

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, OCTOBER 17, 2022, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:00 pm.

2. Roll Call.

Present: Zollers, Bancroft, Pietryla, Gehm

Absent: None

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on September 19, 2022.

Motion by Mr. Gehm, second by Ms. Zollers to accept and place on file minutes of the Liquor Control Commission meeting held on September 19, 2022.

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

4. Motion to approve and hold minutes of the Liquor Control Commission Executive Session meeting held on September 19, 2022.

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

5. Discussion Regarding a Complaint of Violation and Hearing Notice for Riverside Pizza, Inc, 102 East Main Street, St. Charles

Commissioner Vitek read the complaint into the record:

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about October 2, 2022, at approximately 2:40 a.m., the Licensee, Riverside Pizza, Inc., by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 102 East Main Street, St. Charles, Illinois:

OFFENSE

(AFTER HOURS VIOLATION)

Sold alcoholic beverages during hours in which sale of such alcoholic liquor is prohibited and remained open for business and permitted individuals to remain within its premises during hours in which the sale of alcoholic liquor is prohibited.

3. On or about October 2, 2022, Riverside Pizza, Inc. was operating under a Class B liquor license and a 2:00 a.m. late night permit issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.08.250-15(1,3) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Riverside Pizza, Inc., is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Riverside Pizza, Inc. as the Commission shall deem appropriate under the circumstances.

Atty. Peppers said that the Arraignment Form was received from Riverside Pizza on October 11, 2022, they plead guilty and did not request a hearing.

Steve Nilles, the owner of Riverside Pizza, was present and addressed the Commission Members. Mr. Nilles explained that the employee responsible for the incident was fired, and he's had meetings with his entire staff to go over the rules and responsibilities of serving alcohol.

Commissioner Vitek explained that an executive session would be held at the conclusion of the proceedings to discuss any penalties associated with the violation.

6. Discussion Regarding a Complaint of Violation and Hearing Notice for McNally's Group, LLC, dba McNally's, 109 West Main Street, St. Charles.

Commissioner Vitek read the complaint into the record:

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 22, 2022, at approximately 8:45 p.m., the Licensee, McNally's Group, LLC d/b/a McNally's, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 109 West Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 22, 2022, McNally's Group, LLC d/b/a McNally's was operating under a Class B liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.08.250(19)1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, McNally's Group, LLC d/b/a McNally's, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against McNally's Group, LLC d/b/a McNally's as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated the arraignment form was filed by Attorney Doug Cuscaden on behalf of McNally's Group, LLC, pleading not guilty and requesting a hearing.

Attorney Cuscaden addressed the Commission to request a hearing date. A hearing date of December 19 was proposed and tentatively scheduled depending on the prosecuting attorney's availability.

7. Discussion Regarding a Complaint of Violation and Hearing Notice for Mad Ape, LLC dba Alter Brewing Company, 12 South First Street, St. Charles.

Commissioner Vitek read the complaint into the record:

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 22, 2022, at approximately 10:15 p.m., the Licensee, Mad Ape, LLC d/b/a Alter Brewing Company, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 12 South First Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 22, 2022, Mad Ape, LLC d/b/a Alter Brewing Company was operating under a Class G1 liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.08.250(19)1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Mad Ape, LLC d/b/a Alter Brewing Company, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Mad Ape, LLC d/b/a Alter Brewing Company as the Commission shall deem appropriate under the circumstances.

Attorney Peppers explained that the Arraignment Form for Mad Ape, LLC dba Alter Brewing Company was received on October 7, 2022, pleading guilty and requesting a hearing in mitigation.

Ken Hendricks from Alter Brewing asked that the following be considered. 1. Alter's reputation. Alter is diligent and takes a transparent stance on carding guests under 40 years of age. They have taken a harder approach, historically. The employee responsible for the incident was BASSETT trained, and as a result of this incident and as stated in the company policy, the employee has been fired.

Mr. Hendricks asked that the Commission reevaluate the practice of sending in minors to purchase alcohol based on his opinion of the practice being deceptive, coming close to crossing the line of entrapment and that it's antiquated and ineffective.

Commissioner Vitek explained that an executive session would be held at the conclusion of the proceedings to discuss any penalties associated with this violation.

8. Discussion Regarding a Complaint of Violation and Hearing Notice for Northwoods Pub & Grill, LLC, dba The Evergreen Pub and Grill, 1400 West Main St. Charles.

Commissioner Vitek read the complaint into the record:

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 22, 2022, at approximately 6:55 p.m., the Licensee, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 1400 West Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 22, 2022, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill was operating under a Class B liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.08.250(19)1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill as the Commission shall deem appropriate under the circumstances.

Attorney Peppers explained that the Arraignment Form for Northwoods Pub & Grill, LLC d/b/a The Evergreen Pub & Grill was received on October 10, 2022, pleading guilty and requesting a hearing in mitigation.

Thomas Trier from the Evergreen Pub & Grill stated that the manager did take the ID and served the guests. When the police came in they didn't show their ID or bring the minor guests with them. Why didn't the police show their IDs if they were underage?

Police Chief Keegan explained that this exercise was done with the State Police. Typically, when the minors go in they are instructed not to lie about their age, in this case, 17 and 18, they will not present a fake ID, and if asked for their ID they will show their ID. This is done to not bait people into making mistakes. The premise of BASSET training is reading an ID. The minors would not be brought back to the scene for safety issues.

Commissioner Vitek explained that an executive session would be held after the proceedings to discuss any penalties associated with this violation.

9. Discussion Regarding a Complaint of Violation and Hearing Notice for Tap House Grill, 3341 West Main Street, St. Charles.

Commissioner Vitek read the complaint into the record:

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this Complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. On or about September 22, 2022, at approximately 6:22 p.m., the Licensee, Tap House Grill, by and through its employees, officers, and/or agents, committed the following offense in or upon the licensed premises at 3341 West Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 22, 2022, Tap House Grill was operating under a Class B liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.08.250(19)1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Tap House Grill, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police, requests, pursuant to Section 5.08.320 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against Tap House Grill as the Commission shall deem appropriate under the circumstances.

Attorney Peppers explained that the Arraignment Form for Tap House Grill was received on October 7, 2022, pleading guilty and requesting a hearing in mitigation.

Scott Ward and Tabitha Mitchel from Tap House Grill addressed the Commission. Mr. Ward apologized for the actions of his employees and explained that the employee did not do the math, therefore, was suspended for 2-weeks. All staff was retrained on the proper methods of asking for age and ID.

Commissioner Vitek explained that an executive session would be held after the proceedings to discuss any penalties associated with this violation.

10. Public Comment - none

11. Additional Items from Mayor, Commission Members, or Staff. - none

12. Executive Session (5 ILCS 120/2 (c)(4)).

Motion by Ald. Bancroft, second by Mr. Gehm to enter executive session (5 ILCS 120/2 (c)(4)) at 4:51 pm.

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

13. Resume Public Meeting at 5:21 pm

14. Adjournment.

Motion by Mr. Gehm, second by Ms. Zollers to adjourn the meeting at 5:21 pm.

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

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