

**VILLAGE OF HUNTLEY
LIQUOR COMMISSION HEARING
March 27, 2008
MINUTES**

CALL TO ORDER:

A hearing of the Village of Huntley Liquor Commission was called to order on Thursday, March 27, 2008 at 6:30 p.m. in the Municipal Complex Village Board Room 10987 Main Street, Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Chairman Charles H. Sass, Commissioners: Pam Fender, Jay Kadakia, Niko Kanakaris, Harry Leopold, Paul Mercer, and John Piwko.

ABSENT: None

IN ATTENDANCE: Village Manager Carl Tomaso, Assistant Village Manager David Johnson, Police Chief John Perkins, Village Attorney Mike Coppedge, Management Assistant Barb Read, and Recording Secretary Anita Powers of Karick & Associates.

HEARING

1. Approval of Ordinance (O)2008-03.14 - the Amendments to the Village of Huntley Liquor Code Ordinances Chapter XI; Chapter 110 as follows:
 - a. Section 110.01 Definitions / Country Club
 - b. Section 110.09 (A) Closing Time
 - c. Section 110.23 (A)(6) Classification and Fees / Class "F"

Village Manager explained that the following updates to codes are being requested:

a) Section 110.01 Definitions / Country Club

Staff is requesting the above referenced definition be updated to include the following revision:

Country Club

A recreational area with buildings or structures *that includes banquet facilities, restaurants, and snack bars operated in conjunction with the country club and cannot be free standing* therewith for the primary use of members and their guests as the case may be, all of which is established for recreational and entertainment purposes and used in conjunction with recreational pursuits or games, for example, golf, tennis and the like.

b) Section 110.09(A) Closing Time

Staff is requesting the above referenced closing time be updated to include the following revision:

Closing Time

It shall be unlawful to sell or offer for sale, at retail or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 1:00 am and 6:00 am of any Monday, Tuesday, Wednesday, Thursday, or Friday, and between the hours of 2:00 am and 6:00 am of any Saturday; and between the hours of 2:00 a.m. and 11:00 a.m. of any Sunday; ~~except for those establishments holding a Class "F" license.~~ Provided, however, that in the event that any Monday, Tuesday, Wednesday, Thursday or Friday shall be a legal holiday, with the exception of "Good Friday," then the same hours shall apply as if such day were a Saturday. In the event that a New Year's Eve shall fall on a Sunday closing time shall be 2:00 a.m. on Monday.

c) Section 110.23(A)(6) Classification and Fees - Class "F"

Staff is requesting the above referenced classification be updated to include the following revision:

Class "F"

Class "F", which shall authorize the retail sale of alcoholic liquor for consumption on the premises specified in the license. The license shall be issued to Country Clubs as defined in Section 110.01. The hours of operation shall be 6:00 am to ~~midnight~~ **1:00 a.m.**, Monday through Saturday and 7:00 am to ~~midnight~~ **2:00 a.m.** on Sunday. The annual fee for such license shall be \$950.00

A MOTION was made by the Liquor Commission to approve Ordinance (O)2008-03.14 - Amendments to the Village of Huntley Liquor Code of Ordinances Title XI/Chapter 110 as follows:

- a) **Section 110.01 Definitions / Country Club**
- b) **Section 110.09 (A)Closing Time**
- c) **Section 110.23 (A)(6) Classification and Fees / Class "F"**

MOTION:	Commissioner Leopold
SECOND:	Commissioner Piwko
AYES:	Commissioners Fender, Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSTAIN:	Commissioner Kanakaris
Motion carried	5:0:1

- 2. Approval of Ordinance (O)2008-03.15 - Amendment to the Village of Huntley Liquor Code Ordinance - Amending the Number of Available Class "F" Liquor Licenses

The Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance; which provides for the issuance of certain

classes of liquor licenses and establishes the number of licenses available in each class.

In September 2007, the Village of Huntley Liquor Commission accepted the relinquished Class “F” liquor license from The 19th Hole at Pinecrest. The Liquor Control Ordinance was also amended at that time to change the number of available Class “F” licenses from two to one.

The requested action of the Liquor Commission is to now amend the Liquor Control Ordinance to make available two Class “F” licenses instead of one in order to provide for the application from The Pines of Huntley.

The Class “F” license allows for the retail sale on premises. For country clubs only. Listed below is the following establishment with a Class “F” license:

1. Whisper Creek Golf LLC d/b/a Whisper Creek Golf Club

It has been the Liquor Commission policy that there are no available licenses unless there is a viable applicant that satisfies all application criteria.

A MOTION was made by the Liquor Commission to approve Ordinance (O)2008-03.15– Amendment To Huntley Code of Ordinances Business Regulations 110.24 – Limitation On Licenses – Adding One Class “F” License – Liquor Control Ordinance

MOTION:	Commissioner Piwko
SECOND:	Commissioner Leopold
AYES:	Commissioners Fender, Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSTAIN:	Commissioner Kanakaris
Motion carried	5:0:1

3. Approval of Ordinance (O)2008-03.16 – Approval and Issuance of Class “F” Liquor License – The Pines of Huntley, Inc.; 11220 Algonquin Road

Petitioner: The Pines of Huntley, Inc.

The Village of Huntley regulates the sale of alcoholic beverages in the Village through its Liquor Control Ordinance; which provides for the issuance of certain classes of liquor licenses and establishes the number of licenses available in each class.

The Village is in receipt of an application for a Class “F” liquor license. The Pines of Huntley, Inc. is the applicant requesting a license at this time. All documents required have been submitted with the exception of the State Liquor License. This is

not uncommon to be waiting on the State's approval while asking for approval from the Liquor Commission. The Liquor Commission can approve the Class "F" liquor license with the condition of approval being that The Pines of Huntley, Inc. must provide a certified copy (proof) that they obtained a State Liquor License before the Village's liquor license becomes effective. The criminal and background check results have been received back from the State and the Chief of Police reports that all is in compliance. The pro-rated payment of \$80 has been received for one month (March 30 - April 30th). The applicant is also preparing to submit an application for the 2008 – 2009 season which will be considered at the time of the annual renewal in April.

The Liquor Commission is requested to approve the issuance of a Class "F" Liquor License to The Pines of Huntley, Inc., 11220 Algonquin Road subject to the following conditions:

1. Petitioner must show proof of the State of Illinois Liquor License before the Village of Huntley Class "F" Liquor License becomes effective.

A MOTION was made by the Liquor Commission to approve Ordinance (O)2008-03.16 – authorizing the issuance of a Class "F" liquor license to The Pines of Huntley Inc.; 11220 Algonquin Road, subject to the condition referenced below.

MOTION:	Commissioner Leopold
SECOND:	Commissioner Piwko
AYES:	Commissioners Fender, Kadakia, Leopold, Mercer, and Piwko
NAYS:	None
ABSTAIN:	Commissioner Kanakaris
Motion carried	5:0:1

4. Complaint – ANS 1, Inc d/b/a Huntley Food & Liquor; 10729 Dundee Road

Police Chief John Perkins reported that in response to numerous complaints of serving under aged customers alcohol, the Huntley Police established a surveillance of Huntley Food & Liquor on Saturday, March 15, 2008. As a result, Mr. Patel, an employee of Huntley Food & Liquor, was charged with four counts of Unlawful Sale of Alcoholic Liquor to a Minor.

On four separate occasions, Officer Megan Racila witnessed the individuals purchase the alcohol. The individuals were allowed to leave Huntley Food & Liquor with their alcoholic purchase. They were then stopped and their ages were verified. After the fourth violation, Mr. Patel was arrested and charged.

All four of the under age individuals that purchased beer were charged with Unlawful Possession of Alcoholic Liquor by a Minor.

Huntley Food & Liquor

The following highlights the four separate incidents of serving alcohol to persons under the age of 21 years old.

- a. 3/15/2008 7:10pm
Mr. Patel sold 2 cases of Coors Light beer to 19 year old (08/09/1988) Kristopher Brock. Brock was charged with unlawful possession of alcohol by a minor. Brock provided a verbal statement indicating that he purchased the beer from Huntley Food & Liquor and was not asked for identification. A friend of Brock's, Kyle Kukulski, accompanied Brock to Huntley Food & Liquor. Kukulski provided a written statement that Brock purchased the beer from Huntley Food & Liquor.
- b. 3/15/2008 8:27pm
Mr. Patel sold a case of Bud Light beer to 19 year old (02/21/1989) Francisco Carrasco. Carrasco was charged with unlawful possession of alcohol by a minor. Carrasco gave a written statement that he purchased the beer from Huntley Food & Liquor and was not asked for identification.
- c. 3/15/2008 8:35pm
Mr. Patel sold a case of Bud Light beer to a 16 year old (10/05/91) male. The 16 year old was charged with unlawful possession of alcohol by a minor. The 16 year old provided a verbal statement that he purchased the liquor and was not asked for identification. Daniel Morzos, 17 years old (11/04/1990) accompanied the 16 year old into Huntley Food and Liquor. Morzos gave a written statement that the 16 year old purchased the beer.
- d. 3/15/2008 9:15pm
Mr. Patel sold two cases (30 pack) of Miller High Life beer to 17 year old (02/06/1991) Garrick Gulino. Gulino was charged with unlawful possession of alcohol by a minor. Gulino provided a written statement that he purchased the beer from Patel after showing Patel his high school identification card and traffic ticket that listed his actual date of birth.

Huntley Food & Liquor has no history of any liquor law violation. The original liquor license was approved in December 2006, effective upon certificate of occupancy being issued March 22, 2007.

Mr. Dan Hofmann, attorney for Mr. Uday Patel, stated that his client admits to the allegations. Mr. Hofmann stated that Uday Patel owns two other establishments in the county and has had no previous problems. Mr. Hofmann noted that Mr. Uday Patel is not related to the clerk who sold the liquor to minors. The clerk has been fired. Mr. Patel now understands the importance of requiring identification from customers under the age of 35 and the importance of training programs such as

BASSET for clerks. Mr. Patel will be closing his store at 10pm, which is one hour early.

Commissioner Piwko asked if there were any problems in the past with this establishment. Chief Perkins answered no.

There was a motion made at 6:48pm to adjourn the meeting into Executive Session.

MOTION: Commissioner Leopold

SECOND: Commissioner Fender

Motion carried unanimously

The meeting reconvened at 7:05pm.

Attorney Coppedge stated that the Commission considered evidence in aggravation and mitigation. The Commission complimented the Police Department on their investigation and it is a fair assumption that this is not the first time that liquor has been sold to minors. The Commission appreciated the fact that the clerk was terminated but there was a concern about the lack of knowledge of the requirement for BASSET training.

Village Ordinance describes that the sale of alcohol to a minor mandates a minimum 5 day suspension of a liquor license. State statute sets a maximum penalty of 30 day suspension.

Attorney Coppedge announced that the liquor license for Huntley Food & Liquor will be suspended for 20 days beginning on March 31, 2008, and they will be subject to a \$3,200 fine to be paid within 7 days of receiving the order. Attorney Coppedge informed Mr. Patel that he is not required to close his business but must conspicuously post that alcohol is not for sale. Attorney Coppedge advised Mr. Patel that another charge may put his liquor license in jeopardy.

ADJOURNMENT:

A MOTION was made to adjourn the March 27, 2008 Liquor Commission meeting at 7:09pm.

MOTION: Commissioner Leopold

SECOND: Commissioner Piwko

The motion carried unanimously.

Respectfully submitted,

Recording Secretary
Karick & Associates