

MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, JUNE 20, 2022, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:30 pm.

2. Roll Call.

Present: Pietryla, Zollers, Gehm

Absent: Bancroft

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on May 16, 2022.

Motion by Mr. Gehm, second by Ald. Pietryla to accept and place on file minutes of the Liquor Control Commission meeting held on May 16, 2022.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None; Abstain: None; Absent: Ald. Bancroft. Mayor Vitek did not vote as Commissioner. **Motion Carried**

4. Recommendation to approve a Proposal for an F2 (BYOB) Liquor License for Anailogy Spa located at 2460 W. Main St., Suite 103-104, St. Charles.

Chief Keegan introduced Scott Nguyen, the owner of Anailogy Spa. Clarification was provided about F1 and F2 BYOB license types, and the spa will allow beer and wine only. The establishment wants to be able to allow groups and parties to attend and bring alcohol. Any unconsumed alcohol will be disposed of, rather than packaged to be taken from the spa.

Motion by Ald. Pietryla, second by Ms. Zollers to recommend the approval of a Proposal for an F2 (BYOB) Liquor License for Anailogy Spa located at 2460 W. Main St., Suite 103-104, St. Charles.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None; Abstain: None; Absent: Ald. Bancroft. Mayor Vitek did not vote as Commissioner. **Motion Carried**

5. Discussion Regarding a Tobacco Citation and Hearing Notice for Above St. Charles, Located at 3657 E. Main Street, St. Charles.

Commissioner Vitek explained that this agenda item, as well as the next four are the result of a compliance check done by the Police Department on May 17, 2022.

Commissioner Vitek then read the citation into the record. Case Number 2022-LC-1: On or about May 17, 2022, Above St. Charles, Inc. d/b/a Above Standard II ("Licensee") was operating under a

Tobacco License issued by the City of St. Charles. On or about May 17, 2022, at approximately 5:45 p.m., Licensee, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Tobacco Code: Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

Attorney Peppers confirmed that the licensee was served with the Citation and Notice of Complaint for this hearing. The licensee submitted the Arraignment to the City with a guilty plea and does not request a mitigation hearing.

There were no questions or comments from the Commission and the record was closed on this item.

6. Discussion Regarding a Tobacco Citation and Hearing Notice for RDK Ventures LLC, #6715, Mac's Convenience Stores, LLC d/b/a Circle K, located at 2500 E. Main Street, St. Charles.

Commissioner Vitek then read the citation into the record. Case Number 2022-LC-3: On or about May 17, 2022, RDK Ventures LLC, #6715, Mac's Convenience Stores, LLC d/b/a Circle K ("Licensee") was operating under a Tobacco License issued by the City of St. Charles. On or about May 17, 2022, at approximately 4:45 p.m., Licensee, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Tobacco Code: Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

Attorney Peppers confirmed that the licensee was served with the Citation and Notice of Complaint for this hearing. The licensee submitted the Arraignment to the City with a guilty plea and does not request a mitigation hearing. They also submitted an email providing mitigation steps to be considered as the Commission moves forward with deliberations. Attorney Peppers then read the mitigations into the record.

- Our policy is to ID anyone who appears to be under the age of 40
- All of our employees are required to complete training on age restricted products, which covers acceptable forms of identification and our policy of carding anyone under 40
- Our POS system is designed to capture the DOB by either scanning the ID or manually inputting it for customers under the age of 40. If the DOB entered is less than 21 years old, it prevents the sale.
- We voluntarily conduct regular compliance checks using the company BARS (<http://www.barsprogram.com/>)
- We have a zero tolerance policy for sales to minors, and failed inspections by government agencies result in automatic termination for the employee who completed the sale.

There were no questions or comments from the Commission and the record was closed on this item.

7. Discussion Regarding a Tobacco Citation and Hearing Notice for ZB Management, Inc. d/b/a Z Smoke N Vape, Located at 2045 Lincoln Highway, St. Charles.

Commissioner Vitek then read the citation into the record. Case Number 2022-LC-2: On or about May 17, 2022, ZB Management, Inc. d/b/a Z Smoke N Vape (“Licensee”) was operating under a Tobacco License issued by the City of St. Charles. On or about May 17, 2022, at approximately 4:25 p.m., Licensee, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Tobacco Code: Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

Attorney Peppers confirmed that the licensee was served with the Citation and Notice of Complaint for this hearing. The licensee submitted the Arraignment to the City with a guilty plea and does not request a mitigation hearing.

There were no questions or comments from the Commission.

The employee of Smoke N Vape then stepped to the podium and explained that it was his first day of working at the establishment and the manager had temporarily left the store. It was a busy time with about eight customers and the undercover agent looked older than 21 years. He affirmed that this will not happen again.

The owner of the store then stated that she was sorry that this happened.

The record was closed on this item.

8. Discussion Regarding a Tobacco Citation and Hearing Notice for Walgreen’s 06795, Located at 3351 W. Main Street, St. Charles.

Commissioner Vitek then read the citation into the record. Case Number 2022-LC-4: On or about May 17, 2022, Walgreen’s 06795 (“Licensee”) was operating under a Tobacco License issued by the City of St. Charles. On or about May 17, 2022, at approximately 3:55 p.m., Licensee, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Tobacco Code: Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

Attorney Peppers confirmed that the licensee was served with the Citation and Notice of Complaint for this hearing. The licensee submitted the Arraignment to the City with a guilty plea and does not request a mitigation hearing.

Russell Taylor, store manager of the Walgreens location, and resident of St. Charles, explained that he has been making changes to improve the store and is hoping to avoid a fine. The employee who made the sale to underage agent was terminated. Attorney Peppers shared that a representative from Walgreens corporate office also communicated the same sentiments.

There were no questions or comments from the Commission and the record was closed on this item.

9. Discussion Regarding a Tobacco Citation and Hearing Notice for Walmart d/b/a Walmart 1898, Located at 150 Smith Road, St. Charles.

Commissioner Vitek then read the citation into the record. Case Number 2022-LC-5: On or about May 17, 2022, Walmart, Inc. d/b/a Walmart 1898 (“Licensee”) was operating under a Tobacco License issued by the City of St. Charles. On or about May 17, 2022, at approximately 5:25 p.m., Licensee, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Tobacco Code: Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

Attorney Peppers confirmed that the licensee was served with the Citation and Notice of Complaint for this hearing. The licensee submitted the Arraignment to the City with a guilty plea and does request a mitigation hearing. The corporate office of Walmart was not able to send a representative to attend this meeting, and provided a statement which Attorney Peppers read.

1. The violating cashier was identified and terminated;
2. The store completed a corrective action plan to strengthen future compliance with corporate and regulatory requirements;
3. The store manager met with all cashiers and members of management to discuss age verification training.

Additional compliance measures taken to prevent youth access to tobacco:

1. Mandatory computer-based training for store associates focused on preventing the sale of tobacco products to minors and requesting identification from customers that appear to be under a certain age (40 years of age or ID’ing all customers depending on the store). These trainings also instruct our associates on:
 - a. Preventing the illegal sale of tobacco by knowing and looking for common signs of illegal practices such as a straw purchase;
 - b. Instructing our associates on how to deal with hostile customers and enlisting help from managers or coworkers if necessary;
 - c. Identifying legal forms of IDs, checking IDs, and recognizing fake IDs; and
 - d. Discussing the potential criminal, civil, and administrative penalties for selling tobacco to a minor.
2. Formal communications to stores to refresh associates’ knowledge of tobacco sale requirements;
3. Periodic monitoring and auditing focused on the execution of tobacco sales and posting of signage;
4. Cash register prompts that guide associates through each tobacco sale; and
5. An accountability matrix that imposes immediate disciplinary actions, including termination, for associates who sell tobacco products to minors.

There were no questions or comments from the Commission and the record was closed on this item.

10. Public Comment – no comments were raised.

11. Adjourn to Executive Session (5 ILCS 120/2 (c)(4)).

Motion by Mr. Gehm, second by Ald. Pietryla to adjourn to executive session at 4:45 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None; Abstain: None; Absent: Ald. Bancroft. Mayor Vitek did not vote as Commissioner. **Motion Carried**

12. The meeting was reconvened at 5:01 pm

13. Adjournment.

Motion by Mr. Gehm, second by Ald. Pietryla to adjourn the meeting at 5:02 pm.

Roll Call Vote: Ayes: Ald. Pietryla, Ms. Zollers, Mr. Gehm; Nays: None; Abstain: None; Absent: Ald. Bancroft. Mayor Vitek did not vote as Commissioner. **Motion Carried**

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