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Transcript of Emergency Liquor Control Commission Meeting

Date: June 30, 2021

Case: St. Charles Liquor Commission Hearing

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EMERGENCY LIQUOR CONTROL COMMISSION MEETING

-----x
ST CHARLES LIQUOR :
COMMISSION HEARING :
-----x

RECORDED HEARING
St. Charles, Illinois
Wednesday, June 30, 2021
8:00 a.m.

Job No.: 383896
Pages: 1 - 23
Recorded By: Gabriel Martin

Transcript of Emergency Liquor Control Commission Meeting
Conducted on June 30, 2021

2

1 Hearing, held at the location of:

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4 CITY OF SAINT CHARLES

5 2 East Main Street

6 St. Charles, Illinois 60463

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13 Pursuant to agreement, before

14 Gabriel Martin, Court Reporter.

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A P P E A R A N C E S

ON BEHALF OF THE CITY OF ST. CHARLES:

THOMAS BASTIAN, ESQUIRE
St. Charles Legal Counsel
2 East Main Street
St. Charles, IL 60174
630.377.4400

ON BEHALF OF THE TRILOGY ENTERTAINMENT LLC:

BRIDGET A. LICCARDI, ESQUIRE
Mulherin, Rehfeldt & Varchetto, P.C.
211 South Wheaton Avenue, Suite 200
Wheaton, Illinois 60187
630.384.3116

ALSO PRESENT:

LORA VITEK - MAYOR; TRACEY CONTI - DEPUTY CITY
CLERK; ROBERT GEHM - LIQUOR COMMISSION MEMBER; FRAN
ZOLLERS - LIQUOR COMMISSION MEMBER; ALDERMAN DAVID
PIETRYLA - LIQUOR COMMISSION MEMBER; NICHOLAS
PEPPERS - LEGAL COUNSEL CITY OF ST. CHARLES;
CHRISTOPHER MINICK - ACTING CITY ADMINISTRATOR;
CHIEF KEEGAN; DAVID BROWN; GARY KRUGER; COLLEEN
DIXON; JOHN VERSAILLES; JOHN GLYNN; PATRICIA HUCKER

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C O N T E N T S

ARGUMENT	PAGE
By Mr. Bastian	6
By Ms. Liccardi	19

E X H I B I T S

(Retained by Counsel.)

HEARINGEXHIBIT	PAGE
Exhibit 1 Notice of Emergency Closure	6
Exhibit 2 Notice of Hearing	6
Exhibit 3 Complaint for Liquor Code Violation	6
Exhibit 4 Proof of Service of the Complaint	6
Exhibit 5 Letter from David Brown	6

Transcript of Emergency Liquor Control Commission Meeting
Conducted on June 30, 2021

5

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P R O C E E D I N G S

(Whereupon, the court reporter was duly sworn.)

MS. VITEK: To call to order the special
Liquor -- Liquor Control Commission Meeting on
Wednesday, June 30th, 2021, at 8:00 a.m. Tracey,
could you please call the roll.

MS. CONTI: Gehm?

MR. GEHM: Here.

MS. CONTI: Zollers?

MR. ZOLLERS: Here.

MS. CONTI: Pietryla?

MR. PIETRYLA: Here.

MS. VITEK: Thank you. This meeting is
being held to specifically address item number 3
on the agenda. This is discussion regarding the
Liquor License of Trilogy Entertainment LLC, Class
C1 late night permit, Liquor License Number
8515-1: Emergency Closure Hearing and Complaint
for Liquor Control Violations. This hearing is
called pursuant to the provisions of the Illinois
Liquor Control Act in the City Code of the City of
St. Charles. Notice of this hearing has been
served upon the Respondent. Attorney Bastian, I
turn it over to you.

1 MR. BASTIAN: Thank you, Mayor.
2 Preliminary -- preliminary matters, I would ask
3 the board to enter the following exhibits.
4 Exhibit Number 1 is the Notice of Emergency
5 Closure. Exhibit Number 2 is the Notice of
6 Hearing. Exhibit Number 3 will be the Complaint
7 for Liquor Code Violations. Exhibit Number 4 will
8 be the Proof of Service of the Complaint.

9 (Exhibits 1 through 4 are marked and are
10 retained by counsel.)

11 MR. BASTIAN: And Exhibit Number 5,
12 which we received last night, is a letter from
13 David Brown, one of LLC managers of Trilogy
14 Entertainment LLC.

15 (Exhibit 5 is marked and is retained by
16 counsel.)

17 MR. BASTIAN: Now reading into the
18 record, On behalf of Trilogy Entertainment, I
19 hereby surrender our City of St. Charles Liquor
20 License, and Trilogy Entertainment will not reopen
21 in St. Charles, Illinois. It is signed David
22 Brown, and the licensee has also surrendered their
23 City of St. Charles Liquor License. And Counsel;
24 is that correct?

Transcript of Emergency Liquor Control Commission Meeting
Conducted on June 30, 2021

7

1 MS. LICCARDI: It is.

2 MR. BASTIAN: Okay. And could you
3 identify yourself for the record, please?

4 MS. LICCARDI: Yes, Bridget Liccardi,
5 L-I-C-C-A-R-D-I, Counsel for Trilogy
6 Entertainment.

7 MR. BASTIAN: Okay. And Mr. Brown, you
8 are (inaudible); correct?

9 MR. BROWN: Yes.

10 MR. BASTIAN: And you did, in fact,
11 surrender the St. Charles Liquor License to Chief
12 Keegan --

13 MR. BROWN: Yes.

14 MR. BASTIAN: -- last evening, and then
15 this is your letter saying that you're closing and
16 not reopening at St. Charles?

17 MR. BROWN: It is.

18 MR. BASTIAN: Okay. So if the board
19 would motion to admit as Exhibits 1 through 5, as
20 I stated.

21 MR. PIETRYLA: I want to move to --
22 enter those exhibits.

23 MR. GEHM: I would second that.

24 MS. VITEK: Moved by Pietryla. Seconded

Transcript of Emergency Liquor Control Commission Meeting
Conducted on June 30, 2021

8

1 by Gehm. Tracey, would you please call the roll?

2 MS. CONTI: Gehm?

3 MR. GEHM: Yes.

4 MS. CONTI: Zollers?

5 MR. ZOLLERS: Yes.

6 MS. CONTI: Pietryla?

7 MR. PIETRYLA: Yes.

8 MR. BASTIAN: Okay. In light of the
9 surrender of the license, I'm going to ask Chief
10 Keegan to approach.

11 MR. KEEGAN: Thank you, Mr. Bastian.
12 Members of the Liquor Control Commission, I hereby
13 move to nonsuit the complaint filed by my office
14 without prejudice.

15 MR. BASTIAN: And to members of the
16 Commission, the nonsuit without prejudice is to
17 dismiss the complaint with leave to reinstate in a
18 future date if necessary. I think the motion is
19 well-rounded in as much as the issue is not moved.
20 There is no license to suspend or revoke, or
21 impose fines in as much as it has been
22 surrendered. And they are effectively closed and
23 out of business.

24 MS. VITEK: Any questions? Here? Okay.

1 MR. PIETRYLA: You do need a motion;
2 correct?

3 MS. VITEK: Yes.

4 MR. PIETRYLA: I'll -- I'll also move to
5 grant the motion of non -- I just wrote -- I can't
6 read.

7 MR. BASTIAN: Nonsuit.

8 MR. PIETRYLA: Nonsuit -- excuse me --
9 without prejudice.

10 MR. ZOLLERS: I second.

11 MS. VITEK: Okay. Moved by Pietryla,
12 second by Zollers. Tracey, could you please call
13 the roll?

14 MS. CONTI: Gehm?

15 MR. GEHM: Yes.

16 MS. CONTI: Zollers?

17 MR. ZOLLERS: Yes.

18 MS. CONTI: Pietryla?

19 MR. PIETRYLA: Yes.

20 MS. VITEK: Thank you. The only other
21 item we have on the agenda is public comment. Is
22 there anyone in the audience that would like to
23 make a comment? No?

24 MS. CONTI: We have one.

1 MS. VITEK: Oh, sure. If you could come
2 to the podium, sir, and state your name and
3 address for the record, please?

4 MR. KRUGER: Thank you for allowing me
5 to speak. My name is Gary Kruger. I reside at
6 403 Pin Oak Court in St. Charles. First of all,
7 let me say that I agree with the nonsuit. I'm not
8 a lawyer. I'm not here to judge anybody here,
9 and, frankly, I appreciate anybody trying to
10 operate a business within this community.

11 But as somebody who's raised a family
12 here, partially, and as somebody who is very proud
13 of St. Charles, one of the things that I've tried
14 to instill in my kids, which I'm sure you have, is
15 that life shouldn't be one series of surprises
16 after another. And to me, the occurrences that
17 happened on Sunday morning was of no surprise
18 whatsoever. Wasn't a surprise to me. Wasn't a
19 surprise to a lot of the individuals that I talked
20 to in town.

21 It personally felt that this was a
22 powder keg, did not serve the community, and would
23 attract folks from out of town, and would end up
24 in a violent end by the end of the summer. And

1 all of that was true. So the only reason for me
2 speaking here is for us to use this as lesson in
3 the future. Again, I love the fact that we have
4 Friday businesses here.

5 I enjoy going out, but we have to use
6 some of our common sense here and not fall down
7 when it comes time to figure out who we are as a
8 community and what businesses will serve us
9 personally, and which will only serve those from
10 the outside and perhaps be a lightning rod for
11 violence. So thank you.

12 MS. VITEK: Thank you.

13 MR. BASTIAN: Thank you.

14 MS. CONTI: Excuse me, Madam Mayor. We
15 --

16 MS. VITEK: We can have one more.

17 MS. CONTI: We've lost Zoom audio. Do
18 you want me to reconnect? It'll take a few
19 moments.

20 MS. VITEK: Sure. Go ahead.

21 MS. CONTI: Okay.

22 MS. VITEK: Yeah, Ma'am, you can come to
23 the podium now, if you'd like, and just -- we'll
24 get you ready.

Transcript of Emergency Liquor Control Commission Meeting
Conducted on June 30, 2021

12

1 MS. DIXON: I'll wait.

2 MS. VITEK: Okay.

3 MS. CONTI: Thank you. Thank you.

4 MS. VITEK: Okay, ma'am, please state
5 your name and address for the record.

6 MS. DIXON: Good morning. My name is
7 Colleen Dixon. I actually live in Geneva, 510
8 Windett Lane in Geneva. I'm a proud member of the
9 Tri-Cities area. I live less than a mile from
10 this establishment. I was woken up in -- on the
11 night that this occurred. I used to work in the
12 Geneva library. I had patrons from St. Charles
13 come to the children's department. And this area
14 has been a proud family area.

15 I went on the St. Charles website
16 yesterday, and it says, The Pride of the Fox. It
17 doesn't say, I died on fox. And I just -- along
18 with this gentleman, I think, and I hope, and I
19 pray that we will use this as a time to take some
20 lessons from this and use good judgment in the
21 future, and look to see what -- I believe you have
22 -- two children, Mayor, Quinn and Grace. I think
23 we have pride in our communities in this Tri-City
24 area. I came to the St. Charles art fair.

1 There were families. There were people
2 from everywhere. And I think we should embrace
3 people from everywhere. We did at the library.
4 But we -- I've lived here since 2006. I've --
5 I've never had a shooting in my front yard, I
6 mean, since 2006 because we like to be careful and
7 use good judgment. And so I'm asking elected
8 officials to use good judgment in the future and
9 keep the interests of their citizens and their
10 taxpayers at heart instead of maybe just bringing
11 in dollars.

12 Let's think about where the dollars are
13 coming from and what it's going to do to our
14 community, what it's going to do to our police
15 force. We are going to have to send a police
16 force out, tracking gun violence. That's not
17 really, I think, what we're about and what we're
18 trying to attract here. People don't want to be
19 woken up in the middle of the night with gunfire.
20 And I just ask that you-all, you know, keep in
21 mind your constituents and the families who live
22 here. And let's make this and keep it the Pride
23 of the Fox. Thank you so much.

24 MS. VITEK: Thank you.

1 MR. BASTIAN: Thank you.

2 MS. VITEK: Are there any other comments
3 from the audience here? Sure, sir. Come on up.

4 MR. VERSAILLES: My name is John
5 Versailles, and I own the business immediately
6 adjacent to the nightclub. David, I'm sorry for
7 your -- your loss as well. I know this isn't what
8 you planned. But I will echo some of the
9 sentiments of those who spoke before me. I do
10 believe that there was a mismatch here. I don't
11 think that, in general terms, the people who
12 patronized the nightclub were people from St.
13 Charles. I'm not sure that that business adds
14 anything that St. Charles needs. However, we
15 tried to be a good neighbor.

16 We worked together on a few things in
17 terms of the noise. You can imagine, in my
18 business, a nail salon, we're trying to create a
19 peaceful, quiet environment. That doesn't work
20 when my walls are shaking because of the music,
21 but we were able to work most of that out. My
22 problem is not with Mr. Brown or his employees,
23 but the patrons of his club, I do believe, were
24 disrespectful on -- on March. I think a lot of

1 people would pre-party in the parking lot before
2 moving into the club.

3 And I -- I think that's probably common
4 at most places like that. But what that means is,
5 every morning, there were broken bottles and
6 trash, and stuff. Now, his employees did a pretty
7 good job trying to police that and clean it up. I
8 have some planters in front of my business that
9 became ash trays. It just wasn't a good fit. And
10 I will say that on Sundays, when they opened a
11 little bit earlier, is where we had a conflict
12 where my customers are trying to come in, and his
13 customers are there.

14 And I -- I don't think either was
15 comfortable with each other. So I would ask, as
16 others have mentioned before me, that when we look
17 at approving a Liquor License, we consider whether
18 that business adds to the enjoyment of the people
19 who primarily live here or is it catering to
20 people that come from outside. And I think, when
21 you come from outside, you have less concern about
22 the neighborhood because it's not your
23 neighborhood; right?

24 So -- so I think we -- we missed there.

1 And I would -- I would ask again that if we look
2 to approve something that can stay open until 2:00
3 in the morning, one thing that might have been
4 better served for all of us is if they started
5 later. I don't know why they have to be open at
6 2:00 in the afternoon. I think Mr. Brown would
7 even tell you that his customers don't show up
8 until quite later. So those considerations are
9 something, I think, that we missed. Thank you.

10 MS. VITEK: Thank you.

11 MR. BASTIAN: Thank you.

12 MS. VITEK: Any additional comments?

13 Sure, sir.

14 MR. GLYNN: Good morning. My name is
15 John Glynn. I'm at 731 West Lane in Geneva.
16 We're actually fairly new residents to Geneva.
17 And I also sympathize with the club's ownership
18 and, you know, the large percentage of patrons
19 that seem to enjoy it. Fine with that incident, I
20 went on the club's site, saw videos of people who
21 looked like they were -- they were having a good
22 time.

23 I would guess that nobody -- apart from
24 maybe the victims' families, nobody wishes this

1 didn't happen, you know, more than the club's
2 owning -- owners and -- and managers. But at the
3 same time, I would hope that those folks would
4 sympathize with people like me who have a young
5 child in one of the three schools within a
6 one-mile radius of this incident and also consider
7 the -- we moved from the northwest side of
8 Chicago, and one of the reasons was, this sort of
9 violence kind of creeping closer to our
10 neighborhood.

11 So whatever decision the commission
12 renders, I would only ask that you consider the
13 retaliatory nature of some of these, you know,
14 violent cycles. In this case, the shooter was
15 arrested, but maybe somebody gets wind that a
16 friend or family member is -- is -- you know, is
17 at the club at some point and wants to take
18 action. So I think that was it. Thank you.

19 MS. VITEK: Thank you.

20 MR. BASTIAN: Thank you.

21 MS. VITEK: Any additional comments?

22 Sure. Come on up, ma'am.

23 MS. HUCKER: Good morning. My name is
24 Patricia Hucker, and I've lived in St. Charles

1 for about four years now. And I just wondered,
2 given the circumstances, at what point will the
3 city council need again to decide whether or not
4 any additional laws, rules, precautions should be
5 made, and will that be an open meeting?

6 MS. VITEK: We're -- I don't -- we're
7 not taking questions today.

8 MS. HUCKER: Okay.

9 MS. VITEK: We're just taking public
10 comment regarding the incident.

11 MS. HUCKER: Okay. Then I guess that my
12 comment is, I hope that the City Council will need
13 to discuss this further just to assure that safety
14 of everyone, whether it's owners, participants,
15 members who were at an attendance, as well as our
16 citizens, are in a safe place. Thank you.

17 MS. VITEK: Thank you.

18 MR. BASTIAN: Thank you.

19 MS. VITEK: Any additional comments?
20 Tracey, is there anyone on the phone that would
21 like to comment?

22 MS. CONTI: Yes, we do have a couple of
23 hands -- hands raised. Ms. Payleitner, did you
24 have a comment?

1 MS. VITEK: Alderman Payleitner, are you
2 on the phone? I think you are muted --

3 MR. BASTIAN: You are muted.

4 MS. VITEK: -- if you'd like to make a
5 comment.

6 MS. PAYLEITNER: I didn't have a
7 (inaudible) for the background.

8 MS. VITEK: Okay.

9 MS. CONTI: I don't see any additional.

10 MS. VITEK: Okay. There aren't any
11 additional comments from the audience? Sure.
12 Ma'am, please go ahead.

13 MS. LICCARDI: Good morning again.
14 Bridget Liccardi. David asked me to say a few
15 words on behalf of Trilogy Entertainment. David
16 is very upset, as is his business partner, about
17 the events that occurred on Sunday. Their
18 thoughts and prayers are with the families of
19 those involved. With that being said, this was an
20 unforeseeable event to Trilogy Entertainment. And
21 they did surrender their license, and they
22 cooperated with the police in this investigation.

23 But David felt it was important to
24 address some of the security issues. When they

1 first opened approximately eight weeks ago, he had
2 security outside of the establishment. He was
3 asked to remove that security and was advised that
4 it was in violation of his lease. And we have
5 been reaching out and trying to work out that
6 issue, and feel that if there had been security
7 outside, that that would've helped prevent this --
8 this situation as well. So -- yeah.

9 MS. VITEK: Thank you.

10 MR. BASTIAN: Thank you.

11 MS. VITEK: Okay. Any additional
12 comments? Okay. Thank you. There is not an
13 executive session this morning. So with that, I
14 look for a motion to adjourn.

15 MR. GEHM: Move.

16 MR. ZOLLERS: Second.

17 MS. VITEK: Moved by Gehm. Seconded by
18 Zollers. Tracey, can you please call the roll?

19 MS. CONTI: Gehm?

20 MR. GEHM: Yes.

21 MS. CONTI: Zollers?

22 MR. ZOLLERS: Yes.

23 MS. CONTI: Pietryla?

24 MR. PIETRYLA: Yes.

1 MS. VITEK: Okay. Thank you. Meeting's
2 adjourned.

3 (Off the record at 8:18 a.m.)
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CERTIFICATE OF COURT REPORTER

I, Gabriel Martin, the officer
before whom the foregoing proceedings were taken,
do hereby certify that said proceedings were
electronically recorded by me; and that I am
neither counsel for, related to, nor employed by
any of the parties to this case and have no
interest, financial or otherwise, in its outcome.



Gabriel Martin, Court Reporter

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CERTIFICATION OF TRANSCRIPT

I, Krystin Spolar, do hereby certify that foregoing transcript, to the best of my ability, knowledge, and belief, is a true and correct record of the proceedings; that said proceedings were reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Krystin Spolar

Krystin Spolar
Planet Depos, LLC
July 15, 2021

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

A			
ability	ago	12:14, 12:24	15:22
23:3	20:1	aren't	been
able	agree	19:10	5:22, 8:21,
14:21	10:7	argument	12:14, 16:3,
about	agreement	4:2	20:5, 20:6
13:12, 13:17,	2:13	arrested	before
15:21, 18:1,	ahead	17:15	2:13, 14:9,
19:16	11:20, 19:12	art	15:1, 15:16,
act	alderman	12:24	22:3
5:21	3:19, 19:1	ash	behalf
acting	all	15:9	3:3, 3:10,
3:22	10:6, 11:1,	asked	6:18, 19:15
action	16:4	19:14, 20:3	being
17:18	allowing	asking	5:14, 19:19
actually	10:4	13:7	belief
12:7, 16:16	along	assure	23:4
additional	12:17	18:13	believe
16:12, 17:21,	also	attendance	12:21, 14:10,
18:4, 18:19,	3:16, 6:22,	18:15	14:23
19:9, 19:11,	9:4, 16:17, 17:6	attorney	best
20:11	another	5:23	23:3
address	10:16	attract	better
5:14, 10:3,	any	10:23, 13:18	16:4
12:5, 19:24	8:24, 14:2,	audience	bit
adds	16:12, 17:21,	9:22, 14:3,	15:11
14:13, 15:18	18:4, 18:19,	19:11	board
adjacent	19:9, 19:10,	audio	6:3, 7:18
14:6	20:11, 22:7,	11:17	bottles
adjourn	23:8	avenue	15:5
20:14	anybody	3:13	bridget
adjourned	10:8, 10:9	B	3:11, 7:4,
21:2	anyone	background	19:14
administrator	9:22, 18:20	19:7	bringing
3:22	anything	bastian	13:10
admit	14:14	3:4, 4:3, 5:23,	broken
7:19	apart	6:1, 6:11, 6:17,	15:5
advised	16:23	7:2, 7:7, 7:10,	brown
20:3	appreciate	7:14, 7:18, 8:8,	3:23, 4:15,
after	10:9	8:11, 8:15, 9:7,	6:13, 6:22, 7:7,
10:16	approach	11:13, 14:1,	7:9, 7:13, 7:17,
afternoon	8:10	16:11, 17:20,	14:22, 16:6
16:6	approve	18:18, 19:3,	business
again	16:2	20:10	8:23, 10:10,
11:3, 16:1,	approving	became	14:5, 14:13,
18:3, 19:13	15:17	15:9	14:18, 15:8,
agenda	approximately	because	15:18, 19:16
5:15, 9:21	20:1	13:6, 14:20,	businesses
	area		11:4, 11:8
	12:9, 12:13,		

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

C			
c1	circumstances	18:21, 18:24,	correct
5:17	18:2	19:5	6:24, 7:8, 9:2,
call	citizens	comments	23:4
5:3, 5:6, 8:1,	13:9, 18:16	14:2, 16:12,	could
9:12, 20:18	city	17:21, 18:19,	5:6, 7:2, 9:12,
called	2:4, 3:3, 3:17,	19:11, 20:12	10:1
5:20	3:21, 3:22,	commission	council
came	5:21, 6:19,	1:1, 1:4, 3:18,	18:3, 18:12
12:24	6:23, 18:3,	3:19, 3:20, 5:4,	counsel
can't	18:12	8:12, 8:16,	3:5, 3:21, 4:9,
9:5	class	17:11	6:10, 6:16,
careful	5:16	common	6:23, 7:5, 22:6,
13:6	clean	11:6, 15:3	23:7
case	15:7	communities	couple
17:14, 22:7,	clerk	12:23	18:22
23:8	3:18	community	court
catering	closed	10:10, 10:22,	2:14, 5:2,
15:19	8:22	11:8, 13:14	10:6, 22:1,
certificate	closer	complaint	22:13
22:1	17:9	4:13, 4:14,	create
certification	closing	5:18, 6:6, 6:8,	14:18
23:1	7:15	8:13, 8:17	creeping
certify	closure	concern	17:9
22:4, 23:2	4:11, 5:18, 6:5	15:21	customers
charles	club	conflict	15:12, 15:13,
1:3, 1:9, 2:4,	14:23, 15:2,	15:11	16:7
2:6, 3:3, 3:5,	17:17	consider	cycles
3:7, 3:21, 5:22,	club's	15:17, 17:6,	17:14
6:19, 6:21,	16:17, 16:20,	17:12	D
6:23, 7:11,	17:1	considerations	date
7:16, 10:6,	code	16:8	8:18
10:13, 12:12,	4:13, 5:21, 6:7	constituents	david
12:15, 12:24,	colleen	13:21	3:19, 3:23,
14:13, 14:14,	3:23, 12:7	conti	4:15, 6:13,
17:24	come	3:17, 5:7, 5:9,	6:21, 14:6,
chicago	10:1, 11:22,	5:11, 8:2, 8:4,	19:14, 19:15,
17:8	12:13, 14:3,	8:6, 9:14, 9:16,	19:23
chief	15:12, 15:20,	9:18, 9:24,	decide
3:23, 7:11, 8:9	15:21, 17:22	11:14, 11:17,	18:3
child	comes	11:21, 12:3,	decision
17:5	11:7	18:22, 19:9,	17:11
children	comfortable	20:19, 20:21,	department
12:22	15:15	20:23	12:13
children's	coming	control	depos
12:13	13:13	1:1, 5:4, 5:19,	23:15
christopher	comment	5:21, 8:12	deputy
3:22	9:21, 9:23,	cooperated	3:17
	18:10, 18:12,	19:22	

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

<p>died 12:17</p> <p>discuss 18:13</p> <p>discussion 5:15</p> <p>dismiss 8:17</p> <p>disrespectful 14:24</p> <p>dixon 3:24, 12:1, 12:6, 12:7</p> <p>dollars 13:11, 13:12</p> <p>down 11:6</p> <p>duly 5:2</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>each 15:15</p> <p>earlier 15:11</p> <p>east 2:5, 3:6</p> <p>echo 14:8</p> <p>effectively 8:22</p> <p>eight 20:1</p> <p>either 15:14</p> <p>elected 13:7</p> <p>electronically 22:5</p> <p>embrace 13:2</p> <p>emergency 1:1, 4:11, 5:18, 6:4</p> <p>employed 22:6, 23:8</p> <p>employees 14:22, 15:6</p>	<p>end 10:23, 10:24</p> <p>enjoy 11:5, 16:19</p> <p>enjoyment 15:18</p> <p>enter 6:3, 7:22</p> <p>entertainment 3:10</p> <p>entertainment 5:16, 6:14, 6:18, 6:20, 7:6, 19:15, 19:20</p> <p>environment 14:19</p> <p>esquire 3:4, 3:11</p> <p>establishment 12:10, 20:2</p> <p>even 16:7</p> <p>evening 7:14</p> <p>event 19:20</p> <p>events 19:17</p> <p>every 15:5</p> <p>everyone 18:14</p> <p>everywhere 13:2, 13:3</p> <p>excuse 9:8, 11:14</p> <p>executive 20:13</p> <p>exhibit 4:11, 4:12, 4:13, 4:14, 4:15, 6:4, 6:5, 6:6, 6:7, 6:11, 6:15</p> <p>exhibits 6:3, 6:9, 7:19, 7:22</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 7:10, 11:3</p>	<p>fair 12:24</p> <p>fairly 16:16</p> <p>fall 11:6</p> <p>families 13:1, 13:21, 16:24, 19:18</p> <p>family 10:11, 12:14, 17:16</p> <p>feel 20:6</p> <p>felt 10:21, 19:23</p> <p>few 11:18, 14:16, 19:14</p> <p>figure 11:7</p> <p>filed 8:13</p> <p>financial 22:8, 23:9</p> <p>fine 16:19</p> <p>fines 8:21</p> <p>first 10:6, 20:1</p> <p>fit 15:9</p> <p>folks 10:23, 17:3</p> <p>following 6:3</p> <p>force 13:15, 13:16</p> <p>foregoing 22:3, 23:3</p> <p>four 18:1</p> <p>fox 12:16, 12:17, 13:23</p> <p>fran 3:18</p>	<p>frankly 10:9</p> <p>friday 11:4</p> <p>friend 17:16</p> <p>front 13:5, 15:8</p> <p>further 18:13</p> <p>future 8:18, 11:3, 12:21, 13:8</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gabriel 1:24, 2:14, 22:2, 22:13</p> <p>gary 3:23, 10:5</p> <p>gehm 3:18, 5:7, 5:8, 7:23, 8:1, 8:2, 8:3, 9:14, 9:15, 20:15, 20:17, 20:19, 20:20</p> <p>general 14:11</p> <p>geneva 12:7, 12:8, 12:12, 16:15, 16:16</p> <p>gentleman 12:18</p> <p>given 18:2</p> <p>glynn 3:24, 16:14, 16:15</p> <p>go 11:20, 19:12</p> <p>going 8:9, 11:5, 13:13, 13:14, 13:15</p> <p>good 12:6, 12:20, 13:7, 13:8,</p>
---	--	---	--

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

<p>14:15, 15:7, 15:9, 16:14, 16:21, 17:23, 19:13 grace 12:22 grant 9:5 guess 16:23, 18:11 gun 13:16 gunfire 13:19</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hands 18:23 happen 17:1 happened 10:17 hearing 1:4, 1:8, 2:1, 4:12, 5:18, 5:19, 5:22, 6:6 hearingexhibit 4:10 heart 13:10 held 2:1, 5:14 helped 20:7 here 5:8, 5:10, 5:12, 8:24, 10:8, 10:12, 11:2, 11:4, 11:6, 13:4, 13:18, 13:22, 14:3, 14:10, 15:19 hereby 6:19, 8:12, 22:4, 23:2 hope 12:18, 17:3,</p>	<p>18:12 however 14:14 hucker 3:24, 17:23, 17:24, 18:8, 18:11</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>identify 7:3 il 3:7 illinois 1:9, 2:6, 3:14, 5:20, 6:21 imagine 14:17 immediately 14:5 important 19:23 impose 8:21 inaudible) 7:8 incident 16:19, 17:6, 18:10 individuals 10:19 instead 13:10 instill 10:14 interest 22:8, 23:9 interests 13:9 investigation 19:22 involved 19:19 issue 8:19, 20:6 issues 19:24 it'll 11:18</p>	<p>item 5:14, 9:21</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>job 1:22, 15:7 john 3:24, 14:4, 16:15 judge 10:8 judgment 12:20, 13:7, 13:8 july 23:16 june 1:10, 5:5</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>keegan 3:23, 7:12, 8:10, 8:11 keep 13:9, 13:20, 13:22 keg 10:22 kids 10:14 kind 17:9 know 13:20, 14:7, 16:5, 16:18, 17:1, 17:13, 17:16 knowledge 23:4 kruger 3:23, 10:4, 10:5 krystin 23:2, 23:14</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>l-i-c-c-a-r-d-i 7:5</p>	<p>lane 12:8, 16:15 large 16:18 last 6:12, 7:14 late 5:17 later 16:5, 16:8 laws 18:4 lawyer 10:8 lease 20:4 leave 8:17 legal 3:5, 3:21 less 12:9, 15:21 lesson 11:2 lessons 12:20 let's 13:12, 13:22 letter 4:15, 6:12, 7:15 library 12:12, 13:3 liccardi 3:11, 4:4, 7:1, 7:4, 19:13, 19:14 license 5:16, 5:17, 6:20, 6:23, 7:11, 8:9, 8:20, 15:17, 19:21 licensee 6:22 life 10:15 light 8:8</p>
---	---	--	---

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

<p>lightning 11:10</p> <p>liquor 1:1, 1:3, 3:18, 3:19, 3:20, 4:13, 5:4, 5:16, 5:17, 5:19, 5:21, 6:7, 6:19, 6:23, 7:11, 8:12, 15:17</p> <p>little 15:11</p> <p>live 12:7, 12:9, 13:21, 15:19</p> <p>lived 13:4, 17:24</p> <p>llc 3:10, 5:16, 6:13, 6:14, 23:15</p> <p>location 2:1</p> <p>look 12:21, 15:16, 16:1, 20:14</p> <p>looked 16:21</p> <p>lora 3:17</p> <p>loss 14:7</p> <p>lost 11:17</p> <p>lot 10:19, 14:24, 15:1</p> <p>love 11:3</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>ma'am 11:22, 12:4, 17:22, 19:12</p> <p>madam 11:14</p> <p>made 18:5</p>	<p>main 2:5, 3:6</p> <p>make 9:23, 13:22, 19:4</p> <p>managers 6:13, 17:2</p> <p>march 14:24</p> <p>marked 6:9, 6:15</p> <p>martin 1:24, 2:14, 22:2, 22:13</p> <p>matters 6:2</p> <p>maybe 13:10, 16:24, 17:15</p> <p>mayor 3:17, 6:1, 11:14, 12:22</p> <p>mean 13:6</p> <p>means 15:4</p> <p>meeting 1:1, 5:4, 5:13, 18:5</p> <p>meeting's 21:1</p> <p>member 3:18, 3:19, 3:20, 12:8, 17:16</p> <p>members 8:12, 8:15, 18:15</p> <p>mentioned 15:16</p> <p>middle 13:19</p> <p>might 16:3</p> <p>mile 12:9</p> <p>mind 13:21</p>	<p>minick 3:22</p> <p>mismatch 14:10</p> <p>missed 15:24, 16:9</p> <p>moments 11:19</p> <p>more 11:16, 17:1</p> <p>morning 10:17, 12:6, 15:5, 16:3, 16:14, 17:23, 19:13, 20:13</p> <p>most 14:21, 15:4</p> <p>motion 7:19, 8:18, 9:1, 9:5, 20:14</p> <p>move 7:21, 8:13, 9:4, 20:15</p> <p>moved 7:24, 8:19, 9:11, 17:7, 20:17</p> <p>moving 15:2</p> <p>much 8:19, 8:21, 13:23</p> <p>mulherin 3:12</p> <p>music 14:20</p> <p>muted 19:2, 19:3</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>nail 14:18</p> <p>name 10:2, 10:5, 12:5, 12:6, 14:4, 16:14, 17:23</p> <p>nature 17:13</p>	<p>necessary 8:18</p> <p>need 9:1, 18:3, 18:12</p> <p>needs 14:14</p> <p>neighbor 14:15</p> <p>neighborhood 15:22, 15:23, 17:10</p> <p>neither 22:6, 23:7</p> <p>never 13:5</p> <p>new 16:16</p> <p>nicholas 3:20</p> <p>night 5:17, 6:12, 12:11, 13:19</p> <p>nightclub 14:6, 14:12</p> <p>nobody 16:23, 16:24</p> <p>noise 14:17</p> <p>non 9:5</p> <p>nonsuit 8:13, 8:16, 9:7, 9:8, 10:7</p> <p>northwest 17:7</p> <p>notice 4:11, 4:12, 5:22, 6:4, 6:5</p> <p>number 5:14, 5:17, 6:4, 6:5, 6:6, 6:7, 6:11</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oak 10:6</p> <p>occurred 12:11, 19:17</p>
--	---	--	--

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

<p>occurrences 10:16 office 8:13 officer 22:2 officials 13:8 oh 10:1 okay 7:2, 7:7, 7:18, 8:8, 8:24, 9:11, 11:21, 12:2, 12:4, 18:8, 18:11, 19:8, 19:10, 20:11, 20:12, 21:1 one 6:13, 9:24, 10:13, 10:15, 11:16, 16:3, 17:5, 17:8 one-mile 17:6 only 9:20, 11:1, 11:9, 17:12 open 16:2, 16:5, 18:5 opened 15:10, 20:1 operate 10:10 order 5:3 other 9:20, 14:2, 15:15 others 15:16 otherwise 22:8, 23:9 out 8:23, 10:23, 11:5, 11:7, 13:16, 14:21,</p>	<p>20:5 outcome 22:8, 23:10 outside 11:10, 15:20, 15:21, 20:2, 20:7 over 5:24 own 14:5 owners 17:2, 18:14 ownership 16:17 owning 17:2</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>page 4:2, 4:10 pages 1:23 parking 15:1 partially 10:12 participants 18:14 parties 22:7, 23:8 partner 19:16 patricia 3:24, 17:24 patronized 14:12 patrons 12:12, 14:23, 16:18 payleitner 18:23, 19:1, 19:6 peaceful 14:19 people 13:1, 13:3, 13:18, 14:11,</p>	<p>14:12, 15:1, 15:18, 15:20, 16:20, 17:4 peppers 3:21 percentage 16:18 perhaps 11:10 permit 5:17 personally 10:21, 11:9 phone 18:20, 19:2 pietryla 3:20, 5:11, 5:12, 7:21, 7:24, 8:6, 8:7, 9:1, 9:4, 9:8, 9:11, 9:18, 9:19, 20:23, 20:24 pin 10:6 place 18:16 places 15:4 planet 23:15 planned 14:8 planters 15:8 please 5:6, 7:3, 8:1, 9:12, 10:3, 12:4, 19:12, 20:18 podium 10:2, 11:23 point 17:17, 18:2 police 13:14, 13:15, 15:7, 19:22 powder 10:22</p>	<p>pray 12:19 prayers 19:18 pre-party 15:1 precautions 18:4 prejudice 8:14, 8:16, 9:9 preliminary 6:2 present 3:16 pretty 15:6 prevent 20:7 pride 12:16, 12:23, 13:22 primarily 15:19 probably 15:3 problem 14:22 proceedings 22:3, 22:4, 23:5 proof 4:14, 6:8 proud 10:12, 12:8, 12:14 provisions 5:20 public 9:21, 18:9 pursuant 2:13, 5:20</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>questions 8:24, 18:7 quiet 14:19 quinn 12:22</p>
--	--	--	---

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

<p>quite 16:8</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>radius 17:6</p> <p>raised 10:11, 18:23</p> <p>reaching 20:5</p> <p>read 9:6</p> <p>reading 6:17</p> <p>ready 11:24</p> <p>really 13:17</p> <p>reason 11:1</p> <p>reasons 17:8</p> <p>received 6:12</p> <p>reconnect 11:18</p> <p>record 6:18, 7:3, 10:3, 12:5, 21:3, 23:5</p> <p>recorded 1:8, 1:24, 22:5</p> <p>reduced 23:6</p> <p>regarding 5:15, 18:10</p> <p>rehfeldt 3:12</p> <p>reinstate 8:17</p> <p>related 22:6, 23:7</p> <p>remove 20:3</p> <p>renders 17:12</p> <p>reopen 6:20</p>	<p>reopening 7:16</p> <p>reporter 2:14, 5:2, 22:1, 22:13</p> <p>reside 10:5</p> <p>residents 16:16</p> <p>respondent 5:23</p> <p>retained 4:9, 6:10, 6:15</p> <p>retaliatory 17:13</p> <p>revoke 8:20</p> <p>right 15:23</p> <p>robert 3:18</p> <p>rod 11:10</p> <p>roll 5:6, 8:1, 9:13, 20:18</p> <p>rules 18:4</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safe 18:16</p> <p>safety 18:13</p> <p>said 19:19, 22:4, 23:5</p> <p>saint 2:4</p> <p>salon 14:18</p> <p>same 17:3</p> <p>saw 16:20</p> <p>say 10:7, 12:17, 15:10, 19:14</p>	<p>saying 7:15</p> <p>says 12:16</p> <p>schools 17:5</p> <p>second 7:23, 9:10, 9:12, 20:16</p> <p>seconded 7:24, 20:17</p> <p>security 19:24, 20:2, 20:3, 20:6</p> <p>see 12:21, 19:9</p> <p>seem 16:19</p> <p>send 13:15</p> <p>sense 11:6</p> <p>sentiments 14:9</p> <p>series 10:15</p> <p>serve 10:22, 11:8, 11:9</p> <p>served 5:23, 16:4</p> <p>service 4:14, 6:8</p> <p>session 20:13</p> <p>shaking 14:20</p> <p>shooter 17:14</p> <p>shooting 13:5</p> <p>should 13:2, 18:4</p> <p>shouldn't 10:15</p> <p>show 16:7</p> <p>side 17:7</p>	<p>signature-7dmpd 23:12</p> <p>signature-k91vk 22:10</p> <p>signed 6:21</p> <p>since 13:4, 13:6</p> <p>sir 10:2, 14:3, 16:13</p> <p>site 16:20</p> <p>situation 20:8</p> <p>some 11:6, 12:19, 14:8, 15:8, 17:13, 17:17, 19:24</p> <p>somebody 10:11, 10:12, 17:15</p> <p>something 16:2, 16:9</p> <p>sorry 14:6</p> <p>sort 17:8</p> <p>south 3:13</p> <p>speak 10:5</p> <p>speaking 11:2</p> <p>special 5:3</p> <p>specifically 5:14</p> <p>spoke 14:9</p> <p>spolar 23:2, 23:14</p> <p>st 1:3, 1:9, 2:6, 3:3, 3:5, 3:7, 3:21, 5:22, 6:19, 6:21,</p>
---	--	--	--

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

6:23, 7:11, 7:16, 10:6, 10:13, 12:12, 12:15, 12:24, 14:12, 14:14, 17:24 started 16:4 state 10:2, 12:4 stated 7:20 stay 16:2 street 2:5, 3:6 stuff 15:6 suite 3:13 summer 10:24 sunday 10:17, 19:17 sundays 15:10 supervision 23:6 sure 10:1, 10:14, 11:20, 14:3, 14:13, 16:13, 17:22, 19:11 surprise 10:17, 10:18, 10:19 surprises 10:15 surrender 6:19, 7:11, 8:9, 19:21 surrendered 6:22, 8:22 suspend 8:20 sworn 5:2 sympathize 16:17, 17:4	T	take 11:18, 12:19, 17:17 taken 22:3 taking 18:7, 18:9 talked 10:19 taxpayers 13:10 tell 16:7 terms 14:11, 14:17 th 5:5 thank 5:13, 6:1, 8:11, 9:20, 10:4, 11:11, 11:12, 11:13, 12:3, 13:23, 13:24, 14:1, 16:9, 16:10, 16:11, 17:18, 17:19, 17:20, 18:16, 18:17, 18:18, 20:9, 20:10, 20:12, 21:1 thing 16:3 things 10:13, 14:16 think 8:18, 12:18, 12:22, 13:2, 13:12, 13:17, 14:11, 14:24, 15:3, 15:14, 15:20, 15:24, 16:6, 16:9, 17:18, 19:2 thomas 3:4	thoughts 19:18 three 17:5 through 6:9, 7:19 time 11:7, 12:19, 16:22, 17:3 today 18:7 together 14:16 town 10:20, 10:23 tracey 3:17, 5:5, 8:1, 9:12, 18:20, 20:18 tracking 13:16 transcript 23:1, 23:3 trash 15:6 trays 15:9 tri-cities 12:9 tri-city 12:23 tried 10:13, 14:15 trilogy 3:10, 5:16, 6:13, 6:18, 6:20, 7:5, 19:15, 19:20 true 11:1, 23:4 trying 10:9, 13:18, 14:18, 15:7, 15:12, 20:5 turn 5:24 two 12:22	typewriting 23:6 <hr/> U <hr/> under 23:6 unforeseeable 19:20 until 16:2, 16:8 upset 19:16 use 11:2, 11:5, 12:19, 12:20, 13:7, 13:8 <hr/> V <hr/> varchetto 3:12 versailles 3:24, 14:4, 14:5 victims 16:24 videos 16:20 violation 4:13, 20:4 violations 5:19, 6:7 violence 11:11, 13:16, 17:9 violent 10:24, 17:14 vitek 3:17, 5:3, 5:13, 7:24, 8:24, 9:3, 9:11, 9:20, 10:1, 11:12, 11:16, 11:20, 11:22, 12:2, 12:4, 13:24, 14:2, 16:10, 16:12, 17:19, 17:21, 18:6, 18:9,
---	----------	--	--	---

Transcript of Emergency Liquor Control Commission Meeting

Conducted on June 30, 2021

18:17, 18:19, 19:1, 19:4, 19:8, 19:10, 20:9, 20:11, 20:17, 21:1	windett 12:8 wishes 16:24 within 10:10, 17:5 without 8:14, 8:16, 9:9 woken 12:10, 13:19 wondered 18:1 words 19:15 work 12:11, 14:19, 14:21, 20:5 worked 14:16 would've 20:7 wrote 9:5	zoom 11:17 . .3116 3:15 .4400 3:8 0 00 1:11, 5:5, 16:2, 16:6 1 1 5:18 15 23:16 18 21:3 19 4:4 2 2 16:2, 16:6 200 3:13 2006 13:4, 13:6 2021 1:10, 5:5, 23:16 211 3:13 23 1:23 3 30 1:10, 5:5 383896 1:22 4 403 10:6	5 510 12:7 6 60174 3:7 60187 3:14 60463 2:6 630.377 3:8 630.384 3:15 7 731 16:15 8 8 1:11, 5:5, 21:3 8515 5:18
W wait 12:1 walls 14:20 want 7:21, 11:18, 13:18 wants 17:17 we'll 11:23 we're 13:17, 14:18, 16:16, 18:6, 18:9 we've 11:17 website 12:15 wednesday 1:10, 5:5 weeks 20:1 well-rounded 8:19 went 12:15, 16:20 west 16:15 whatever 17:11 whatsoever 10:18 wheaton 3:13, 3:14 whereupon 5:2 whether 15:17, 18:3, 18:14 wind 17:15	Y yard 13:5 yeah 11:22, 20:8 years 18:1 yesterday 12:16 you-all 13:20 young 17:4 yourself 7:3	Z zollers 3:19, 5:9, 5:10, 8:4, 8:5, 9:10, 9:12, 9:16, 9:17, 20:16, 20:18, 20:21, 20:22	