be fined not less than \$25 nor more than \$1,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues.*
- (b) *In addition to the foregoing penalty any person, firm or corporation violating the provisions of this chapter may suffer the penalty of having his license revoked for any such violation. The revocation shall be signed by the Chairman of the Liquor Control Commission.*

A review of liquor files disclosed no previous violation for either license holder.

After reading the complaints for each location, Chairman Sass asked Village Attorney Michael Coppedge to continue with the questioning.

Attorney Michael Coppedge asked the representative of Best Price Tobacco and Gifts located at 11717 Main Street to approach the podium to answer questions.

Attorney Coppedge: Please state your name and address. Mr. Suchde: My name is Hitesh Suchde and the store address is 11717 Main Street.

Attorney Coppedge: And how are you affiliated with the establishment? Mr. Suchde: I am the owner.

Attorney Coppedge: Did you receive a copy of the complaint? Mr. Suchde: Yes.

Attorney Coppedge: And you heard the Mayor's recital of the allegations and those are violations of the State Liquor Statute and the Village of Huntley Liquor Code; do you plead guilty or not guilty? Mr. Suchde: Guilty

So you acknowledge that there was a sale to a minor at your establishment and you heard the Mayor's recital that the minor was asked to show identification? Mr. Suchde: Yes

Attorney Coppedge: Who was your clerk? Mr. Suchde: Elizabeth.

Attorney Coppedge: Did you have anything based on your plea of guilty that you wanted to offer to the Commission in mitigation that you wanted to offer to explain? Mr. Suchde: Actually her glasses were not on and she misunderstood the license; it was a mistake.

Attorney Coppedge: Do you have software or computer equipment in your establishment that checks your identification? Mr. Suchde: Not that we own but the lottery machine does. Attorney Coppedge: Did you have that equipment on December 10<sup>th</sup>? Mr. Suchde: Yes. Attorney Coppedge: Is the clerk trained on that equipment? Mr. Suchde: Yes. Attorney Coppedge: Do you know why it was not used? Mr. Suchde: No.

Attorney Coppedge: Is the clerk still employed by your establishment? Mr. Suchde: Yes. Attorney Coppedge: Has she attended the BASSET Program? Mr. Suchde: No. Attorney Coppedge: Why not?

Mr. Suchde: Actually she doesn't have it but I will make her do it.

Attorney Coppedge: How many employees do you have that work for your establishment and sell liquor? Mr. Suchde: We have three (3); me, my wife and her.

Attorney Coppedge: Have you gone to BASSET? Mr. Suchde: Yes. Attorney Coppedge: And your wife? Mr. Suchde: Yes.

Attorney Coppedge: How long has the young lady that sold alcohol on December 10<sup>th</sup> worked for you? Mr. Suchde: About 6-7 months.

Is there anything else that you would like to offer to the Commission to explain what happened? Mr. Suchde: Actually, it was a mistake.

Attorney Coppedge: Detective McGrath is here. Detective McGrath, is there anything by way of aggravation that you would like to submit to the Commission? Detective McGrath: No.

Attorney Coppedge: Are there any questions from the Commission? There were none.

Attorney Coppedge: Thank you, sir. The Commission will accept your plea of guilty and will deliberate in a few moments so if you will have a seat we will call you back up in a few moments.

Attorney Coppedge: The next matter on the docket is Tee 2 Green. Is there a representative from Tee 2 Green? Please come up.

Attorney Coppedge: What is your name and address? Ms. Tintner: Pamela Tintner. The address of the establishment is 11173 Dundee Road.

Attorney Coppedge: And you're affiliated with the establishment how? Ms. Tintner: I am the owner's wife and I am also the one who committed the offense.

Attorney Coppedge: And are you here with the acknowledgement and permission of the owner, obviously? Ms. Tintner: Yes.

Attorney Coppedge: And you have the consent of the owner to address these charges? Ms. Tintner: Yes.

Attorney Coppedge: Did you or the owner receive a copy of the charges? Ms. Tintner: Yes.

Attorney Coppedge: And you heard the Mayor's recital of the events that took place? Ms. Tintner: Yes.

Attorney Coppedge: On behalf of the establishment, do you plead guilty ... Ms. Tintner: Yes, sir. Attorney Coppedge: ... or not guilty? Guilty? Ms. Tintner: Yes, sir.

Attorney Coppedge: And is there anything that you would like to offer to the Commission by way of mitigation? Ms. Tintner: I would actually, please. I am the offender as I said and I am willing to concede that I made a mistake and that I need to bear responsibility of that but I do beg for leniency; I did ask for an I.D. from the gentleman who was in and I questioned him because I truly believed that he

already turned 21. I didn't read the I.D. properly and I asked him "well if you've turned 21 why didn't you get a new license issued already?" because I truly believed that the date I had acknowledged in my head had been last year and that he had already turned of age.

Attorney Coppedge: The young man had presented an Illinois driver's license? Ms. Tintner: Yes, sir. Attorney Coppedge: Did you look at it? Ms. Tintner: Yes, I did. Attorney Coppedge: Did you note that it had a birthdate of 1995? Ms. Tintner: I did not, the date that stuck in my head apparently was an issuance date but I had thought he had turned 21 in May of 2013. The offence was in December so really I had thought it has been over one year and I thought that perhaps he had just been lazy and didn't want to go to the DMV and I questioned him in that regard and he must have thought I was crazy because when I had presented him with the beer and I had set it on the counter and at that point I realized it was too late and he kind of got up and ran out of the bar.

Attorney Coppedge: Does your establishment have the type of equipment that allows you to scan a license? Ms. Tintner: No, sir.

Attorney Coppedge: Are you BASSET trained? Ms. Tintner: Yes, I am. Attorney Coppedge: And are all of the bartenders? Ms. Tintner: Yes, everyone in our establishment is in compliance. Attorney Coppedge: Is BASSET trained? Ms. Tintner: Yes.

Attorney Coppedge: How many bartenders or employees do you have employed that serve liquor? Ms. Tintner: Two (2) besides myself. Attorney Coppedge: And those people are who? Ms. Tintner: Tony and Michelle.

Attorney Coppedge: You are not suggesting to the Commission that the young man told you that he was 21? Ms. Tintner: No, he did not and it was my misunderstanding as I said and I am accountable for that but there was truly no intent for me to sell to anyone under the age of 21.

Attorney Coppedge: Is there anything else that you would like to offer to the Commission to explain what happened? Ms. Tintner: No, other than I understand that there will be penalties for my actions; I would just ask and beg for leniency because this is the time of year that we do 60% of our business in the next four (4) months. That any penalties that we may incur in terms of suspension that be postponed to a time that it would not be so devastating to our business.

Attorney Coppedge: Detective McGrath is there anything in way of aggravation in respect to this violation? Detective McGrath: No, but I do not recall she ever questioned him why he had not gotten a new license; these licenses for younger minors are a different color. Attorney Coppedge: And you were in the establishment? Detective McGrath: I was. Attorney Coppedge: And you were in proximity of the event as it took place? Detective McGrath: I was.

Attorney Coppedge: Is there anything that the Commission has in way of questions for the officer or the representative? There were none.

Attorney Coppedge: Thank you. The plea of guilty has been received and we'll deliberate if you will just hang on for a few minutes.

Chairman Sass thanked counsel and reported that it was time to deliberate.

**EXECUTIVE SESSION:**

**A MOTION was made at 7:10 p.m. to enter into Executive Session.**

**MOTION: Commissioner Leopold**

**SECOND: Commission Piwko**

**The Voice Vote noted all ayes and the motion carried.**

**A MOTION was made at 7:21 p.m. to exit Executive Session.**

**MOTION: Commissioner Leopold**

**SECOND: Commissioner Goldman**

**POSSIBLE ACTION ON ANY CLOSED SESSION ITEMS:**

Chairman Sass asked Attorney Coppedge to report on the Executive Session.

Attorney Coppedge stated that on behalf of the Liquor Commission, holding a Liquor License is not a right it is a privilege and with the privilege comes some heavy responsibility. It has been, historically, the mentality of the Liquor Commission that these types of violations are not tolerated and that this Village has probably one of the stricter policies for first offence liquor violations with the intent that people exercising the privilege of holding liquor licenses are attentive to their responsibility to the community.

Attorney Coppedge reported that for both establishments the penalty will be:

1. A \$400 fine.
2. The fine is to be paid in seven (7) days from this evening's meeting to the Village Clerk.
3. The Liquor License will be suspended for five (5) consecutive days from Monday, January 26<sup>th</sup> through Friday, January 30<sup>th</sup>. Both establishments will be allowed to begin selling liquor on January 31<sup>st</sup>.

Attorney Coppedge explained to both establishments that they do not need to close and that Best Price Tobacco and Gifts will need to rope off, post or designate that they are not allowed to sell alcohol. Attorney Coppedge explained to Tee 2 Green that they can sell food and non-alcoholic beverages and conduct business but not with the sale of alcohol. Attorney Coppedge reminded both businesses that the Police Department will be attentive to the fact that they are not allowed to sell alcohol and if the Police stop in and check and find the sale of alcohol, the next penalty will not be as lenient. Attorney Coppedge explained that both businesses will receive a written letter from the Village explaining the terms.

Attorney Coppedge asked if either business had questions.

Ms. Tintner explained that the suspension will have a huge impact on the business as they have private parties scheduled.

Chairman Sass asked why she had not mentioned this in her testimony and asked when the private party was and how many people were expected.

Ms. Tintner explained that Tee 2 Green has Wednesday and Thursday leagues. Chairman Sass stated that those would not be considered private parties and that would be considered regular business.

Commission Leopold asked what types of leagues. Ms. Tintner reported that golf leagues and bean bag leagues are held each Wednesday and Thursday. Commissioner Leopold stated that weekly leagues would be considered just regular business.

Chairman Sass asked if the Commission wanted to reconsider the penalties for Tee 2 Green. It was the consensus of the Commission to keep the penalties for both businesses, as originally discussed.

**OTHER BUSINESS:** None.

**ADJOURNMENT:**

**There being no further business to discuss, a MOTION was made to adjourn the hearing at 7:28 p.m.**

**MOTION: Commissioner Piwko**

**SECOND: Commissioner Goldman**

**The Voice Vote noted all ayes and the motion carried.**

Respectfully submitted,

Barbara Read  
Recording Secretary