

**MINUTES**  
**CITY OF ST. CHARLES**  
**LIQUOR CONTROL COMMISSION MEETING**  
**MONDAY, JANUARY 22, 2018**

1. Call to Order.

The meeting was convened by Liquor Commissioner Rogina at 4:30 pm.

2. Roll Call.

**Members Present:** Liquor Commissioner Rogina, Ald. Silkaitis, Cliff Carrignan, and Robert Gehm.

**Absent:** Ald. Vitek

**Others Present:** Mark Koenen, Atty. John McGuirk, Police Chief Keegan, and Tracey Conti

3. **Motion to accept and place on file minutes of the Liquor Control Commission meeting held on December 18, 2017.**

Motion by Mr. Carrignan, second by Gehm to accept and place on file minutes of the Liquor Control Commission meeting held on December 18, 2017.

**Voice Vote:** Ayes: Unanimous; Nays: None. Chrmn. Rogina did not vote as Chair.

**Motion carried.**

4. **Recommendation to Approve a Proposal for a New Class E-1 Temporary Liquor License for a “Special Event” – “Hops for Hope 5K” to be held at Mt. Saint Mary Park – May 19, 2018.**

**Chief Keegan:** This is a recommendation for a new class E1 liquor license for “Hops for Hope 5K” to be held at Mt. Saint Mary’s Park Saturday, May 19, 2018. This is the second annual event; it’s a 5K that meanders through Mt. Saint Mary’s and Geneva as well. The benefits of this event go to Project Mobility. They are taking on the licensure themselves as a non-for-profit. They have the liability coverage, they are BASSETT trained, and the beer distributed is donated from local breweries and vendors. The event was well attended last year with no issues that the Liquor Control Commission would need to be aware of as far as traffic or over service.

**Katherine Simmons:** This is our second year, last year went very well, and the community loved it. We expected 100 people and over 400 attended. It was raining the entire time. We raised enough money to give a girl from Geneva an adapted bike. With all of our fundraisers last year we were able to give 11 bikes away. We’re hoping to be able to do more this year.

Motion by Ald. Silkaitis, second by Gehm to move forward to committee to approve a proposal for a New Class E-1 Temporary Liquor License for a “Special Event” – “Hops for Hope 5K” to be held at Mt. Saint Mary Park, May 19, 2018.

**Roll Call:** Ayes: Silkaitis, Gehm, Carrignan; Nays: None Chairman Rogina did not vote as Chairman. **Motion Carried**

**5. Recommendation to Approve a Proposal for a Class E1 Liquor License for St. Charles Breakfast Rotary Club to be held at Lincoln Park, St. Charles on June 9, 2018 from 12:00 pm to 5:00 pm.**

**Chief Keegan:** This is a recommendation to approve a proposal for a class E1 liquor license for St. Charles Breakfast Rotary Club for the Brewfest event to be held at Lincoln Park in St. Charles on June 9, 2018 from 12:00 pm to 5:00 pm. This is the third annual event; the date does coincide with River Fest this year; that's the only difference from previous years. The event will be held in Lincoln Park and will be over prior to the afternoon mass at St. Patrick's Church. There is a punch pass with some pre-event registrations; the punch cards and registration does not take place at the park. They are not allowed to sell alcohol on Park District property. The sale will take place off site. There is a limit to the 3 ounce samples that can be consumed. This is an E1 sponsorship, non-for-profit, they carry the license and have the dram shop and BASSETT training.

**Commissioner Rogina:** The 2 years we've had this event it's gone flawlessly. It's a great event; It's good to see these kinds of things happen in St. Charles, bringing people to St. Charles and at the same time having a responsible event.

**Allesandro Vasquez:** We are excited to be back for a third year. The last two have been very positive. We did move the date up a bit so we don't compete with Swedish Days.

**Paula Schmidt:** We're hoping that some people from the River Fest will come over as well.

Motion by Mr. Carrignan, second by Gehm to move forward to committee to approve a proposal for a Class E1 Liquor License for St. Charles Breakfast Rotary Club to be held at Lincoln Park, St. Charles on June 9, 2018 from 12:00 pm – 5:00 pm.

**Roll Call:** Ayes: Silkaitis, Gehm, Carrignan; Nays: None. Chairman Rogina did not vote as Chair. **Motion Carried.**

**6. Recommendation to Approve a Proposal for a New Class E-2 Temporary Liquor License for a Special Event, "McNally's St. Patrick's Day Party" to be held on March 17, 2018 at 1<sup>st</sup> Street Plaza.**

**Chief Keegan:** This is a recommendation to approve a Proposal for a New Class E-2 Temporary Liquor License for a Special Event, "McNally's St. Patrick's Day Party" to be held on March 17, 2018 at 1<sup>st</sup> Street Plaza. The St. Patrick's Day Parade is on the Saturday prior to this on March 10<sup>th</sup>. Similar to Unwind Wednesday's McNally's would like to host and sponsor an event in the Plaza from 11:00 am – 11:00 pm, there would be some alcohol sales from their patio area, and consumption would take place on the patio.

**Colm Headly:** McNally's 109 W Main Street.

**Mayor Rogina:** While McNally's is the sponsor here there is no prohibition against any other licensee in the community joining on with you as a means of participate.

**Colm Headly:** Not at all.

**Mr. Carrignan:** In the community or in the Plaza?

**Mayor Rogina:** In the community.

**Colm Headly:** We talked to all the neighbors; they have no objection.

**Mayor Rogina:** The experience with Unwind Wednesday's; there has been good cooperation between the police and the licensee's in terms of setting this up.

**Ald. Silkaitis:** I'm worried about liquor leaving the Plaza.

**Colm Headly:** We have extra security, 6 security on, and the normal barriers. It may not go to 11:00 pm, it may wind down sooner.

**Chief Keegan:** During Unwind Wednesday's, which we extended this past season, McNally's and the rest of the hosts did a nice job with perimeter event security, wristbands, and also erecting perimeter fencing and making sure alcohol doesn't cross.

**Mr. Carrignan:** Will you put a tent up?

**Colm Headly:** No.

Motion by Mr. Gehm, second by Carrignan to move forward to committee to approve a Proposal for a New Class E-2 Temporary Liquor License for a Special Event, "McNally's St. Patrick's Day Party" to be held on March 17, 2018 at 1<sup>st</sup> Street Plaza.

**Roll Call:** Ayes: Silkaitis, Gehm, Carrignan; Nays: None. Commissioner Rogina did not vote as Commissioner. **Motion Carried.**

**7. Discussion regarding Citation and Hearing Notice for the Pride Beer & Wine Plus Spirits, located at 1825 Lincoln Highway, St. Charles, Illinois 60174.**

**Mayor Rogina:** The petitioner in this matter is Chief Keegan, Chief of Police of the City of St. Charles. On or about December 27, 2017 at approximately 7:54 pm, the licensee The Pride Beer & Wine Plus Spirits by and through its employees and or agents committed the following offence in or upon the licensed premises at 1825 Lincoln Highway, St. Charles IL 60174. The offence is served alcohol to a person under the age of 21 years of age. At this time you are operating under a class A-1 liquor license. The acts detailed in section 2 of this complaint are prohibited; you are responsible for the acts of your employees, officers, and agents. I think in looking at the packet and the complaint being filed and on the arraignment form you submitted. You admitted to the allegations set forth in this complaint and requested this hearing and mitigation to present any evidence in support of the position and minimize any penalties.

**Guy Morgano:** 1460 Terrance Drive, Naperville, IL

**Joe McGlenn:** 5S521 Tartan Lane, Naperville, IL

**Guy Morgano:** I'm a little confused. We know that we were wrong; we're not trying to argue the case. We absolutely know that our cashier failed to card an under-aged customer. We're guilty. Joe is our operations manager. The store personnel report to Joe and Joe reports to me. I want to make sure everyone understood that we know this is a failure. We have safe guards put in

place. Every time we hire a new employee we have a card everyone policy. There are no exceptions. We have our employees sign a form that says tobacco or alcohol they have to card every transaction. We don't let them try to figure out if the person looks of age. We invested in point of sale technology that allows driver's licenses and state id's to be scanned and it will approve or decline immediately. If the ID doesn't scan a manager has to decide and make the judgement if an ID is a real ID.

For some reason this cashier decided not to even ask for ID. If you look at the video you can see he just punched in a date to authenticate the sale. Why he did that, I have no idea; we have his signature on his new hire paperwork that if he failed an alcohol sting by doing so he would be terminated. He knew the policy.

We're still responsible to make sure that our employees understand and are refreshed with the policies and uphold the law. The Pride Stores understands that liquor licenses and the ability to sell alcohol is a community is a privilege and it's not a right. We would never try to encroach on that.

I humbly throw myself at the court; we're guilty, we know we're guilty, we had what we thought were safe measures and policies in place to prevent this. In truth in the 10 stores we operate this is the first failed sting we've had in about 2.5 years.

**Mayor Rogina:** There is no confusion. You did exactly what the form suggests; you came in and admitted guilt, but wanted to explain. We appreciate that. These things happen from time-to-time. Any good licensee always runs a risk of something like this happening no matter how many safeguards you have in place.

This Commission will retreat to executive committee at the end of this meeting to assess a penalty. I assess the penalty and 10 – 14 days after this meeting it will be done and you'll receive notice of that. I appreciate your sincerity and honesty. Your operation has been an asset to our community and to the Rt. 38 corridor specifically.

**Guy Morgano:** As the Pride Stores we really do enjoy the City of St. Charles. You have really been very kind and good to work with. We appreciate all that.

**Mr. Carrignan:** What were the consequences to the employee that did this?

**Guy Morgano:** He was terminated the next morning. Joe went to the store that evening and suspended him; he was terminated the next day. We take this very seriously.

**Mr. Gehm:** It helps both sides of this equation, and as you stated employees sign that they know the penalty for not following the process.

## **8. Discussion regarding Citation and Hearing Notice for Aldi, Inc. located at 2670 W Main Street, St. Charles, Illinois 60175.**

**Tom Weiler:** I'm the attorney for Aldi; my office address is 33 North Dearborn, Chicago.

**Nathan Hammerstone:** I'm the district manager for the store in St. Charles. 2670 W Main St.

**Mayor Rogina:** The petitioner in this matter is Chief Keegan, Chief of Police of the City of St. Charles. On or about December 27, 2017 at approximately 6:35 pm the licensee, Aldi, Inc. by and through its employees, officers, and or agents committed the following offence in or upon

the licensed premises, 2670 W Main Street, St. Charles, 60175, served alcohol to a person under 21 years of age. Aldi was operating under a class A2 liquor license at this time. The act detailed in this complaint are prohibited under our municipal code and the liquor control act, and the licensee Aldi, Inc. is responsible for the acts of its employees, officers, and agents to ensure no violation of State law or ordinance of the City of St. Charles takes place.

Just as in the last matter. You admitted liability for the allegations set forth in the complaint and requested this hearing & mitigation to minimize any penalty.

**Tom Weiler:** With me is Mr. Nathan Hammerstone district manager for Aldi. This individual went through the training that Aldi gives to all employees. Aldi takes this extremely seriously. I'll let Mr. Hammerstone explain the training process.

**Nathan Hammerstone:** At Aldi we hire anyone who is over the age of 21 can serve or sell alcohol to our customers. They do go through multiple trainings in order to do so. They go through something called the Aldi Center for Education. It's a course on the computer it's also on the sales floor where they are taught how to sell alcohol. We have a national procedure for alcohol sales and we also have Aldi's policy for alcohol sales. Our employee did complete both trainings and signed off that she received such training; she also did receive an employee handbook that states verbatim that we do card anyone who appears to be under the age of 40. We have safeguards set up at the registers, when someone scans alcohol it will ask if the age criteria is met, yes or no. If you say no you are prompted to enter in their birthdate. In this instance the employee selected yes that the criteria was met, and after watching the video it was very clearly not. I went in immediately the next day; the employee was sent home and was terminated on December 30, for breaking the alcohol policy.

**Tom Weiler:** Can you explain that this was a new employee?

**Nathan Hammerstone:** She was hired on November 28, 2017 the incident took place on December 27, 2017. She had only been with the company for just under a month. I did have a discussion prior to any disciplinary action being taken, and asked if she understood the policies and procedures. She recited that she should card anyone appearing to be under the age of 40, she said she was trying to move fast and keep the line going, made a mistake.

**Tom Weiler:** History of violations at the Store in St. Charles?

**Nathan Hammerstone:** We have been at this location since 2007; we just underwent a remodel at the store. Since 2007 we don't have any recollection of past violations. In speaking with my director of Operations, who has been with the company for over 22 years, we have a very good history in terms of our alcohol sales.

**Mayor Rogina:** Your recollection is correct. No offences until now.

**Mr. Carrignan:** I think that sends a reverberation through an organization when something like this happens, but it reinforces the message and the policy. I think it's a good practice.

**Mayor Rogina:** It is actually fruitful to see the depth of remediation and the ability to recognize a mistake has been made and take action to correct the mistake. To Mr. Carrignan's point, reverberation goes through the organization because of the swift action you've taken. The City really appreciates that.

## 9. Public Comment

Motion by Mr. Gehm, Second by Carrignan to move into executive session at 5:02 pm.

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

Motion by Mr. Carrignan, second by Gehm to return from executive session at 5:10 pm.

11. Adjournment

Motion to adjourn by Mr. Gehm second by Carrignan to adjourn meeting at 5:11 p.m.

**Voice Vote:** Ayes: Unanimous; Nays: none. Chairman Rogina did not vote as Chair.

**Motion carried.**

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