

**DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE**

Thursday, June 6, 2019

I. CALL TO ORDER

Chairman Strelau called the June 6, 2019 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Ms. Flanagan, Mr. Heafner, Mr. Jacobson, Mr. Krusenoski, Ms. Pietrucha (6:33),
Chairman Strelau

ABSENT: Mr. Clary

STAFF: Carol Kuchynka, Liaison to the Liquor Commission, Assistant Village Attorney Dawn
Didier, Village Attorney Enza Petrarca

OTHERS: Nicole Levesque, Esq., Nathan Geers, Gabija Stonys, Chloe Keinig, Tom Roos,
Mineshkumar Patel, Chintan Patel, Blaire Goldstein, Bin Yu, Andrius Bucas, Court
Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the April 4, 2019 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the April 4, 2019 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

IV. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS

Chairman Strelau made the following statements:

"Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any State law pertaining to the sale of alcohol. Both under the Section cited above, and under Chapter 235, Section 5/7-5, Illinois Compiled Statutes, the Local Liquor Commissioner is required to hold a public hearing after notice to the licensee, in which the licensee is afforded an opportunity to appear and defend. Pursuant to Section 3-5 of the Downers Grove Municipal Code, this hearing is being conducted by the Local Liquor Commission at the request of the Local Liquor Commissioner."

"The Commissioner has the power to temporarily suspend a license without a hearing if there is reason to believe that continued operation of the licensed business would immediately threaten the welfare of this community. Such was not done in these cases. The licensee may be represented by counsel, although he need not be for the purposes of this hearing."

Chairman Strelau asked if there was a signed stipulation in this case. Ms. Didier replied yes.

Chairman Strelau made the following statements:

"In view of the stipulation the order of this hearing will be substantially as follows:"

- A. Prosecution will read the signed stipulation into the record with the opportunity for the licensee to register its concurrence or non-concurrence for the record.
- B. Prosecution may present any additional evidence in this case with the right of the licensee to cross-examine.
- C. Licensee may present any defense or mitigating evidence with right of prosecution to cross-examine.
- D. Summary of case by prosecution and defense."

"The prosecution should establish that timely notice of this hearing has been provided to the licensee."

"Witnesses shall be sworn."

"Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to ensure that irrelevant or repetitive testimony does not unduly prolong the hearing."

"A court reporter is present and will take the proceedings verbatim. Staff is also present for the purpose of summarizing the proceedings."

"The Commission will submit the findings and recommendations to the Local Liquor Commissioner regarding the existence and nature of any violation."

"Upon receipt of the recommendation of the Commission, the Commissioner will render a decision and the licensee will be notified in writing."

Aldi – 28 W. Ogden

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for Aldi, Inc. d/b/a Aldi located at 28 W. Ogden Avenue. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

Chairman Strelau asked that any individual(s) representing the licensee step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Attorney Nicole Levesque introduced herself as the attorney representing Aldi. Mr. Nathan Geers introduced himself as the general manager of the location. Ms. Gabija Stonys introduced herself as a manager of the location. Mr. Geers and Ms. Stonys were sworn in by the court reporter.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. Aldi, Inc. d/b/a ALDI, 28 W. Ogden Avenue, Downers Grove, Illinois, is the holder of a Class P-2 Liquor License #LQ-000231, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since October 12, 2018.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 5:40 p.m. on Tuesday, April 30, 2019, Downers Grove Police Officer Chapin and Downers Grove Police Officer Lyerly observed M.S., a special agent of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is January 14, 2001 (making her 18 years old), enter ALDI located at 28 W. Ogden Avenue, Downers Grove.
4. The special agent retrieved a bottle of Flirty Bird Sauvignon Blanc from the liquor aisle and approached the front cash registers where Collin S. Childs was working as a cashier.
5. That the special agent placed the wine on the counter and handed to Collin S. Childs her valid Illinois driver's license indicating her date of birth as 01-14-01, and reading "Under 21 until 01-14-22" on the face of the license.
6. That Collin S. Childs, whose date of birth is May 9, 1997, viewed the special agent's driver's license and then returned the driver's license to the special agent.
7. That Collin C. Childs scanned the bottle of Flirty Bird Sauvignon Blanc and charged the special agent \$4.35.
8. That the special agent handed Collin S. Childs a \$20.00 dollar bill and received \$15.65 in change.

9. That Officers Chapin and Lyerly who witnessed the events in the foregoing paragraphs, identified themselves and advised Collin S. Childs that the delivery of an alcoholic beverage had been made to a minor.
10. That Collin S. Childs was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
11. The Officers advised manager Darell A. Reed that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Attorney Levesque stated that Aldi takes compliance with local and State rules and regulations and their own policy very seriously. She stated that safe alcohol training is a top priority. She added that all employees are required to review and acknowledge local store regulations as well as national policies. She advised that all employees who work the cash register are required to be BASSET certified.

Attorney Levesque stated that Aldi has implemented a customized cash register system where the system halts the sale when a liquor item is scanned. She added that the employee is trained to make a determination in their good judgment if the customer is under or over the age of 40. She stated that if the customer is over 40, clerks are able to bypass entering a date of birth by clicking a key to override and the sale would proceed normally. She stated that if the customer appears under 40, employees are to request identification, confirm that it is valid, and then enter the date of birth into the system as it is reflected on the identification. She stated that if the date of birth is entered whereby they are under 21, the sale is declined.

Attorney Levesque stated that Aldi had conducted an internal investigation concerning the incident and reviewed the police report. She stated that they determined the employee made an inadvertent clerical error by bypassing the key to enter the date of birth. She stated that the employee involved in the sale had an exemplary history and, had not having such, would have been terminated. She stated that he did request identification in accordance with Aldi's policies and procedures, however, misread the birth date.

Attorney Levesque stated that the employee found it quite brazen that someone would present an under 21 identification to purchase alcohol, but said that was not an excuse to proceed with the sale. She stated that there was no intent in this instance by the employee to make a sale to a minor. She added that he has been disciplined, re-trained on Aldi's national/local policies and procedures and was required to re-take the BASSET examination. She stated that disciplinary action (Exhibit #1) was entered into his personnel record and he had been advised that any future mistakes concerning the sale of alcohol will result in termination. She stated that Aldi has re-evaluated its method of training and has re-trained all employees at the Downers Grove location. She stated that a meeting was held on May 7th, where all employees were re-trained on both local and national policies. She stated that employees were required

to read, understand and acknowledge procedures (Exhibit #2). She stated that all employee files have been reviewed to ensure all BASSET certifications are current and copies provided (Exhibit #3), with the exception of three new hires. She requested that these exhibits be entered into the record as Aldi Exhibits #1-3. Chairman Strelau accepted the records as Aldi Exhibits #1-3.

Mr. Jacobson asked Mr. Geers and Ms. Stonys if either of them were present at the time of the violation. Mr. Geers and Ms. Stonys replied no.

Mr. Jacobson was concerned. He stated that the training was implemented, however, failed. He asked if the employee involved was still working for Aldi. Mr. Geers replied yes.

Mr. Jacobson stated that all the training put into place did not work. He asked what, if anything, or new training has been implemented. He asked if there was a software upgrade planned to prevent future violations. Ms. Stonys replied she did advise corporate, but noted that their software system is utilized on a national level and was unsure what could be done to make the procedures clearer.

Mr. Jacobson stated that the employee indicated that he misread the driver's license, however, the under 21 license is vertical and "under 21 until" date of birth printed directly on the license. He wondered what further can be done to prevent this from happening. Ms. Stonys replied that the license is quite clear and she had the same questions as to how this could happen. She stated that the employee was extremely apologetic but thought it was crazy to have the vertical id presented for the sale. She stated that he was more focused on whether the id was fake, rather than concentrating on the date of birth.

Mr. Jacobson felt that Aldi's one keystroke program could be at fault. He was disappointed that Aldi is not implementing anything to eliminate this problem.

Ms. Pietrucha stated that it was disappointing to hear that the employee thought it "brazen" for someone under 21 to try to use the vertical id to purchase liquor. She added that minors might very well do that, especially if they feel that a business is not actually checking the license and only going through the motions.

Ms. Pietrucha stated that it was good that the employee was re-trained and counseled on policies, however felt that this could easily happen again. She noted that many other locations may train employees to "use their best judgment" when carding, however, they should be checking identification and putting a date of birth into the system each and every time a sale is made. She noted it may be useless to look at an identification if employees are not evaluating and actually entering that information into the system.

Ms. Pietrucha stated that she is concerned what will happen in the future as it does not seem they have changed how a clerical error might be prevented.

Ms. Pietrucha asked if there is any intent to change anything at the national level simply because the local way does not work for every municipality they have a license in. Attorney Levesque stated that they have contacted the Secretary of State police training which is more engaging and comprehensive than the BASSET certification and discussed implementing it at this store.

Ms. Stonys clarified that when Colin was prompted to enter a date of birth he hit the bypass key and the sale went through which was done by him in error.

Ms. Pietrucha asked if this was a common problem with the register system and the same risk exists if other employees accidentally press the bypass key. Ms. Stonys replied that the employees were re-

trained on the prompts and was another reason why she had contacted the Director of Operations to make the register system more clear.

Ms. Flanagan expressed her concern and stated that Aldi still has a training issue. She stated that technical training has been done but they have not done any motivational training. She added that employees do not seem to take their duties very seriously and felt that is an important aspect of training which should tie into the company culture. She stated that motivation is key to employee's performance. She added that they should make employees want to use common sense and be more proactive in proper decision making.

Mr. Krusenoski stated that the Village tested a number of licensees over the past two months, all passed but one, Aldi.

Mr. Krusenoski asked when the store opened for business. Mr. Geers replied November 1st.

Mr. Krusenoski asked Mr. Geers if Ms. Kuchynka advised them of the control buy program and communicated to them that they would be tested by an underage agent. Mr. Geers replied yes.

Mr. Krusenoski stated that he was baffled that Aldi's internal investigation revealed a clerical error which he also felt was nonsense. He stated that he felt the employee willfully sold to the minor. He asked the Aldi representatives to dissuade him from believing that this case was a willful act.

Mr. Krusenoski asked if Colin was from Illinois. Mr. Geers replied yes.

Mr. Krusenoski stated being from Illinois, Colin knew that the vertical license signifies being under. He added that every kid that has a vertical license wants nothing more to get it updated with a horizontal license signifying that they are over 21. He stated that if Colin wondered that the license was fake, he should have immediately called over a manager to confiscate the identification. He stated that, at a minimum, Colin should have hit the correct button that the customer was under 21 and typed in the date of birth which would have halted the sale.

Mr. Krusenoski stated licensees can have all the manuals, BASSET training, employee acknowledgement forms and host regular meetings, however, those are not the failure points in the process. He stated that the failure in the process was the bypass key. He wondered what is it about the work environment at Aldi that Colin felt it would be ok to sell to a minor. He stated that he believed the employee willfully sold to the agent because he works in a culture and environment where it was not stressed enough that sales to minors are absolutely forbidden.

Attorney Levesque replied that she could not dissuade Mr. Krusenoski from his point of view, but reiterated that the employee has a remarkable employment history and was a top performer at the store. She stated that there has been no indication during the course of his employment that he would willfully violate Aldi's policies and they could find no evidence that it was a willful intent to sell.

Mr. Krusenoski asked if the training was so thorough, why didn't the employee recognize the clerical error, back out of the transaction and start over. Attorney Levesque replied she was unsure if there is a way to back out of the transaction. Mr. Krusenoski stated that he could have called over a manager. He stated that with all the training, if employees are unsure about something, they should at least be instructed to consult a manager.

Mr. Heafner asked what the percentage of liquor sales was. Attorney Levesque replied 1.4%.

Mr. Heafner asked how many of the employees were brand new at this location, rather than being relocated to this store from other locations. Mr. Geers replied that 60% of employees were new.

Mr. Heafner asked if there is any ongoing weekly or monthly training. Mr. Geers replied that since the incident, they hold bi-weekly checkups with every associate concerning alcohol sales.

Mr. Heafner asked if Aldi does any internal checks on liquor sales. Mr. Geers replied no.

Chairman Strelau asked how many other liquor violations Aldi has in the State of Illinois. Attorney Levesque replied that she did not have that information, but could obtain it. Chairman Strelau felt that would be helpful along with information nationally as well.

Chairman Strelau stated that she cannot get past the employee's statement that it was brazen to be presented with an under 21 license. She added that the Aldi representatives seem to think that is a good excuse from an exemplary employee and added that shakes her confidence in their system. She stated that management may just not know how many other bottles left the store and were sold to underage customers. She noted that this incident did not just happen once at 5:40 in the afternoon and felt it could be occurring more regularly than they are led to believe.

Chairman Strelau asked if there were cameras on the registers. Mr. Geers replied yes. Chairman Strelau suggested that tapes be reviewed when liquor is sold and see if the computer system reflects how transactions actually happen, if customers are being carded, if the system is being bypassed or clerical errors are being made.

Chairman Strelau stated that violations do not happen at the corporate level and seems as though they never thought this through or considered that an employee would willfully sell to someone underage. She stated it was more disturbing that the employee was not terminated. She stated that they may find out many more inappropriate things from reviewing surveillance tapes and transactions.

Chairman Strelau stated that Colin was required to be retrained. Attorney Levesque replied yes.

Chairman Strelau stated that Mr. Geers indicated that since the incident training is conducted on a bi-weekly basis and asked how often liquor handling was discussed prior to the incident. Mr. Geers replied at hire and a refresher every six months.

Chairman Strelau noted that a part of the reason why they are in this position is that liquor training is only conducted every six months. She stated that liquor issues should be addressed every single day, every single shift. She added that management needs to make this important and their responsibility to set the tone and tenor at the establishment. She stated that employees may not think it is important if it is only brought up every six months and she felt that they need to address liquor issues more often than bi-weekly.

Chairman Strelau stated that they should look at the surveillance to see if the employee only accidentally pressed the bypass.

Chairman Strelau stated that there may be many transactions occurring at the store that they are not aware of. She stated that this may not be the only incident of a sale to a minor and it may be actually happening a lot more than they realize. She encouraged them to be responsible.

Chairman Strelau stated that the Village tests licensees because it cares and licensees, in turn, have to care. She advised that the Village will return to retest the establishment.

Ms. Didier summarized by stating that Aldi, Inc. d/b/a Aldi, located at 28 W. Ogden Avenue, Downers Grove, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked the Aldi representatives if they had any final comments for the record.

Attorney Levesque stated that she appreciated the comments and recommendations from the Commission. She stated that they do not believe this to be an acceptable situation and take responsibility for the incident.

Attorney Levesque asked when considering a penalty, they would prefer a fine in lieu of a suspension.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

MR. JACOBSON MOVED TO FIND ALDI, INC. D/B/A ALDI LOCATED AT 28 W. OGDEN AVENUE GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MR. KRUSENOSKI SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Krusenoski, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

The Motion carried.

V. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The next order of business is to conduct a public hearing for liquor license applications. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available liquor licenses within 60 days."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) discussion by the Commission, 4) comments from staff, 5) comments from the public, and 6) motion and finding by the Commission."

Cooper's Hawk Community Café – 3500 Lacey, Unit LL

Chairman Strelau stated that the first order of business was an application hearing for Cooper's Hawk Downers Grove Cafe, LLC d/b/a Cooper's Hawk Community Cafe located at 3500 Lacey Road, Unit LL. She stated that the applicant was seeking a Class "P-2", beer and wine only, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Tom Roos was sworn in by the court reporter. Mr. Roos introduced himself as the general manager for Cooper's Hawk Community Café.

Chairman Strelau asked the applicant to present its case.

Mr. Roos stated that Cooper's Hawk is operating a café on the ground floor of the 3500 Lacey Road office complex. He stated that they are open from 7 a.m. to 2 p.m., Monday through Friday, serving breakfast and lunch. He stated that they would like to provide their guests with the convenience of purchasing Cooper's Hawk wine from the complex.

Ms. Kuchynka noted that this is a beer and wine off-premise consumption only license.

Mr. Heafner had no questions.

Mr. Krusenoski noted that there are typically less questions for applicants who appear after a disciplinary hearing. He noted that the Liquor Commission has a passion for protecting the community.

Mr. Krusenoski noted that Cooper's Hawk has a good reputation and has already appeared before the Commission for their flagship restaurant. He had no questions. He noted that the layout/diagram shows that the wine will be located near the register. Mr. Roos replied yes.

Mr. Krusenoski felt that they would no doubt be a responsible license holder and create an environment of responsible alcohol service.

Ms. Flanagan had no questions.

Ms. Pietrucha asked how they plan to ensure sales are not made to those under 21. Mr. Roos replied that Cooper's Hawk has a full array of training including BASSET. He stated that they talk about liquor service at pre-shift meetings each and every day, which is the basis of their culture and added that it is the economic engine behind their business. He stated that they take training very seriously.

Ms. Pietrucha asked the percentage of liquor sales they anticipate. Mr. Roos replied that this is being offered as a convenience to the office complex workers and that they do not expect more than 5% in wine sales from this site.

Mr. Jacobson reviewed the packet, which all looked well, and hoped that they will be a good addition to the community.

Chairman Strelau asked if Wine of the Month members would be able to pick up their wine at this location. Mr. Roos replied no and added that a few bottles of their top sellers will be offered for sale.

Chairman Strelau was pleased that they talk every day and each and every shift about the importance of liquor service. She stated that they have to rely on their servers and they have to feel a strong compulsion to follow the rules. She stated that reminding them and making it an important aspect of each work day is a great policy.

Chairman Strelau stated typically there are not a lot of people under 21 in the building. She noted, however, it was intern season, and cautioned him to keep that in mind.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks and employee certifications.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "P-2" liquor license application.

MR. KRUSENOSKI MOVED TO FIND COOPER'S HAWK DOWNERS GROVE CAFE, LLC D/B/A COOPER'S HAWK COMMUNITY CAFÉ LOCATED AT 3500 LACEY ROAD, UNIT LL, QUALIFIED FOR A CLASS "P-2" BEER AND WINE ONLY, OFF-PREMISE LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Krusenoski, Mr. Jacobson, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Ms. Kuchynka noted that there was one misprint on the application materials and that she would be in contact with their attorney to review the document.

Corner Pantry - 4240 Main Street

Chairman Strelau stated that the next order of business was an application hearing for Pragat, LLC d/b/a Corner Pantry located at 4240 Main Street. She stated that the applicant was seeking a Class "P-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Mineshkumar Patel was sworn in by the court reporter. Mr. Patel introduced himself as the owner of the establishment.

Chairman Strelau asked the applicant to present its case.

Mr. Patel stated that he is seeking a liquor license for a new convenience store at 4240 Main Street that formerly operated as a 7-Eleven. He stated that they plan to sell groceries, beer, wine and hard liquor.

Chairman Strelau asked for comments from the Commission.

Ms. Kuchynka stated that another corporation appeared before the Commission in December of 2018 for this location. She advised that the lease fell through and Pragat, LLC was another new applicant for this location.

Mr. Jacobson asked Mr. Patel about his liquor handling experience. Mr. Patel stated that he worked at a gas station for a number of years and is aware of proper carding techniques and requesting identification.

Mr. Jacobson asked Mr. Patel if he plans to hire any other employees. Mr. Patel replied that he will be working full time along with his brother, Chintan. He stated that they may hire a few more employees.

Mr. Jacobson asked Mr. Patel if his brother is BASSET certified. Mr. Patel replied yes.

Mr. Jacobson asked Mr. Patel if he was present during this evening's disciplinary hearing. Mr. Patel replied yes.

Mr. Jacobson reviewed the application packet and hoped that they would follow the rules for proper liquor service. Mr. Patel stated that he plans to install a POS system. He stated that they planned to card anyone who appears under the age of 40. He stated that with the POS system, they will just scan the identification, and if of legal age it will allow the sale. He stated that from tonight's hearing, he will request all identification and scan it to be safe and be certain both alcohol and tobacco sales are legal.

Ms. Pietrucha asked Mr. Patel what made them chose the location at Main & Ogden. Mr. Patel replied that he had passed by it a number of times when the 7-Eleven was here and noticed they had a good business. He stated that as soon as they heard it was vacated, they approached the landlord but found that they had a lease with somebody else. He stated that when the opportunity came after the other lease fell through, they applied.

Ms. Flanagan asked Mr. Patel about the store hours. Mr. Patel replied 6 a.m. to 10 p.m.

Ms. Flanagan asked if there will be any security cameras. Mr. Patel replied that two cameras will be installed on the exterior and four cameras will be on the inside.

Mr. Krusenowski stated that they will be open 16 hours a day, seven days a week. Mr. Patel replied yes and noted that he and his brother will be working full time.

Mr. Krusenoski asked Mr. Patel if his brother was in the audience. Mr. Patel replied yes. Mr. Krusenoski was glad that they were present for the disciplinary hearing.

Mr. Krusenoski stated that there are a number of convenience stores in the Village which are family owned and operated. He stated that those operators have a firm control on the culture of proper liquor service and usually only have a handful of employees who are family members. He advised Mr. Patel that as they grow and bring on additional employees, to be certain to reinforce the importance of not bypassing the register system. Mr. Patel replied that they will be certain that employees cannot bypass the POS system.

Mr. Heafner had no questions.

Chairman Strelau noted that convenience stores offer a lot but can also be a magnet for kids and asked Mr. Patel to keep that in mind. She stated that employees must be reminded all the time of proper procedure. She appreciated that they planned to install a POS system that takes away any guesswork about reading the identification.

Chairman Strelau wished them luck.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of a Certificate of Occupancy, satisfactory background checks, the annual fee, dram shop insurance and employee certifications.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "P-1" liquor license application.

MS. PIETRUCHA MOVED TO FIND PRAGAT, LLC D/B/A CORNER PANTRY LOCATED AT 4240 MAIN STREET QUALIFIED FOR A CLASS "P-1" FULL ALCOHOL, OFF-PREMISE LIQUOR LICENSE. MR. HEAFNER SECONDED.

Aye: Ms. Pietrucha, Mr. Heafner, Ms. Flanagan, Mr. Jacobson, Mr. Krusenoski, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Oak Trace -200 Village Drive

Chairman Strelau stated that the next order of business was an application hearing for Lifespace Communities, Inc. d/b/a Oak Trace located at 200 Village Drive. She stated that the applicant was seeking a Class "RF", full alcohol, on-premise consumption license and a Class "O", outdoor liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Ms. Blaire Goldstein was sworn in by the court reporter. She introduced herself as the executive director of Oak Trace senior living community.

Chairman Strelau asked the applicant to present its case.

Ms. Goldstein stated that the required age of residents is 62. She stated that the average resident's age is 87. She stated that the goal of obtaining a liquor license is to allow residents during dining to have alcohol served. She stated that they plan to serve alcohol in both the residential living dining area and the assisted living dining area. She stated that they have 238 apartment homes and 102 skilled nursing home beds and 66 assisted living apartments.

Mr. Heafner had no questions. He stated that it is a nice opportunity to offer their residents.

Mr. Krusenoski asked if Oak Trace appeared before the Commission. Ms. Kuchynka replied that Oak Trace appeared before the Commission to have the license class created. She stated that Oak Trace has gone through a major renovation of the facility and are now pursuing the license.

Ms. Goldstein stated that they have owned the facility since 2011. She stated that there were other redevelopment priorities on the campus and wish to now pursue the license.

Mr. Krusenoski stated that the minimum age to live at the facility is 62. Ms. Goldstein replied yes. Mr. Krusenoski asked if the residents can have visitors. Ms. Goldstein replied visitors are welcome.

Mr. Krusenoski asked Ms. Goldstein if residents are allowed to have alcohol in their assisted living area. Ms. Goldstein replied yes and added it is just like a home environment.

Mr. Krusenoski asked if liquor service is to augment their meals. Ms. Goldstein replied yes. She stated that one meal a day is included in the monthly service fee for the apartment dwellers. She added that the health care center residents receive three meals a day.

Mr. Krusenoski asked if alcohol is included in the meal. Ms. Goldstein replied no and added that would be an additional charge.

Ms. Flanagan had no questions.

Ms. Pietrucha asked how those under 21 will not have access to alcohol. Ms. Goldstein replied that the only salaried employees serving alcohol will be supervisors of the culinary department who are all over the age of 21. She stated that they will be directed to request identification from those guests.

Mr. Jacobson had no questions.

Chairman Strelau stated that she thinks it is nice that they will offer this service. She stated that she hopes both the facility and residents benefit from it. She thanked them for pursuing the license.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the annual fee and satisfactory background checks.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "RF" liquor license application.

MR. KRUSENOSKI MOVED TO FIND LIFESPACE COMMUNITIES, INC. D/B/A OAK TRACE LOCATED AT 200 VILLAGE DRIVE QUALIFIED FOR A CLASS "RF", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JACOBSON SECONDED.

VOTE:

Aye: Mr. Krusenoski, Mr. Jacobson, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Motion carried.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" liquor license application.

MR. KRUSENOSKI MOVED TO FIND LIFESPACE COMMUNITIES, INC. D/B/A OAK TRACE LOCATED AT 200 VILLAGE DRIVE QUALIFIED FOR A CLASS "O", OUTDOOR LIQUOR LICENSE. MR. JACOBSON SECONDED.

Aye: Mr. Krusenoski, Mr. Jacobson, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Motion carried.

Wasabi Steakhouse – 5130 Main Street

Chairman Strelau stated that the next order of business was an application hearing for Wasabi Steakhouse, LLC d/b/a Wasabi Steakhouse located at 5130 Main Street. She stated that the applicant was seeking a Class "R-1", full alcohol, on-premise consumption license and a Class "O", outdoor liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Bin Yu was sworn in by the court reporter. Mr. Yu introduced himself as part owner and liquor manager of Wasabi Steakhouse.

Chairman Strelau asked for comments from the Commission.

Mr. Krusenoski asked if this was the old Paradise Café location. Mr. Yu replied yes.

Mr. Krusenoski stated that Mr. Yu has experience and asked him about the other restaurant he owns. Mr. Yu replied that he is also the owner/operator of Ichiban Café.

Mr. Krusenoski asked Mr. Yu if he serves alcohol at the other location. Mr. Yu replied yes, but beer and wine only.

Ms. Kuchynka noted that it was formerly known as All Blue Rotary Sushi up at Butterfield and Finley.

Mr. Yu stated that he appeared before the Liquor Commission three years ago.

Mr. Krusenoski asked Mr. Yu if he had any violations over those three years. Mr. Yu replied no.

Mr. Krusenoski asked Mr. Yu how many servers he plans to hire. Mr. Yu replied 15.

Mr. Krusenoski asked how many will come from the current location. Mr. Yu replied none, beside himself. Mr. Yu stated that both the other partners own and operate other restaurants as well. He stated that they have employee training books and have organized everything together.

Mr. Krusenoski stated that all the training does not mean anything if the employee thinks it is ok to serve a minor. He stated that employees need to be trained and BASSET certified and instill the importance that they do not violate the law.

Mr. Krusenoski asked Mr. Yu when he planned to open. Mr. Yu replied end of July. He stated that it is was an existing restaurant which they are renovating and decorating a bit. He stated that they need to add the sushi and liquor bar areas.

Ms. Flanagan asked Mr. Yu if all servers will be over 21. Mr. Yu replied yes.

Ms. Flanagan asked if the restaurant will be open 7 days a week. Mr. Yu replied yes.

Ms. Pietrucha had no questions.

Mr. Jacobson asked why the "steakhouse" name. Mr. Yu replied it is not actually a steak house or hibachi grill. He added they will offer a fusion of Chinese, Japanese, Thai and Korean fare.

Chairman Strelau was pleased that he has operated in Downers Grove and is expanding.

Chairman Strelau noted that there was a request for an outdoor license. She noted that the outdoor dining areas in the downtown can be tricky. She asked if the location of the café is on their property or Village-owned property. Ms. Kuchynka replied that ownership was half and half. She stated that Mr. Yu will need to obtain a Temporary Use permit for the outdoor café and enter into a license agreement for the use of the portion of the Village-owned public sidewalk. She stated that an accurate measure will need to be taken from the plat of survey. She noted that Paradise Café had a small seating area with bistro tables in the past. She advised that the larger Wasabi tables and the enclosure will end up encroaching on the public way. She stated that five feet of unobstructed walkway will need to remain per ADA federal guidelines, a fee per square use of the property along with insurance will be required.

Chairman Strelau asked Mr. Yu how he plans to manage alcohol service outdoors. Mr. Yu replied that there will be one entry to the restaurant. He hoped if business goes well enough they would like to submit plans to open up the windows like a garage door for access to the patio.

Chairman Strelau stated that serving alcohol downtown can also be tricky during the Friday night car shows. She added that they might want to add extra staff to monitor and control the area.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of a Certificate of Occupancy, the annual fee, dram shop insurance, satisfactory background checks and employee certifications.

Ms. Kuchynka also advised Mr. Yu, if he plans to transfer to this location, a new manager will have to be designated for Ichiban Sushi. Mr. Yu agreed.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "R-1" liquor license application.

MR. JACOBSON MOVED TO FIND WASABI STEAKHOUSE, LLC D/B/A WASABI STEAKHOUSE LOCATED AT 5130 MAIN STREET QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.

VOTE:

Aye: Mr. Jacobson, Mr. Krusenoski, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Motion carried.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" liquor license application.

MR. JACOBSON MOVED TO FIND WASABI STEAKHOUSE, LLC D/B/A WASABI STEAKHOUSE LOCATED AT 5130 MAIN STREET QUALIFIED FOR A CLASS "O", OUTDOOR LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.

Aye: Mr. Jacobson, Mr. Krusenoski, Ms. Flanagan, Mr. Heafner, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Motion carried.

Grand Duke's Restaurant - 980 W. 75th Street

Chairman Strelau stated that the next order of business was an application hearing for Grand Duke's Restaurant, LLC d/b/a Grand Duke's located at 980 W. 75th Street. She stated that the applicant was seeking a Class "O", full-alcohol, outdoor liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Andrius Bucas was sworn in by the court reporter. He introduced himself as the owner of Grand Duke's.

Chairman Strelau asked the applicant to present its case.

Mr. Bucas stated that Grand Duke's is new to Downers Grove since March of 2019. He added that they have been in the restaurant business for 13 years, recently moving their exiting restaurant from Summit to Downers Grove. He added that he was seeking an outdoor liquor license to compliment the full alcohol, on-premise consumption liquor license they currently hold. He stated that they plan to add 6-8 tables on the exterior of the establishment in order to have outside seating available.

Mr. Jacobson had no questions but was glad that they were seeking to expand the business.

Ms. Pietrucha asked how operations are going at the restaurant. Mr. Bucas replied that they have been very busy over the past few months are getting situated and getting new customers.

Ms. Pietrucha asked if minors have attempted liquor purchases. Mr. Bucas replied no. He stated that they recently passed the Village's control buy test and added that they have not had any violations in the past 13 years. He stated that they also operate in Darien.

Ms. Flanagan had no questions.

Mr. Krusenoski stated that he has been to Grand Duke's. He stated that the core, food and service are excellent. He was pleased that they are expanding to include an outdoor dining area.

Mr. Krusenoski stated that a diagram was included with the application packet. He asked if the area will be enclosed. Mr. Bucas replied yes. He stated that the area is already enclosed by a wrought iron fence. He stated that the area is located in the front of the building. He stated that there will be two-seater, small tables.

Mr. Krusenoski noted that the location is set back well enough from the street and neighborhood. Mr. Bucas stated that the closest neighbor is their landlord.

Mr. Heafner said to keep up the good work of no sales to minors.

Chairman Strelau stated that they are the Commission's favorite applicant as one seeking to expand. She thanked him for following good liquor handling procedures and continue to make it an important issue for employees.

Chairman Strelau stated that outdoor dining can be tricky, however, not being in the downtown business district will not be as much of an issue. Mr. Bucas stated that they plan to have dedicated servers for the outdoor dining area. He stated that busboys will be certain to keep the area neat and clean and free of any half empty drinks.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the additional annual outdoor license fee. She noted that their renewal application will need to be amended should the Class O license be granted and additional fees paid for the 2019-2020 license year.

Ms. Kuchynka advised that the patio has been inspected and approved by the Village as required under the temporary use for the sidewalk café.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "O" liquor license application.

MR. HEAFNER MOVED TO FIND GRAND DUKE'S RESTAURANT, LLC D/B/A GRAND DUKE'S LOCATED AT 980 W. 75TH STREET QUALIFIED FOR A CLASS "O", OUTDOOR LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.

Aye: Mr. Heafner, Mr. Krusenoski, Ms. Flanagan, Mr. Jacobson, Ms. Pietrucha, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Motion carried.

VI. NEW BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka stated that due to the holiday falling on the Commission's regular meeting date, the 4th of July meeting would be rescheduled or bypassed. She mentioned re-scheduling the next meeting to July 11th. She stated that she would poll the Commission via email to see if a quorum can be secured for that date, and if not, the next regular meeting will take place on August 1st.

VII. OLD BUSINESS

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka referred to the month end reports.

Ms. Kuchynka advised that she is in the process of renewing licenses.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn. Mr. Krusenoski moved to adjourn the June 6, 2019 meeting. The meeting was adjourned by acclamation at 8:05 p.m.