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Transcript of Hearing

Date: March 20, 2017

Case: St. Charles Liquor Commission Hearing

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BEFORE THE LIQUOR CONTROL COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: :
Regular Meeting. :
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HEARING
St. Charles, Illinois 60174
Monday, March 20, 2017
4:30 p.m.

Job No.: 138057
Pages: 1 - 50
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

1 HEARING, held at the location of:

2

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4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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13 Before Melanie L. Humphrey-Sonntag, a Certified
14 Shorthand Reporter, Registered Diplomate Reporter,
15 Certified Realtime Reporter, and a Notary Public in
16 and for the State of Illinois.

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1 PRESENT:

2 MAYOR RAYMOND ROGINA, Chairman

3 CHUCK AMENTA, Member

4 ROBERT GEHM, Member

5 MAUREEN LEWIS, Member

6 RITA ANNE PAYLEITNER, Member

7

8 ALSO PRESENT:

9 JOHN MC GUIRK, City Attorney

10 TINA NILLES, Secretary

11 TIM O'NEIL, Counsel

12 CHIEF JAMES KEEGAN, St. Charles

13 Police Department

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C O N T E N T S

PAGE

Call to Order	5
Roll Call	5
Motion to Accept and Place Minutes on File	5
Main Street Pub	6
Pub 47	11
Heritage Center "Best of St. Charles Foodie Fest and Family Fun Day"	16
Recommendation to Approve Late Night	22
Permits for Class B and C Licenses	
Rose Smoke N Vapor	36

1 P R O C E E D I N G S

2 MAYOR ROGINA: Good afternoon, everyone.

3 I want to call the Liquor Control Commission
4 meeting for Monday, March 20th, 2017, to order.

5 Tina, call the roll.

6 SECRETARY NILLES: Gehm.

7 MEMBER GEHM: Here.

8 SECRETARY NILLES: Payleitner.

9 MEMBER PAYLEITNER: Here.

10 SECRETARY NILLES: Lewis.

11 MEMBER LEWIS: Here.

12 SECRETARY NILLES: Amenta.

13 MEMBER AMENTA: Here.

14 MAYOR ROGINA: If I may, as an adjustment to
15 the agenda, can we move Item 3 down below Item 8,
16 take care of the other matters here? I think we can
17 move through those relatively quickly and reserve
18 that for the last.

19 Any objection to that?

20 MEMBER GEHM: No.

21 MAYOR ROGINA: If there's no objection,
22 I think we can just move along with it.

23 Can I have a motion to accept and place on
24 file the minutes of the Tuesday, February 21st,

1 2017, Liquor Control Commission meeting?

2 MEMBER PAYLEITNER: So moved.

3 MEMBER AMENTA: Second.

4 MAYOR ROGINA: Moved and seconded.

5 All those in favor?

6 (Ayes heard.)

7 MAYOR ROGINA: Opposed?

8 (No response.)

9 MAYOR ROGINA: Motion carries.

10 Item 5, Chief, recommendation to approve a
11 proposal for a Class B liquor license application
12 for Main Street Pub, to be located at 204 West Main
13 Street, St. Charles, formerly the Beehive Tavern and
14 Grille.

15 CHIEF KEEGAN: Thank you, Mayor Rogina.

16 As you stated in your opening remarks,
17 Item 5 is a Class B liquor license request for the
18 former Beehive. The Petitioner/Applicants are
19 present; I'll have them step forward here in a
20 second. These folks own and operate Jackson Street
21 Pub in downtown Naperville and Main Street Pub in
22 Glen Ellyn.

23 They are asking for a B license, which is a
24 restaurant license. They are set to take an

1 ownership change from the current owners here in the
2 next couple of weeks. They are asking for a late-
3 night permit.

4 We did speak to authorities both in
5 Naperville and Glen Ellyn. Authorities have told us
6 from both communities that they run a very tight
7 ship and a good establishment. There's a
8 comprehensive food menu that I think you saw in your
9 packets.

10 And if I could have some representatives
11 step forward and introduce yourselves to the Liquor
12 Control Commission and answer any questions they
13 might have.

14 Guys, name and address for the record, maybe
15 just one of you.

16 MR. HUNT: Brian Hunt.

17 MAYOR ROGINA: Address?

18 MR. HUNT: 21 Exeter Court, Naperville.

19 MAYOR ROGINA: Thank you.

20 Any question by any members of the
21 Commission relative to this application?

22 Rita Anne.

23 MEMBER PAYLEITNER: Thank you for the
24 complete package. We always like that when we don't

1 have to guess, that we know what's going on. I like
2 your business plan and the arrangements.

3 Now, the only thing is I'm looking at your
4 table layout, and you have space for gaming.

5 MR. HUNT: The games are going to be
6 removed.

7 MEMBER PAYLEITNER: Oh. They're there now;
8 is that right?

9 MR. HUNT: Yeah, they're there now. But
10 it's our understanding that we have to have -- or be
11 on the liquor license --

12 MEMBER PAYLEITNER: Right, right.

13 MR. HUNT: -- for at least five months so --

14 MEMBER PAYLEITNER: For a year.

15 MR. HUNT: Oh, a year? Okay.

16 MEMBER PAYLEITNER: Yeah.

17 MR. HUNT: Yeah. So once we take over,
18 we'll arrange to have the games pulled out so --

19 MEMBER PAYLEITNER: Okay. Thank you.

20 MAYOR ROGINA: Does that answer that
21 question?

22 MEMBER PAYLEITNER: Yes.

23 MAYOR ROGINA: Anything else?

24 MEMBER GEHM: Nothing from me, your Honor.

Transcript of Hearing
Conducted on March 20, 2017

9

1 MAYOR ROGINA: Anything over here?

2 MEMBER AMENTA: If you replace the gaming
3 area, will you put more tables in?

4 MR. HUNT: We're still trying to figure out
5 the layout. It can either be tables or dartboards.
6 They had dartboards there previously.

7 MEMBER AMENTA: Thank you.

8 MAYOR ROGINA: Hearing nothing, I'd
9 entertain -- this would be a recom- -- just so you
10 understand, this would be a recommendation by the
11 Liquor Commission to move forward to the City
12 Council committee tonight, which would take place a
13 little after 7:15 or thereabouts, and that wouldn't
14 be before the full City Council but a committee.
15 And if that moves well, then, two weeks from now,
16 you'll go before the full Council.

17 MR. HUNT: Okay.

18 MAYOR ROGINA: I'm not missing Good Friday,
19 the fifth Monday in there, am I?

20 MEMBER PAYLEITNER: No, sir.

21 MAYOR ROGINA: All right. So it would be
22 two weeks. All right. Very good.

23 MR. HUNT: Can we --

24 SECRETARY NILLES: April 3rd.

Transcript of Hearing
Conducted on March 20, 2017

10

1 MAYOR ROGINA: April 3rd.

2 MR. HUNT: So on April 3rd, when it moves
3 before the full Council, is that when we find out if
4 we actually get the license?

5 MAYOR ROGINA: Right. Exactly correct. And
6 the next day you can apply to the State for your
7 State license and as far as the next day after -- if
8 you get approval here.

9 MR. HUNT: All right. Thank you.

10 MEMBER PAYLEITNER: So I move that we
11 recommend to Council committee.

12 MEMBER GEHM: Second.

13 MAYOR ROGINA: Moved to recommend to Council
14 committee, and it's been seconded by Member Gehm.

15 Any further conversation?

16 (No response.)

17 MAYOR ROGINA: I think we can call the roll
18 just to be sure.

19 SECRETARY NILLES: Gehm.

20 MEMBER GEHM: Yes.

21 SECRETARY NILLES: Payleitner.

22 MEMBER PAYLEITNER: Yes.

23 SECRETARY NILLES: Lewis.

24 MEMBER LEWIS: Yes.

1 SECRETARY NILLES: Amenta.

2 MEMBER AMENTA: Yes.

3 MAYOR ROGINA: Step one done.

4 Thank you.

5 Next item, a recommendation to approve a
6 proposal for a Class B liquor license application
7 for Pub 47, to be located at 1890 West Main Street,
8 St. Charles. Everyone knows where that's at,
9 formerly the Macarena Tapas.

10 Chief.

11 CHIEF KEEGAN: Thank you, Mayor Rogina.

12 Once again, I'll ask a representative from
13 the establishment to step forward here in a second.

14 But this is the Pub 47's second location.
15 They currently own and operate Pub 47 on Route 47 in
16 Huntley. They are looking to expand two more
17 locations, I understand it, in the near future.

18 They are asking for a 1:00 a.m. late-night
19 permit. Once again, there's a large menu that has
20 accompanied your material. It's more of a
21 restaurant, I think, even though the name has a
22 "Pub" in it. I've actually visited the Huntley
23 location; very good food.

24 We've talked to Huntley authorities. They,

1 once again, told us they run a tight ship and it's a
2 wonderful establishment in Huntley.

3 If I can have a representative from Pub 47
4 step forward, answer any questions that the Liquor
5 Commission might have.

6 MAYOR ROGINA: Full name and address for the
7 record.

8 MR. SMITH: Gordon Smith, 9928 Bedford Drive
9 in Huntley.

10 MAYOR ROGINA: Good afternoon, Mr. Smith.
11 Nice to have you here.

12 MR. SMITH: Thank you.

13 MAYOR ROGINA: And, Commissioners, any
14 questions?

15 MEMBER PAYLEITNER: No, sir.

16 MEMBER GEHM: We have a nice, complete
17 packet so thank you very much.

18 MR. SMITH: You're welcome.

19 MEMBER LEWIS: Just refresh my mind if
20 there's entertainment or outdoor seating.

21 MR. SMITH: Entertainment, no. We did -- we
22 tried in Huntley a little bit, but we found the
23 establishment is more of like a family restaurant.
24 And, usually, business all day long, entertainment

1 just wouldn't really, you know, fit for us.

2 Outdoor seating down here, we do have an
3 option to do that, and the plan is that maybe down
4 the road we will look into having that available
5 down -- in months to come. But as of right now,
6 we're not sure.

7 MAYOR ROGINA: As I recall, under the old
8 establishment, there was some outdoor seating right
9 there along --

10 MEMBER PAYLEITNER: 36 seats.

11 MAYOR ROGINA: -- right along the one side.

12 In fact, I may have -- in fact, I did eat
13 outside at Macarena Tapas one time last summer,
14 I think it was.

15 MEMBER GEHM: So would you not currently
16 plan to use that, even though it's a part of the --
17 is it part of the lease or whatever --

18 MR. SMITH: Yeah, we're intending to use it.

19 MEMBER GEHM: Okay.

20 MR. SMITH: It's just that, you know,
21 it's -- as of right now -- I mean, we're probably
22 not going to use it right when we open up, but, once
23 the weather gets better, the plan is to expand and
24 have additional -- anywhere from 30 to 50 more seats

1 outside.

2 MEMBER LEWIS: I -- it's in my neck of the
3 woods, and I wish you well on this because I've seen
4 several businesses go through this location.

5 MR. SMITH: Sure.

6 MEMBER LEWIS: So I'm hopeful that maybe
7 this type of restaurant will be successful there and
8 you'll do what you can to keep it open and going.

9 MR. SMITH: Thank you. We actually had the
10 same challenge when we opened up our location in
11 Huntley. Places before us didn't succeed. We've
12 come in and hit home so --

13 MEMBER LEWIS: Right. Great. Because
14 I think there's been three or four of them that have
15 just -- have gone. So good.

16 MAYOR ROGINA: Same procedure as I indicated
17 to the last Applicants: Tonight, Council committee,
18 about 7:15, thereabouts, and, after that, April 3rd
19 will be -- if successful tonight --

20 MR. SMITH: Right, sir.

21 MAYOR ROGINA: -- April 3rd would be a full
22 license approval or vote on the license.

23 MR. SMITH: And it is recommended that
24 I probably should be present for that meeting this

1 evening, as well, to answer any questions?

2 MEMBER LEWIS: Yes.

3 MEMBER PAYLEITNER: I think so, yeah.

4 MAYOR ROGINA: Yes.

5 MR. SMITH: Very well. Very good. Okay.

6 MAYOR ROGINA: With that --

7 MEMBER GEHM: I'll make the motion to
8 approve the application for Pub 47 to move forward
9 to committee tonight.

10 MEMBER PAYLEITNER: Second.

11 MAYOR ROGINA: All right. Moved and
12 seconded on the application to move forward to
13 Council committee tonight.

14 Anything further?

15 (No response.)

16 MAYOR ROGINA: Tina, call the roll.

17 SECRETARY NILLES: Gehm.

18 MEMBER GEHM: Yes.

19 SECRETARY NILLES: Payleitner.

20 MEMBER PAYLEITNER: Yes.

21 SECRETARY NILLES: Lewis.

22 MEMBER LEWIS: Yes.

23 SECRETARY NILLES: Amenta.

24 MEMBER AMENTA: Yes.

1 MAYOR ROGINA: Off to a good start.

2 MR. SMITH: Thank you.

3 MAYOR ROGINA: Thank you, sir.

4 MR. SMITH: Appreciate it.

5 MAYOR ROGINA: Item 7, the recommendation to
6 approve a parking lot closure, a Class E2 liquor
7 license, and use of amplification equipment for the
8 Heritage Center "Best of St. Charles Foodie Fest and
9 Family Fun Day," to be held the 24th and 25th of
10 June, 2017, at 215 East Main Street, St. Charles.

11 Chief, this seems like an instant replay of
12 last year. Maybe there are some changes. I don't
13 know.

14 CHIEF KEEGAN: Yes. The only obvious
15 change, I believe, is The Office's -- so it's an
16 E2 license, which means -- they are a not-for-
17 profit, but they're not going to ask for a license
18 themselves. They're going to carry the license
19 forward from The Office, The Office restaurant. So
20 The Office will apply for the E2, so they're not --
21 given the 501(c)(3) status.

22 I will make a point that we have to make
23 sure that The Office is the sole focus or service
24 point of any alcohol that's served. There are going

1 to be some adjoining restaurants there. That's my
2 only thing I'd like to put on the record, is just
3 that we make sure The Office delivers any of the
4 alcohol that's sold.

5 MAYOR ROGINA: So they're responsible for
6 Dram Shop, BASSET training --

7 CHIEF KEEGAN: Yes.

8 MAYOR ROGINA: -- et cetera, et cetera?

9 CHIEF KEEGAN: Yes.

10 MEMBER PAYLEITNER: There was an issue
11 last year, so I appreciate the chief's -- and I was
12 kind of hoping they'd be here to reiterate that.
13 Will they be in committee? Do you know?

14 CHIEF KEEGAN: I'm not sure.

15 SECRETARY NILLES: I thought Alex was aware
16 of it last week but --

17 MEMBER LEWIS: I want to jump in. I think
18 there was alcohol given away.

19 CHIEF KEEGAN: Yes.

20 MEMBER LEWIS: And so that won't be --

21 CHIEF KEEGAN: We did talk to the Petitioner
22 about that, and I know there's going to be some
23 different restaurants there, as well.

24 It is the same day as our Craft Beer

1 Festival in Lincoln Park. And I understand that
2 some of the distributors might come over after our
3 craft beers event, which ends at 5:00, and have some
4 products with The Office. And I've made it very
5 clear that only The Office can deliver alcohol.

6 MAYOR ROGINA: All right.

7 CHIEF KEEGAN: So I -- we can --

8 MAYOR ROGINA: You will monitor this?

9 CHIEF KEEGAN: Yes.

10 We can do our best to try to get somebody
11 here for seven o'clock --

12 MEMBER PAYLEITNER: Yes. I would appreciate
13 that, yes.

14 CHIEF KEEGAN: -- if the Commission's okay
15 with passing it.

16 MAYOR ROGINA: Alderman Lewis.

17 MEMBER LEWIS: I'm not going to hold this
18 up, but it does concern me that we're having two
19 major events like that on the same day in the town.
20 And I thought we had things in place that we didn't
21 do that.

22 MAYOR ROGINA: Right. But -- you're right.
23 It's a good point. And all I can ask is that --
24 refresh our memories.

1 Did the same thing happen last year?

2 Because it seems like the dates are almost the same
3 as last year. The beer fest -- the Craft Beer Fest
4 was on a Saturday the end of June --

5 MEMBER PAYLEITNER: It was in July
6 last year.

7 MEMBER LEWIS: It was in July.

8 MEMBER PAYLEITNER: Because someone was out
9 on maternity leave so they waited to have it in
10 July, so it was later.

11 MAYOR ROGINA: All right. If there's
12 anything that -- you know, I hear what you're
13 saying.

14 The only thing I guess I would say is -- any
15 quotes aside, you might say, "Well, that's a
16 problem. People will go from one to the other."

17 I -- well, I recognize that, but I always
18 fall back on two things: One, with respect to the
19 Foodie Fest, it's a not-for-profit, and I think our
20 Heritage Center, you know, runs a good ship on that.
21 And I think the Rotary -- the other not-for-profit,
22 earlier in the day -- same thing, great results from
23 last year so --

24 MEMBER LEWIS: I don't disagree. It's just

1 that --

2 MAYOR ROGINA: You're right.

3 MEMBER LEWIS: -- for the residents, with
4 the people living here, this is closed and this is
5 closed.

6 And I thought there was always kind of a
7 policy -- and maybe the policy needs to be looked
8 at -- that we were trying to be the least disruptive
9 to our residents. And by having these two major
10 events on the same day -- you could say, "Well, we'd
11 have one event throughout the whole town," but
12 I think people know that.

13 Anyway, I -- I -- to the best of our
14 ability, I'd like for that not to happen in the
15 future.

16 MEMBER PAYLEITNER: Yes.

17 MAYOR ROGINA: Okay. Noted.

18 CHIEF KEEGAN: They are on opposite sides of
19 the river, and I will make sure that we talk to the
20 Applicants on this particular fest with some
21 concerns, not only with the alcohol consumption but
22 also the scope of what they're looking to do.

23 The earlier hours that are mentioned in your
24 packet are for the nonalcohol or more of the family

1 events --

2 MEMBER LEWIS: I saw that.

3 CHIEF KEEGAN: -- and then the alcohol-
4 consumption hours will be opposite of the Craft Beer
5 Festival, so that -- there's some dispensation
6 there.

7 MEMBER LEWIS: Okay.

8 MAYOR ROGINA: All right.

9 We still need a recommendation to move
10 forward this evening.

11 MEMBER GEHM: Go ahead.

12 MEMBER AMENTA: I'll put forward a
13 recommendation to move this to government operations
14 this evening for approval.

15 MEMBER GEHM: Second.

16 MAYOR ROGINA: All right. It's been moved
17 and seconded.

18 Anything further?

19 MEMBER PAYLEITNER: Just, Chief, if you
20 wouldn't mind making sure that they understand they
21 need to come? Because it would be an issue at
22 committee, yeah.

23 Thank you.

24 CHIEF KEEGAN: I'll go make a phone call.

1 MAYOR ROGINA: Thank you.

2 Tina, call the roll.

3 SECRETARY NILLES: Gehm.

4 MEMBER GEHM: Yes.

5 SECRETARY NILLES: Payleitner.

6 MEMBER PAYLEITNER: Yes.

7 SECRETARY NILLES: Lewis.

8 MEMBER LEWIS: Yes.

9 SECRETARY NILLES: Amenta.

10 MEMBER AMENTA: Yes.

11 MAYOR ROGINA: All right. Thank you very
12 much.

13 And as far as other business is concerned
14 before we get to No. 3, No. 8, recommendation to
15 approve late night permits for Class B and C
16 licenses of the City of St. Charles for fiscal year
17 2017-2018, this is your whole ball of wax, Chief.

18 CHIEF KEEGAN: Thank you, Mayor Rogina.

19 MAYOR ROGINA: Go right ahead.

20 CHIEF KEEGAN: My mic is out. I apologize.

21 MAYOR ROGINA: We can hear you.

22 CHIEF KEEGAN: Okay. This is pursuant to
23 City Code.

24 Now, I did include in your packets the

1 language in our Liquor Code that mandates that
2 each year, prior to our fiscal year beginning, which
3 is May 1, we review the annual late-night liquor
4 permits that are on file.

5 So pursuant to that language, I started the
6 process along with Tina. Part of that process is
7 not only the police activity, but I'm also obligated
8 to check with each and every City department --
9 finance to ensure that taxes and fees are in order;
10 community development to make sure there's no
11 outstanding Code violations; the fire department
12 with our Fire Code and whatnot. So each and every
13 City department took a look at the respective list
14 that's in front of you.

15 There's 25 total late-night permit requests
16 for the next fiscal year. Of the 25, 19 are B
17 licenses, 6 are C licenses. And 11 of those 25 are
18 asking for a 1:00 a.m. permit, and 14 are asking for
19 a 2:00 a.m. permit.

20 You know, the code mandates that I look at
21 this each year, but, really, the body of work goes
22 on throughout the year. I'll tell you, as the chief
23 of police, I look at each and every incident that
24 comes forward, not only with my set of eyes but

1 I review it with my staff.

2 I'm in constant communication with the
3 Mayor's office and City Administrator, so I pride
4 myself, if there are problems or issues afoot, we
5 kind of head those off at the pass before it ever
6 gets to this level.

7 So I think the labor of love is in -- is in
8 the packet. You'll see a drastic decrease in some
9 of the calls for service. I have a very good
10 relationship with all our liquor license holders.
11 We tell them all that there's not a quota system;
12 we're not going to discipline them or rule against
13 them as far as how often they call. But I use the
14 term "institutional control" quite a bit, and what
15 that means is how are they handling business within
16 their four walls.

17 You'll see, over the course of -- and I know
18 right before the meeting I gave you last year's
19 numbers. When you really look at each of the
20 columns, the most important columns to note is what
21 type of sit-down or warning letters took place from
22 our level, meaning Liquor Control Commission level,
23 and how many violations were cited and/or
24 adjudicated.

1 I'm happy to report that, in the last
2 calendar year, there were no Liquor Control
3 Commission violations and only three warning
4 letters.

5 We use the tenets of progressive discipline,
6 meaning that, if I see problems, I typically will
7 phone or reach out for the license holder, have a
8 meeting. If I see a pattern arising, then I will do
9 a letter with the Mayor's office, and we will
10 explain what type of concerns we have. And then,
11 obviously, if it gets to the point where we actually
12 cite them, they're in front of this Board.

13 So I've seen constant improvement. I don't
14 have any areas of concern, meaning I haven't
15 recommended against the issuance of any late-night
16 permits. But with that, I can answer any questions
17 that the Commission might have.

18 MAYOR ROGINA: If I could piggyback on what
19 you just said as far as, first of all, the last
20 column, the LCC violations, being no marks in that
21 particular column, you and I have discussed -- every
22 time a warning letter was issued, we talked about,
23 A, progressive discipline and, B, whether or not any
24 warning rose to the level of a violation.

1 And I think that -- it's very important,
2 I think, for, first of all, this Commission here
3 today and then, later on, Council committee tonight
4 because, you know, as we have in the past, everybody
5 always kind of looks at the first two columns,
6 "Reports" and "Arrests," sees certain numbers in
7 there, and then draws their own -- his or her own
8 particular conclusion.

9 So I think it's important for you, as the
10 police chief, to clarify the essence of some of
11 those reports and/or arrests, as one might look at
12 that and say, "At Place X there were six arrests" --

13 CHIEF KEEGAN: Uh-huh.

14 MAYOR ROGINA: -- and immediately think
15 that, "Well, that's not a good sign" but --

16 CHIEF KEEGAN: Well, I'll break it down even
17 a little further.

18 So if we're there to keep the peace or to do
19 a bar walk-through or a bar check, we will -- and we
20 use different codes and things. As you can
21 imagine -- we handle 20,000 calls a year, so we use
22 what's called CAD, a computer-aided dispatch, so
23 everything that we do is numbers-generated and we
24 have corresponding codes.

1 So oftentimes when we're out dealing with a
2 situation, if it doesn't rise to the level of
3 needing a police report, we can code that out that
4 the situation was resolved, and that, in layman's
5 terms, is no police report.

6 If it rises to the level of a documentation
7 or matter of record report, you'll see, in the first
8 column there -- just as an example, you'll see a few
9 establishments that have nine reports or less than
10 one a month.

11 That means that something took place there
12 that we had to record. It could be a crime. It
13 could be somebody's cell phone was taken. It could
14 be a fight. It could be that they called us on a
15 bad ID or a fake ID. There's a whole myriad of
16 situations in which we'd write a report.

17 The next column, for the arrests, which
18 means we went there and whatever action we took
19 resulted in some sort of custodial arrest.
20 Oftentimes that could be for someone trying to
21 present a fake ID; a person could have an
22 outstanding arrest warrant; maybe we cited them and
23 arrested them for a battery charge or a public
24 intoxication.

1 So if -- when I look at the reports --
2 and there's a lot of them when you look at
3 20,000 reports -- I look for a direct nexus to the
4 location, what happened in their four walls. If a
5 patron leaves and they're outside in an adjoining
6 parking lot and the closest address is the
7 establishment, I'm not going to pin that against the
8 establishment.

9 So I look for a direct nexus and how often
10 we provided police service, not each and every time
11 there was a strike or a tally against the bar,
12 meaning they had bad practices. That just paints a
13 picture to us -- and, really, you -- of how many
14 times we took either report action, arrest action.

15 The most important column for your purposes
16 is if -- if I believe, as the police chief, with my
17 body of experience, that it rises to the level that
18 the Liquor Control Commission needs to get involved,
19 I work with the Mayor's office, the Liquor
20 Commissioner, and we use the tenets of progressive
21 discipline.

22 And in this particular year, we had no
23 liquor control violations, which is a very good
24 sign.

1 And it's not something I do every year and
2 I have my head in the sand the first 11 months of
3 the year. I look at reports each and every day,
4 talk to my staff, and I keep the Mayor apprised of
5 any issues and trends, so I'm pretty comfortable
6 with my recommendation.

7 MAYOR ROGINA: One more question before
8 I turn it over for further questions.

9 If I'm looking at just one line here and
10 I'm going to just -- without mentioning a name but
11 just mention the report -- they have a nine, six,
12 and one one.

13 Could I correctly assume that, of the nine
14 reports and six arrests in that establishment, only
15 one of those incidents rose to the level of the
16 department saying the establishment did have some
17 nexus here and required, in this case, a warning
18 letter?

19 Not a violation or a citation yet but a
20 warning letter under your progressive discipline
21 approach.

22 CHIEF KEEGAN: Yes.

23 MAYOR ROGINA: Can I assume that?

24 CHIEF KEEGAN: Absolutely.

1 MAYOR ROGINA: All right.

2 CHIEF KEEGAN: And that's a direct nexus to
3 either poor oversight, bad business practices, maybe
4 a myriad of things.

5 But if I see something that maybe they
6 should have prevented -- you know, I'm not going to
7 hold it against the establishment if they call us
8 for someone who's trying to get in, they're unruly
9 and intoxicated to begin with. To me, that's good
10 business practices if they don't want them in the
11 establishment.

12 Yeah, it might have happened on their
13 doorstep, but, to me, that's not a strike against a
14 particular establishment.

15 What I mean is, inside their four walls,
16 something's going on that maybe a doorman, a
17 bartender, a manager should have intervened on and
18 didn't or maybe something got out of hand where
19 alcohol got outside or there was something that we
20 responded to that maybe they could have prevented.

21 To me, that's more of an issue.

22 MAYOR ROGINA: Chuck, we'll start with you.

23 MEMBER AMENTA: I was here a couple years
24 ago when we first started looking at this, and a lot

1 of these bar owners' feedback was "We're going to be
2 punished if we call on somebody that's being
3 unruly."

4 And I think the numbers that we see here are
5 proof that that's not the case. I think it speaks
6 to the police department to -- and the City and
7 everyone involved -- that this has really, really
8 improved over the past few years, and I don't think
9 our reputation now is what it was then.

10 So no questions but more of a compliment to
11 your department. This has been very well handled
12 throughout the past few years.

13 CHIEF KEEGAN: To build on that, I tell my
14 staff all the time that an ounce of prevention is a
15 pound of cure.

16 Our force polices our bar district and our
17 entertainment district very, very well. They're out
18 on foot; they're seen. We have a very, very lively
19 entertainment district, and I'm proud to say we do a
20 very good job of staying on top of it.

21 MEMBER AMENTA: Absolutely.

22 MAYOR ROGINA: Alderman Lewis.

23 MEMBER LEWIS: I agree. Your staff and the
24 police officers are doing a terrific job.

1 I don't know how to use your numbers and so
2 I'm just curious -- I'm not a statistician. I like
3 others who can do that.

4 If we use that one and in less -- in 2015 we
5 actually had more police incidents and two arrests
6 and now we have less police incidents but more --
7 six arrests.

8 So I don't know if you can explain what your
9 thinking is on that. I mean, you have more calls
10 but only two arrests. Now you have less but more
11 arrests.

12 CHIEF KEEGAN: I'd go back --

13 MEMBER AMENTA: Housekeeping. It could be a
14 multiple incident; right? If there were four people
15 in an incident at one time?

16 CHIEF KEEGAN: And at times -- I mean, I
17 don't want to get too focused on the numbers --

18 MEMBER LEWIS: I'm thinking there might
19 be -- in the numbers -- the committee might be
20 interested in that.

21 CHIEF KEEGAN: No, and I'll explain myself.
22 That's a good point.

23 But really -- not that the other columns
24 don't mean anything. But if it rises to the

1 level -- I'll say this tonight again to the whole
2 entire committee -- that if it rises to the level of
3 institutional control or a lack of oversight, we're
4 going to see a pattern there, we're going to take
5 that violation to at least a warning letter, if not
6 a violation.

7 So I think the numbers throughout the
8 years -- and I've looked at the last number
9 of years -- I don't want to say they're going to be
10 cyclical, but there's going to be an ebb and flow to
11 them and they're going to fluctuate.

12 But the key component for me and my staff is
13 we stay on top of each and every thing that occurs,
14 and we immediately address it if there's issues.
15 And I think that's why we're not seeing behavior
16 that's festered on and gone on, you know, maybe
17 unattended or -- we have a good thing going in the
18 system we have in place.

19 So the numbers -- as far as police reports
20 and arrests, there's so many variables that come
21 into play --

22 MEMBER LEWIS: Okay. That's good.

23 CHIEF KEEGAN: I wouldn't call them
24 irrelevant, but they don't really paint the sharpest

1 picture.

2 MAYOR ROGINA: Rita.

3 MEMBER PAYLEITNER: For Alderman Lewis'
4 comments, I think that speaks to your transparency.
5 I mean, you know, irrelevant or not, it speaks to
6 your transparency.

7 But I -- I can certainly trust you and the
8 department on the issue and importance of
9 institutional control. That's wonderful. As I say,
10 it speaks to the relationships that you developed.
11 And kudos to that.

12 MAYOR ROGINA: Thank you.

13 Mr. Gehm.

14 MEMBER GEHM: No, I just -- great work for
15 the staff and everybody and you.

16 And I think this Commission, also, on making
17 sure to have no violations for an entire year speaks
18 volumes to how all of us would like it to work,
19 especially with the licensees, to let them know that
20 we have zero tolerance.

21 And I think they paid attention over the
22 last two years. If you look at the trend from 2015
23 to 2016, just the number of reports, the number of
24 arrests would probably total pretty close to the

1 same, but no violations that came to this Commission
2 speaks volumes.

3 Thank you for your hard work.

4 CHIEF KEEGAN: Thank you.

5 MAYOR ROGINA: I would need a motion to
6 advance the chief's recommendations to Council
7 committee.

8 MEMBER PAYLEITNER: So moved.

9 MEMBER AMENTA: Second.

10 MAYOR ROGINA: Moved and seconded.

11 Anything further?

12 (No response.)

13 MAYOR ROGINA: Tina.

14 SECRETARY NILLES: Gehm.

15 MEMBER GEHM: Yes.

16 SECRETARY NILLES: Payleitner.

17 MEMBER PAYLEITNER: Yes.

18 SECRETARY NILLES: Lewis.

19 MEMBER LEWIS: Yes.

20 SECRETARY NILLES: Amenta.

21 MEMBER AMENTA: Yes.

22 MAYOR ROGINA: Thank you.

23 CHIEF KEEGAN: Thank you.

24 MAYOR ROGINA: All right.

1 To the final listed item here, a hearing
2 regarding a tobacco violation citation for Rose
3 Smoke N Vapor, 902 South Randall Road, St. Charles.

4 Representing me, of course, and the Liquor
5 Commissioners is Counsel McGuirk. Representing the
6 City is Counsel Timothy O'Neil.

7 And it looks to me like -- and I'm going to
8 make sure I pronounce your name correctly. It's
9 Baig?

10 MRS. BAIG: Yes.

11 MAYOR ROGINA: All right. Mr. and Mrs. Baig
12 are here. It seems like they're pro se,
13 representing themselves.

14 You know, Mr. O'Neil, I'll start with you
15 before I make any comments here if -- whether you
16 have any introductory comments to make or anything
17 of that nature.

18 MR. O'NEIL: Other than this is set for
19 hearing today, no, your Honor -- Judge -- that's
20 where I was this morning -- no, your Honor.

21 MAYOR ROGINA: I know -- and I know I'm not
22 to the level of -- haven't risen to the level of
23 Judge just yet -- nor probably will I.

24 Here would be the situation, as I understand

1 this -- and if you would like to correct me on
2 anything I might say moving forward here, you may do
3 so at any time.

4 This is quite informal, and so I'd like to
5 keep it that way. I want you to be relaxed up here
6 as we talk about this.

7 We have -- and you knew this from the
8 previous month's agenda. We have a written report
9 submitted by one of our police officers, and that's
10 based upon conversation and interaction he had with
11 the parent of a child who alleges -- the parent
12 alleges -- came into your establishment and
13 purchased an item that's not to be sold to a minor.
14 In this particular case, e-juice.

15 You totally, at the last meeting, stated
16 that that was not the case and, in fact, you had a
17 tape or something that could verify that.

18 Administrative hearings are somewhat
19 informal in the fact that we could accept hearsay
20 evidence to have you respond to. I'm of the opinion
21 that you don't have that tape here at this point.

22 MRS. BAIG: I have in my cell phone that
23 recording if you guys want to see it.

24 MAYOR ROGINA: Okay. But I think we have to

1 formalize it to some extent, but let's use this
2 meeting here, if I could, to ask -- if I could ask
3 you questions here.

4 MRS. BAIG: Sure.

5 MAYOR ROGINA: Keep in mind that, you know,
6 there's no fear to answer the questions because
7 we're not in the hearing process, number one, and
8 we're just trying -- maybe as best as possible -- to
9 try to settle this matter.

10 So the first thing I want to make clear in
11 my mind is the following: Do you reject the theory
12 that a young man below the age of 18 years of age
13 walked into your establishment and purchased
14 e-juice?

15 MRS. BAIG: Yes, we reject it. We didn't
16 sell to anybody.

17 MAYOR ROGINA: You did not sell?

18 MRS. BAIG: No.

19 MAYOR ROGINA: Okay. And so that's clear.

20 And on that basis, you did mention the tape.
21 Could I assume that -- when we eventually see this
22 tape, could I assume that there would be, at the
23 time in question -- which, according to the officer,
24 is sometime after 6:30 on the night of

1 February the 9th --

2 MRS. BAIG: Yes. Uh-huh.

3 MAYOR ROGINA: -- may I assume that, at some
4 point on that tape, within a matter of minutes after
5 the alleged incident did or did not occur, that you
6 would have on that tape the officer at your counter
7 talking to you?

8 MRS. BAIG: Yes.

9 MAYOR ROGINA: That would be on the tape?

10 MRS. BAIG: Yes. We have it from 6:30 to
11 6:50, 20-minute tape, where no kid comes in and then
12 officer comes in. And he talked to my husband; I'm
13 not there. So we have that tape.

14 MAYOR ROGINA: And the last question I had
15 at that point would be -- and it's a technical
16 point, I suppose -- maybe the police chief is in a
17 position to respond to this -- as to whether or not,
18 if -- we would ask for, probably, the -- if there's
19 a continuance to the next month -- how would we
20 verify something like that for the purpose of -- you
21 know what I mean? If there's something on -- in her
22 case, she just indicated a cell phone, she has
23 something on a cell phone. I mean, as opposed to,
24 I suppose, a tape that's been running for hours,

1 either in a parking lot or in the store itself, we
2 have a cell phone so --

3 CHIEF KEEGAN: I would hope that, under
4 discovery and the rules of evidence, we would be
5 tendered a copy of that particular tape that would
6 depict the time in question with an accurate date
7 and time stamp --

8 MRS. BAIG: Okay.

9 CHIEF KEEGAN: -- from the time of our
10 arrival with Officer Nanson and we'd get a period of
11 time prior to that to ascertain whether or not we
12 can see clearly --

13 MRS. BAIG: Sure.

14 CHIEF KEEGAN: -- whether or not this
15 particular juvenile came in and there was a
16 transaction that occurred.

17 MRS. BAIG: That's fine.

18 And I just want to be clear, one thing,
19 because we have ADT and external services. So
20 I have to request them to send me the tape because
21 this is -- recording is like -- just the online
22 recording.

23 So I make the video from that online which
24 shows that time in the video.

1 MAYOR ROGINA: You made it -- your cell
2 phone reflects you making a copy of the video
3 that's -- that you have --

4 MRS. BAIG: Yes. That's right.

5 MAYOR ROGINA: Is it possible we could get a
6 copy of that --

7 MRS. BAIG: Yes. I will ask them. I will
8 ask them, yes.

9 MAYOR ROGINA: All right. And I think to
10 Mr. -- to Mr. O'Neil, I would respectfully defer to
11 the chief's comments here as reflecting -- as part
12 of the discovery stage -- we have a copy of that.
13 And then, of course, I think, if we postpone this to
14 next month, we would have the complaining witness,
15 perhaps.

16 MR. O'NEIL: I would respectfully request
17 that tape. I mean, if it is a tape of the time of
18 the incident, we would be able to tell if Officer
19 Nanson did walk in on that tape. Relative to the
20 time that the allegations are, it could be
21 dispositive either way.

22 MAYOR ROGINA: Okay.

23 MR. O'NEIL: So I -- and I believe, under
24 your authority, you can actually order that the tape

1 be turned over as evidence.

2 MAYOR ROGINA: Well, I would order that that
3 be done as part of the discovery state --

4 MRS. BAIG: Sure.

5 MAYOR ROGINA: -- stage, excuse me -- that
6 the -- as part of the discovery stage, that that
7 tape be turned over.

8 And I respectfully -- you certainly can
9 represent yourself pro se. Respectfully, I think
10 that if, you know, we come here next month, you may
11 want to consider -- again, I just offer that as a
12 courtesy -- consider to have counsel present for
13 that purpose. But that's up to you.

14 And, Chief, you have something.

15 CHIEF KEEGAN: Your Honor, I would ask
16 that -- the arrival time of the officer is
17 1834 hours, which is 6:34 p.m. I would ask for a
18 tape from 6:00 p.m. to the time that this -- this
19 investigation was handled --

20 MRS. BAIG: We have it to 6:50. The tip
21 call comes at 6:34, officers came at 6:50 or 6:52.
22 You will see it in the tape.

23 CHIEF KEEGAN: Okay.

24 MAYOR ROGINA: All right. That's fair

1 enough.

2 MRS. BAIG: Yes, I will make -- I will send
3 ADT, the external security --

4 MAYOR ROGINA: You'll work with staff on
5 that particular point.

6 And then we'll again make contact with
7 the -- you have a question.

8 MEMBER PAYLEITNER: Just for clarity, your
9 Honor, is there a question regarding when the police
10 officer arrived or if there was an underage
11 customer?

12 MAYOR ROGINA: Well, they contend -- they
13 contend that there wasn't an underage customer that
14 appeared at the counter.

15 Am I correct on that -- that is your
16 contention?

17 MRS. BAIG: They're saying the underage kid
18 comes in, but in the tape there's no underage came
19 in that time.

20 MAYOR ROGINA: Walked in, made a purchase.

21 MRS. BAIG: Yeah, made a purchase. But
22 that's not true story. The story is false.

23 MAYOR ROGINA: And then, like I said, if
24 there's no one at the counter for this period of

1 time -- from, say, 6:30 to whatever -- to when the
2 officer walked in -- I want to see that the officer
3 has come to the counter --

4 MRS. BAIG: Yes.

5 MAYOR ROGINA: -- and confronted them and,
6 per the report, made the allegations.

7 MEMBER PAYLEITNER: Right. But wouldn't we
8 also want to have the time that -- allegedly -- that
9 the young man came in? Can we have that?

10 MRS. BAIG: Yeah.

11 MAYOR ROGINA: Yeah. That's what the chief
12 requested.

13 MR. O'NEIL: We have the time. The young
14 man entered; his father then called the police; at
15 1834, 6:34, Officer Nanson was dispatched.

16 MRS. BAIG: And I have the video recording
17 from 6:30 to 7:00.

18 MEMBER PAYLEITNER: So that sounds like
19 that --

20 MAYOR ROGINA: And I think -- bottom
21 line here is we're certainly in a position we want
22 to give -- make sure that due process --

23 MRS. BAIG: Yeah. Sure.

24 MAYOR ROGINA: If I may -- and I think

1 I understand this per another report.

2 As far as the criminal action is concerned,
3 you've asked for a continuance and received that in
4 the criminal court; is that correct?

5 MRS. BAIG: So do I have to go to criminal
6 court now after that?

7 MR. O'NEIL: Your Honor, that case --

8 MRS. BAIG: I'm not sure. This is the first
9 time --

10 MR. O'NEIL: This gentleman mailed a not
11 guilty plea. It's set for a bench trial May 25th.

12 MAYOR ROGINA: Right. That's what I'm
13 referring to.

14 MEMBER LEWIS: I'm still thinking that 6:30
15 might not be early enough. You don't know if the
16 boy and his father sat in the car for 15 minutes
17 before they went --

18 MR. O'NEIL: I believe the chief's request
19 was from 6:00 p.m. because I think that would get us
20 within the time frame -- if it took 10 minutes for
21 Officer Nanson to respond --

22 MRS. BAIG: Sure.

23 MAYOR ROGINA: I think we're good here,
24 then. I think we've got a fair process to move

1 forward here.

2 And, Chief, do you have anything else --

3 CHIEF KEEGAN: I would just ask, your Honor,
4 that I would just like from six o'clock through the
5 duration of the investigation.

6 And if we could, I'd like to have the video
7 owner -- which, in this case, it's through a service
8 provider -- that that service provider sends us that
9 video directly --

10 MRS. BAIG: Sure.

11 CHIEF KEEGAN: -- so there's no hint of
12 impropriety as far as merging of the tapes or any
13 editing. So I would ask that we get that e-mail or
14 that file directly from --

15 MRS. BAIG: That's fine.

16 MAYOR ROGINA: That's going on the record
17 here, Chief, so --

18 MRS. BAIG: That's fine.

19 MAYOR ROGINA: So if that's the case,
20 I would continue this matter to the -- our
21 April meeting, which is April the --

22 SECRETARY NILLES: I don't have that.

23 MAYOR ROGINA: Well, the 1st is a Saturday
24 so the 3rd is a Monday, so the 17th seems like the

1 appropriate date.

2 So the 17th of April we'll be back.

3 MRS. BAIG: So we should be here?

4 MAYOR ROGINA: Yes, at 4:30.

5 MRS. BAIG: Okay.

6 MAYOR ROGINA: And we're going to conduct a
7 formal hearing at that time.

8 MRS. BAIG: Okay.

9 MAYOR ROGINA: And you can call any
10 witnesses you want and/or, as you've indicated, you
11 can present any evidence.

12 MRS. BAIG: Sure.

13 MEMBER PAYLEITNER: Would this -- I mean,
14 I thought this was going to be a hearing today, as
15 did our stenographer, I'm sure. So --

16 MAYOR ROGINA: That's correct.

17 MEMBER PAYLEITNER: Okay.

18 MAYOR ROGINA: But I think with the fact
19 that, A, we still haven't heard from the complaining
20 witness, the father -- he's not here; B, we don't
21 have the tape; C, we have a police report which is
22 hearsay -- I'm trying to err on the side of caution
23 here to give some extra time --

24 MEMBER PAYLEITNER: Understood.

1 MAYOR ROGINA: -- for the story to be fully
2 unfolded.

3 MEMBER PAYLEITNER: I'd just like
4 reimbursement for -- if there's costs incurred.

5 MAYOR ROGINA: Yes, there are.

6 MEMBER PAYLEITNER: Okay.

7 MAYOR ROGINA: We'll have to deal with that
8 accordingly.

9 MEMBER PAYLEITNER: Okay.

10 MRS. BAIG: So it's going to be the same
11 time, your Honor?

12 MAYOR ROGINA: Yes, 4:30.

13 MRS. BAIG: Okay.

14 MAYOR ROGINA: Are we clear?

15 MRS. BAIG: Thank you.

16 MR. BAIG: Thank you.

17 MAYOR ROGINA: All right.

18 MR. O'NEIL: Thank you, your Honor.

19 MAYOR ROGINA: You're welcome.

20 MR. O'NEIL: May I be excused?

21 MAYOR ROGINA: Yes. Thank you for calling
22 me Judge, too.

23 All right. Is there any other business
24 beside the -- or in front of, I should say -- the

1 Liquor Commission?

2 (No response.)

3 MAYOR ROGINA: Hearing none, a motion to
4 adjourn?

5 MEMBER GEHM: So moved.

6 MEMBER AMENTA: Second.

7 MAYOR ROGINA: All in favor?

8 (Ayes heard.)

9 MAYOR ROGINA: Opposed?

10 (No response.)

11 MAYOR ROGINA: Motion carried.

12 (Off the record at 5:09 p.m.)

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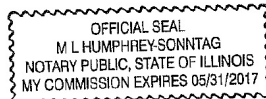
CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter 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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 4th day of April, 2017.

My commission expires: May 31, 2017

M.L. Humphrey-Sonntag



Notary Public in and for the
State of Illinois

Transcript of Hearing
Conducted on March 20, 2017

A			
ability	adt	19:11, 21:8,	12:4, 15:1,
20:14	40:19, 43:3	21:16, 22:11,	25:16, 38:6
able	advance	24:10, 24:11,	any
41:18	35:6	25:19, 26:2,	5:19, 7:12,
about	affixed	30:1, 31:14,	7:20, 10:15,
14:18, 17:22,	50:16	34:18, 35:24,	12:4, 12:13,
25:22, 37:6	afoot	36:11, 41:9,	15:1, 16:24,
absolutely	24:4	42:24, 48:17,	17:3, 19:14,
29:24, 31:21	after	48:23, 49:7	25:14, 25:15,
accept	9:13, 10:7,	allegations	25:16, 25:23,
4:5, 5:23,	14:18, 18:2,	41:20, 44:6	29:5, 36:15,
37:19	38:24, 39:4,	alleged	36:16, 37:3,
accompanied	45:6	39:5	46:12, 47:9,
11:20	afternoon	allegedly	47:11, 48:23,
according	5:2, 12:10	44:8	50:13
38:23	again	alleges	anybody
accordingly	11:12, 11:19,	37:11, 37:12	38:16
48:8	12:1, 33:1,	almost	anything
accurate	42:11, 43:6	19:2	8:23, 9:1,
40:6	against	along	15:14, 19:12,
action	24:12, 25:15,	5:22, 13:9,	21:18, 32:24,
27:18, 28:14,	28:7, 28:11,	13:11, 23:6	35:11, 36:16,
45:2	30:7, 30:13	also	37:2, 46:2
activity	age	3:8, 20:22,	anyway
23:7	38:12	23:7, 34:16,	20:13
actually	agenda	44:8	anywhere
10:4, 11:22,	5:15, 37:8	always	13:24
14:9, 25:11,	ago	7:24, 19:17,	apologize
32:5, 41:24	30:24	20:6, 26:5	22:20
additional	agree	amenta	appeared
13:24	31:23	3:3, 5:12,	43:14
address	ahead	5:13, 6:3, 9:2,	applicants
7:14, 7:17,	21:11, 22:19	9:7, 11:1, 11:2,	6:18, 14:17,
12:6, 28:6,	alcohol	15:23, 15:24,	20:20
33:14	16:24, 17:4,	21:12, 22:9,	application
adjoining	17:18, 18:5,	22:10, 30:23,	6:11, 7:21,
17:1, 28:5	20:21, 21:3,	31:21, 32:13,	11:6, 15:8,
adjourn	30:19	35:9, 35:20,	15:12
49:4	alderman	35:21, 49:6	apply
adjudicated	18:16, 31:22,	amplification	10:6, 16:20
24:24	34:3	16:7	appreciate
adjustment	alex	anne	16:4, 17:11,
5:14	17:15	3:6, 7:22	18:12
administrative	all	annual	apprised
37:18	6:5, 9:21,	23:3	29:4
administrator	9:22, 10:9,	another	approach
24:3	12:24, 15:11,	45:1	29:21
	18:6, 18:23,	answer	appropriate
		7:12, 8:20,	47:1

Transcript of Hearing
Conducted on March 20, 2017

<p>approval 10:8, 14:22, 21:14 approve 4:11, 6:10, 11:5, 15:8, 16:6, 22:15 april 9:24, 10:1, 10:2, 14:18, 14:21, 46:21, 47:2, 50:17 area 9:3 areas 25:14 arising 25:8 arrange 8:18 arrangements 8:2 arrest 27:19, 27:22, 28:14 arrested 27:23 arrests 26:6, 26:11, 26:12, 27:17, 29:14, 32:5, 32:7, 32:10, 32:11, 33:20, 34:24 arrival 40:10, 42:16 arrived 43:10 ascertain 40:11 aside 19:15 asked 45:3 asking 6:23, 7:2, 11:18, 23:18 assume 29:13, 29:23,</p>	<p>38:21, 38:22, 39:3 attention 34:21 attorney 3:9 authorities 7:4, 7:5, 11:24 authority 41:24 available 13:4 aware 17:15 away 17:18 eyes 6:6, 49:8</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>back 19:18, 32:12, 47:2 bad 27:15, 28:12, 30:3 baig 36:9, 36:10, 36:11, 37:22, 38:4, 38:15, 38:18, 39:2, 39:8, 39:10, 40:8, 40:13, 40:17, 41:4, 41:7, 42:4, 42:20, 43:2, 43:17, 43:21, 44:4, 44:10, 44:16, 44:23, 45:5, 45:8, 45:22, 46:10, 46:15, 46:18, 47:3, 47:5, 47:8, 47:12, 48:10, 48:13, 48:15, 48:16 ball 22:17</p>	<p>bar 26:19, 28:11, 31:1, 31:16 bartender 30:17 based 37:10 basis 38:20 basset 17:6 battery 27:23 because 14:3, 14:13, 19:2, 19:8, 21:21, 26:4, 38:6, 40:19, 40:20, 45:19 bedford 12:8 beehive 6:13, 6:18 been 10:14, 14:14, 21:16, 31:11, 39:24 beer 17:24, 19:3, 21:4 beers 18:3 before 1:1, 2:13, 9:14, 9:16, 10:3, 14:11, 22:14, 24:5, 24:18, 29:7, 36:15, 45:17, 50:6 begin 30:9 beginning 23:2 behavior 33:15 being 25:20, 31:2</p>	<p>believe 16:15, 28:16, 41:23, 45:18 below 5:15, 38:12 bench 45:11 beside 48:24 best 4:9, 16:8, 18:10, 20:13, 38:8 better 13:23 bit 12:22, 24:14 board 25:12 body 23:21, 28:17 both 7:4, 7:6 bottom 44:20 boy 45:16 break 26:16 brian 7:16 build 31:13 business 8:2, 12:24, 22:13, 24:15, 30:3, 30:10, 48:23 businesses 14:4</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>c) (3 16:21 cad 26:22 calendar 25:2</p>
--	---	---	--

Transcript of Hearing
Conducted on March 20, 2017

<p>call 4:3, 4:4, 5:3, 5:5, 10:17, 15:16, 21:24, 22:2, 24:13, 30:7, 31:2, 33:23, 42:21, 47:9 called 26:22, 27:14, 44:14 calling 48:21 calls 24:9, 26:21, 32:9 came 35:1, 37:12, 40:15, 42:21, 43:18, 44:9 car 45:16 care 5:16 carried 49:11 carries 6:9 carry 16:18 case 29:17, 31:5, 37:14, 37:16, 39:22, 45:7, 46:7, 46:19, 50:13 caution 47:22 cell 27:13, 37:22, 39:22, 39:23, 40:2, 41:1 center 4:9, 16:8, 19:20 certain 26:6 certainly 34:7, 42:8,</p>	<p>44:21 certificate 50:1 certified 2:13, 2:15, 50:3 certify 50:7 cetera 17:8 chairman 3:2 challenge 14:10 change 7:1, 16:15 changes 16:12 charge 27:23 charles 1:2, 1:11, 2:4, 2:6, 3:12, 4:9, 6:13, 11:8, 16:8, 16:10, 22:16, 36:3 check 23:8, 26:19 chief 3:12, 6:10, 6:15, 11:10, 11:11, 16:11, 16:14, 17:7, 17:9, 17:14, 17:19, 17:21, 18:7, 18:9, 18:14, 20:18, 21:3, 21:19, 21:24, 22:17, 22:18, 22:20, 22:22, 23:22, 26:10, 26:13, 26:16, 28:16, 29:22, 29:24, 30:2, 31:13, 32:12, 32:16, 32:21, 33:23, 35:4, 35:23,</p>	<p>39:16, 40:3, 40:9, 40:14, 42:14, 42:15, 42:23, 44:11, 46:2, 46:3, 46:11, 46:17 chief's 17:11, 35:6, 41:11, 45:18 child 37:11 chuck 3:3, 30:22 citation 29:19, 36:2 cite 25:12 cited 24:23, 27:22 city 1:2, 2:4, 3:9, 9:11, 9:14, 22:16, 22:23, 23:8, 23:13, 24:3, 31:6, 36:6 clarify 26:10 clarity 43:8 class 4:12, 6:11, 6:17, 11:6, 16:6, 22:15 clear 18:5, 38:10, 38:19, 40:18, 48:14 clearly 40:12 close 34:24 closed 20:4, 20:5 closest 28:6 closure 16:6 code 22:23, 23:1,</p>	<p>23:11, 23:12, 23:20, 27:3 codes 26:20, 26:24 column 25:20, 25:21, 27:8, 27:17, 28:15 columns 24:20, 26:5, 32:23 come 13:5, 14:12, 18:2, 21:21, 33:20, 42:10, 44:3 comes 23:24, 39:11, 39:12, 42:21, 43:18 comfortable 29:5 comments 34:4, 36:15, 36:16, 41:11 commission 1:1, 5:3, 6:1, 7:12, 7:21, 9:11, 12:5, 24:22, 25:3, 25:17, 26:2, 28:18, 34:16, 35:1, 49:1, 50:18 commission's 18:14 commissioner 28:20 commissioners 12:13, 36:5 committee 9:12, 9:14, 10:11, 10:14, 14:17, 15:9, 15:13, 17:13, 21:22, 26:3, 32:19, 33:2, 35:7</p>
--	--	--	--

Transcript of Hearing
Conducted on March 20, 2017

<p>communication 24:2 communities 7:6 community 23:10 complaining 41:14, 47:19 complete 7:24, 12:16 compliment 31:10 component 33:12 comprehensive 7:8 computer-aided 26:22 concern 18:18, 25:14 concerned 22:13, 45:2 concerns 20:21, 25:10 conclusion 26:8 conduct 47:6 confronted 44:5 consider 42:11, 42:12 constant 24:2, 25:13 consumption 20:21, 21:4 contact 43:6 contend 43:12, 43:13 contention 43:16 continuance 39:19, 45:3 continue 46:20 control 1:1, 5:3, 6:1,</p>	<p>7:12, 24:14, 24:22, 25:2, 28:18, 28:23, 33:3, 34:9 conversation 10:15, 37:10 copy 40:5, 41:2, 41:6, 41:12 correct 10:5, 37:1, 43:15, 45:4, 47:16, 50:8 correctly 29:13, 36:8 corresponding 26:24 costs 48:4 could 7:10, 20:10, 25:18, 27:12, 27:13, 27:14, 27:20, 27:21, 29:13, 30:20, 32:13, 37:17, 37:19, 38:2, 38:21, 38:22, 41:5, 41:20, 46:6 council 9:12, 9:14, 9:16, 10:3, 10:11, 10:13, 14:17, 15:13, 26:3, 35:6 counsel 3:11, 36:5, 36:6, 42:12, 50:12 counter 39:6, 43:14, 43:24, 44:3 county 50:5 couple 7:2, 30:23 course 24:17, 36:4,</p>	<p>41:13 court 7:18, 45:4, 45:6 courtesy 42:12 craft 17:24, 18:3, 19:3, 21:4 crc 1:24, 50:5 crime 27:12 criminal 45:2, 45:4, 45:5 crr 1:24, 50:4 csr 1:24, 50:4 cure 31:15 curious 32:2 current 7:1 currently 11:15, 13:15 custodial 27:19 customer 43:11, 43:13 cyclical 33:10</p> <hr/> <p style="text-align: center;">D</p> <hr/> <p>dartboards 9:5, 9:6 date 40:6, 47:1 dates 19:2 day 4:10, 10:6, 10:7, 12:24, 16:9, 17:24, 18:19, 19:22, 20:10, 29:3,</p>	<p>50:16 deal 48:7 dealing 27:1 decrease 24:8 defer 41:10 deliver 18:5 delivers 17:3 department 3:13, 23:8, 23:11, 23:13, 29:16, 31:6, 31:11, 34:8 depict 40:6 developed 34:10 development 23:10 different 17:23, 26:20 diplomate 2:14 direct 28:3, 28:9, 30:2 directly 46:9, 46:14 disagree 19:24 discipline 24:12, 25:5, 25:23, 28:21, 29:20 discovery 40:4, 41:12, 42:3, 42:6 discussed 25:21 dispatch 26:22 dispatched 44:15</p>
---	--	---	--

Transcript of Hearing
Conducted on March 20, 2017

<p>dispensation 21:5</p> <p>dispositive 41:21</p> <p>disruptive 20:8</p> <p>distributors 18:2</p> <p>district 31:16, 31:17, 31:19</p> <p>documentation 27:6</p> <p>doing 31:24</p> <p>done 11:3, 42:3</p> <p>doorman 30:16</p> <p>doorstep 30:13</p> <p>down 5:15, 13:2, 13:3, 13:5, 26:16</p> <p>downtown 6:21</p> <p>dram 17:6</p> <p>drastic 24:8</p> <p>draws 26:7</p> <p>drive 12:8</p> <p>due 44:22</p> <p>duration 46:5</p> <hr/> <p style="text-align: center;">E</p> <hr/> <p>e-juice 37:14, 38:14</p> <p>e-mail 46:13</p> <p>e2 16:6, 16:16, 16:20</p>	<p>each 23:2, 23:8, 23:12, 23:21, 23:23, 24:19, 28:10, 29:3, 33:13</p> <p>earlier 19:22, 20:23</p> <p>early 45:15</p> <p>east 2:5, 16:10</p> <p>eat 13:12</p> <p>ebb 33:10</p> <p>editing 46:13</p> <p>either 9:5, 28:14, 30:3, 40:1, 41:21</p> <p>ellyn 6:22, 7:5</p> <p>else 8:23, 46:2</p> <p>employed 50:13</p> <p>end 19:4</p> <p>ends 18:3</p> <p>enough 43:1, 45:15</p> <p>ensure 23:9</p> <p>entered 44:14</p> <p>entertain 9:9</p> <p>entertainment 12:20, 12:21, 12:24, 31:17, 31:19</p> <p>entire 33:2, 34:17</p> <p>equipment 16:7</p>	<p>err 47:22</p> <p>especially 34:19</p> <p>essence 26:10</p> <p>establishment 7:7, 11:13, 12:2, 12:23, 13:8, 28:7, 28:8, 29:14, 29:16, 30:7, 30:11, 30:14, 37:12, 38:13</p> <p>establishments 27:9</p> <p>et 17:8</p> <p>even 11:21, 13:16, 26:16</p> <p>evening 15:1, 21:10, 21:14</p> <p>event 18:3, 20:11</p> <p>events 18:19, 20:10, 21:1</p> <p>eventually 38:21</p> <p>ever 24:5</p> <p>every 23:8, 23:12, 23:23, 25:21, 28:10, 29:1, 29:3, 33:13</p> <p>everybody 26:4, 34:15</p> <p>everyone 5:2, 11:8, 31:7</p> <p>everything 26:23</p> <p>evidence 37:20, 40:4, 42:1, 47:11</p> <p>exactly 10:5</p>	<p>example 27:8</p> <p>excuse 42:5</p> <p>excused 48:20</p> <p>exeter 7:18</p> <p>expand 11:16, 13:23</p> <p>experience 28:17</p> <p>expires 50:18</p> <p>explain 25:10, 32:8, 32:21</p> <p>extent 38:1</p> <p>external 40:19, 43:3</p> <p>extra 47:23</p> <p>eyes 23:24</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>fact 13:12, 37:16, 37:19, 47:18</p> <p>fair 42:24, 45:24</p> <p>fake 27:15, 27:21</p> <p>fall 19:18</p> <p>false 43:22</p> <p>family 4:10, 12:23, 16:9, 20:24</p> <p>fapr 1:24, 50:5</p> <p>far 10:7, 22:13, 24:13, 25:19, 33:19, 45:2, 46:12</p>
--	--	--	---

Transcript of Hearing
Conducted on March 20, 2017

<p>father 44:14, 45:16, 47:20 favor 6:5, 49:7 fear 38:6 february 5:24, 39:1 feedback 31:1 fees 23:9 fest 4:10, 16:8, 19:3, 19:19, 20:20 festered 33:16 festival 18:1, 21:5 few 27:8, 31:8, 31:12 fifth 9:19 fight 27:14 figure 9:4 file 4:6, 5:24, 23:4, 46:14 final 36:1 finance 23:9 financial 50:14 find 10:3 fine 40:17, 46:15, 46:18 fire 23:11, 23:12 first 25:19, 26:2,</p>	<p>26:5, 27:7, 29:2, 30:24, 38:10, 45:8 fiscal 22:16, 23:2, 23:16 fit 13:1 five 8:13 flow 33:10 fluctuate 33:11 focus 16:23 focused 32:17 folks 6:20 following 38:11 food 7:8, 11:23 foodie 4:10, 16:8, 19:19 foot 31:18 force 31:16 foregoing 50:7, 50:8 formal 47:7 formalize 38:1 former 6:18 formerly 6:13, 11:9 forward 6:19, 7:11, 9:11, 11:13, 12:4, 15:8, 15:12, 16:19, 21:10, 21:12, 23:24, 37:2,</p>	<p>46:1 found 12:22 four 14:14, 24:16, 28:4, 30:15, 32:14 frame 45:20 friday 9:18 front 23:14, 25:12, 48:24 full 9:14, 9:16, 10:3, 12:6, 14:21 fully 48:1 fun 4:10, 16:9 further 10:15, 15:14, 21:18, 26:17, 29:8, 35:11 future 11:17, 20:15</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>games 8:5, 8:18 gaming 8:4, 9:2 gave 24:18 geh 3:4, 5:6, 5:7, 5:20, 8:24, 10:12, 10:14, 10:19, 10:20, 12:16, 13:15, 13:19, 15:7, 15:17, 15:18, 21:11, 21:15, 22:3, 22:4, 34:13, 34:14, 35:14, 35:15,</p>	<p>49:5 gentleman 45:10 give 44:22, 47:23 given 16:21, 17:18 glen 6:22, 7:5 go 9:16, 14:4, 19:16, 21:11, 21:24, 22:19, 32:12, 45:5 goes 23:21 going 8:1, 8:5, 13:22, 14:8, 16:17, 16:18, 16:24, 17:22, 18:17, 24:12, 28:7, 29:10, 30:6, 30:16, 31:1, 33:4, 33:9, 33:10, 33:11, 33:17, 36:7, 46:16, 47:6, 47:14, 48:10 gone 14:15, 33:16 good 5:2, 7:7, 9:18, 9:22, 11:23, 12:10, 14:15, 15:5, 16:1, 18:23, 19:20, 24:9, 26:15, 28:23, 30:9, 31:20, 32:22, 33:17, 33:22, 45:23 gordon 12:8 government 21:13 great 14:13, 19:22,</p>
---	---	--	--

Transcript of Hearing
Conducted on March 20, 2017

<p>34:14 grille 6:14 guess 8:1, 19:14 guilty 45:11 guirk 3:9 guys 7:14, 37:23</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hall 2:4 hand 30:18, 50:16 handle 26:21 handled 31:11, 42:19 handling 24:15 happen 19:1, 20:14 happened 28:4, 30:12 happy 25:1 hard 35:3 head 24:5, 29:2 hear 19:12, 22:21 heard 6:6, 47:19, 49:8 hearing 1:10, 2:1, 9:8, 36:1, 36:19, 38:7, 47:7, 47:14, 49:3 hearings 37:18 hearsay 37:19, 47:22 held 2:1, 16:9</p>	<p>here 5:7, 5:9, 5:11, 5:13, 5:16, 6:19, 7:1, 9:1, 10:8, 11:13, 12:11, 13:2, 17:12, 18:11, 20:4, 26:2, 29:9, 29:17, 30:23, 31:4, 36:1, 36:12, 36:15, 36:24, 37:2, 37:5, 37:21, 38:2, 38:3, 41:11, 42:10, 44:21, 45:23, 46:1, 46:17, 47:3, 47:20, 47:23 hereunto 50:15 heritage 4:9, 16:8, 19:20 hint 46:11 hit 14:12 hold 18:17, 30:7 holder 25:7 holders 24:10 home 14:12 honor 8:24, 36:19, 36:20, 42:15, 43:9, 45:7, 46:3, 48:11, 48:18 hope 40:3 hopeful 14:6 hoping 17:12</p>	<p>hours 20:23, 21:4, 39:24, 42:17 housekeeping 32:13 humphrey-sonntag 1:23, 2:13, 50:3 hunt 7:16, 7:18, 8:5, 8:9, 8:13, 8:15, 8:17, 9:4, 9:17, 9:23, 10:2, 10:9 huntley 11:16, 11:22, 11:24, 12:2, 12:9, 12:22, 14:11 husband 39:12</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>id 27:15, 27:21 illinois 1:11, 2:6, 2:16, 50:6, 50:24 imagine 26:21 immediately 26:14, 33:14 importance 34:8 important 24:20, 26:1, 26:9, 28:15 impropriety 46:12 improved 31:8 improvement 25:13 incident 23:23, 32:14, 32:15, 39:5, 41:18</p>	<p>incidents 29:15, 32:5, 32:6 include 22:24 incurred 48:4 indicated 14:16, 39:22, 47:10 informal 37:4, 37:19 inside 30:15 instant 16:11 institutional 24:14, 33:3, 34:9 intending 13:18 interaction 37:10 interest 50:14 interested 32:20 intervened 30:17 intoxicated 30:9 intoxication 27:24 introduce 7:11 introductory 36:16 investigation 42:19, 46:5 involved 28:18, 31:7 irrelevant 33:24, 34:5 issuance 25:15 issue 17:10, 21:21, 30:21, 34:8</p>
---	--	---	--

Transcript of Hearing
Conducted on March 20, 2017

<p>issued 25:22</p> <p>issues 24:4, 29:5, 33:14</p> <p>item 5:15, 6:10, 6:17, 11:5, 16:5, 36:1, 37:13</p> <p>itself 40:1</p> <hr/> <p style="text-align: center;">J</p> <hr/> <p>jackson 6:20</p> <p>james 3:12</p> <p>job 1:21, 31:20, 31:24</p> <p>john 3:9</p> <p>judge 36:19, 36:23, 48:22</p> <p>july 19:5, 19:7, 19:10</p> <p>jump 17:17</p> <p>june 16:10, 19:4</p> <p>juvenile 40:15</p> <hr/> <p style="text-align: center;">K</p> <hr/> <p>kane 50:6</p> <p>keegan 3:12, 6:15, 11:11, 16:14, 17:7, 17:9, 17:14, 17:19, 17:21, 18:7, 18:9, 18:14, 20:18, 21:3, 21:24, 22:18,</p>	<p>22:20, 22:22, 26:13, 26:16, 29:22, 29:24, 30:2, 31:13, 32:12, 32:16, 32:21, 33:23, 35:4, 35:23, 40:3, 40:9, 40:14, 42:15, 42:23, 46:3, 46:11</p> <p>keep 14:8, 26:18, 29:4, 37:5, 38:5</p> <p>key 33:12</p> <p>kid 39:11, 43:17</p> <p>kind 17:12, 20:6, 24:5, 26:5</p> <p>knew 37:7</p> <p>know 8:1, 13:1, 13:20, 16:13, 17:13, 17:22, 19:12, 19:20, 20:12, 23:20, 24:17, 26:4, 30:6, 32:1, 32:8, 33:16, 34:5, 34:19, 36:14, 36:21, 38:5, 39:21, 42:10, 45:15</p> <p>knows 11:8</p> <p>kudos 34:11</p> <hr/> <p style="text-align: center;">L</p> <hr/> <p>labor 24:7</p> <p>lack 33:3</p> <p>language 23:1, 23:5</p>	<p>large 11:19</p> <p>last 5:18, 13:13, 14:17, 16:12, 17:11, 17:16, 19:1, 19:3, 19:6, 19:23, 24:18, 25:1, 25:19, 33:8, 34:22, 37:15, 39:14</p> <p>late 4:11, 7:2, 22:15</p> <p>late-night 11:18, 23:3, 23:15, 25:15</p> <p>later 19:10, 26:3</p> <p>layman's 27:4</p> <p>layout 8:4, 9:5</p> <p>lcc 25:20</p> <p>lease 13:17</p> <p>least 8:13, 20:8, 33:5</p> <p>leave 19:9</p> <p>leaves 28:5</p> <p>less 27:9, 32:4, 32:6, 32:10</p> <p>let's 38:1</p> <p>letter 25:9, 25:22, 29:18, 29:20, 33:5</p> <p>letters 24:21, 25:4</p> <p>level 24:6, 24:22,</p>	<p>25:24, 27:2, 27:6, 28:17, 29:15, 33:1, 33:2, 36:22</p> <p>lewis 3:5, 5:10, 5:11, 10:23, 10:24, 12:19, 14:2, 14:6, 14:13, 15:2, 15:21, 15:22, 17:17, 17:20, 18:16, 18:17, 19:7, 19:24, 20:3, 21:2, 21:7, 22:7, 22:8, 31:22, 31:23, 32:18, 33:22, 34:3, 35:18, 35:19, 45:14</p> <p>license 6:11, 6:17, 6:23, 6:24, 8:11, 10:4, 10:7, 11:6, 14:22, 16:7, 16:16, 16:17, 16:18, 24:10, 25:7</p> <p>licensees 34:19</p> <p>licenses 4:12, 22:16, 23:17</p> <p>lincoln 18:1</p> <p>line 29:9, 44:21</p> <p>liquor 1:1, 5:3, 6:1, 6:11, 6:17, 7:11, 8:11, 9:11, 11:6, 12:4, 16:6, 23:1, 23:3, 24:10, 24:22, 25:2, 28:18,</p>
--	---	---	--

Transcript of Hearing
Conducted on March 20, 2017

<p>28:19, 28:23, 36:4, 49:1 list 23:13 listed 36:1 little 9:13, 12:22, 26:17 lively 31:18 living 20:4 located 6:12, 11:7 location 2:1, 11:14, 11:23, 14:4, 14:10, 28:4 locations 11:17 long 12:24 look 13:4, 23:13, 23:20, 23:23, 24:19, 26:11, 28:1, 28:2, 28:3, 28:9, 29:3, 34:22 looked 20:7, 33:8 looking 8:3, 11:16, 20:22, 29:9, 30:24 looks 26:5, 36:7 lot 16:6, 28:2, 28:6, 30:24, 40:1 love 24:7</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>macarena 11:9, 13:13</p>	<p>made 18:4, 41:1, 43:20, 43:21, 44:6 mailed 45:10 main 2:5, 4:7, 6:12, 6:21, 11:7, 16:10 major 18:19, 20:9 make 15:7, 16:22, 17:3, 20:19, 21:24, 23:10, 36:8, 36:15, 36:16, 38:10, 40:23, 43:2, 43:6, 44:22 making 21:20, 34:16, 41:2 man 38:12, 44:9, 44:14 manager 30:17 mandates 23:1, 23:20 many 24:23, 28:13, 33:20 march 1:12, 5:4 marks 25:20 material 11:20 maternity 19:9 matter 27:7, 38:9, 39:4, 46:20 matters 5:16 maureen 3:5</p>	<p>maybe 7:14, 13:3, 14:6, 16:12, 20:7, 27:22, 30:3, 30:5, 30:16, 30:18, 30:20, 33:16, 38:8, 39:16 mayor's 24:3, 25:9, 28:19 mc 3:9 mccguirk 36:5 mean 13:21, 30:15, 32:9, 32:16, 32:24, 34:5, 39:21, 39:23, 41:17, 47:13 meaning 24:22, 25:6, 25:14, 28:12 means 16:16, 24:15, 27:11, 27:18 meeting 1:6, 5:4, 6:1, 14:24, 24:18, 25:8, 37:15, 38:2, 46:21 melanie 1:23, 2:13, 50:3 member 3:3, 3:4, 3:5, 3:6, 5:7, 5:9, 5:11, 5:13, 5:20, 6:2, 6:3, 7:23, 8:7, 8:12, 8:14, 8:16, 8:19, 8:22, 8:24, 9:2, 9:7, 9:20, 10:10, 10:12, 10:14, 10:20, 10:22, 10:24, 11:2,</p>	<p>12:15, 12:16, 12:19, 13:10, 13:15, 13:19, 14:2, 14:6, 14:13, 15:2, 15:3, 15:7, 15:10, 15:18, 15:20, 15:22, 15:24, 17:10, 17:17, 17:20, 18:12, 18:17, 19:5, 19:7, 19:8, 19:24, 20:3, 20:16, 21:2, 21:7, 21:11, 21:12, 21:15, 21:19, 22:4, 22:6, 22:8, 22:10, 30:23, 31:21, 31:23, 32:13, 32:18, 33:22, 34:3, 34:14, 35:8, 35:9, 35:15, 35:17, 35:19, 35:21, 43:8, 44:7, 44:18, 45:14, 47:13, 47:17, 47:24, 48:3, 48:6, 48:9, 49:5, 49:6 members 7:20 memories 18:24 mention 29:11, 38:20 mentioned 20:23 mentioning 29:10 menu 7:8, 11:19 merging 46:12 mic 22:20</p>
---	---	---	---

Transcript of Hearing
Conducted on March 20, 2017

<p>might 7:13, 12:5, 18:2, 19:15, 25:17, 26:11, 30:12, 32:18, 32:19, 37:2, 45:15</p> <p>mind 12:19, 21:20, 38:5, 38:11</p> <p>minor 37:13</p> <p>minute 39:11</p> <p>minutes 4:5, 5:24, 39:4, 45:16, 45:20</p> <p>missing 9:18</p> <p>monday 1:12, 5:4, 9:19, 46:24</p> <p>monitor 18:8</p> <p>month 27:10, 39:19, 41:14, 42:10</p> <p>month's 37:8</p> <p>months 8:13, 13:5, 29:2</p> <p>more 9:3, 11:16, 11:20, 12:23, 13:24, 20:24, 29:7, 30:21, 31:10, 32:5, 32:6, 32:9, 32:10</p> <p>morning 36:20</p> <p>most 24:20, 28:15</p> <p>motion 4:5, 5:23, 6:9, 15:7, 35:5,</p>	<p>49:3, 49:11</p> <p>move 5:15, 5:17, 5:22, 9:11, 10:10, 15:8, 15:12, 21:9, 21:13, 45:24</p> <p>moved 6:2, 6:4, 10:13, 15:11, 21:16, 35:8, 35:10, 49:5</p> <p>moves 9:15, 10:2</p> <p>moving 37:2</p> <p>much 12:17, 22:12</p> <p>multiple 32:14</p> <p>myriad 27:15, 30:4</p> <p>myself 24:4, 32:21</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>name 7:14, 11:21, 12:6, 29:10, 36:8</p> <p>nanson 40:10, 41:19, 44:15, 45:21</p> <p>naperville 6:21, 7:5, 7:18</p> <p>nature 36:17</p> <p>near 11:17</p> <p>neck 14:2</p> <p>need 21:9, 21:21, 35:5</p> <p>needing 27:3</p> <p>needs 20:7, 28:18</p>	<p>neither 50:12</p> <p>next 7:2, 10:6, 10:7, 11:5, 23:16, 27:17, 39:19, 41:14, 42:10</p> <p>nexus 28:3, 28:9, 29:17, 30:2</p> <p>nice 12:11, 12:16</p> <p>night 4:11, 7:3, 22:15, 38:24</p> <p>nilles 3:10, 5:6, 5:8, 5:10, 5:12, 9:24, 10:19, 10:21, 10:23, 11:1, 15:17, 15:19, 15:21, 15:23, 17:15, 22:3, 22:5, 22:7, 22:9, 35:14, 35:16, 35:18, 35:20, 46:22</p> <p>nine 27:9, 29:11, 29:13</p> <p>nonalcohol 20:24</p> <p>none 49:3</p> <p>not-for 16:16</p> <p>not-for-profit 19:19, 19:21</p> <p>notarial 50:16</p> <p>notary 2:15, 50:5, 50:23</p> <p>note 24:20</p> <p>noted 20:17</p>	<p>nothing 8:24, 9:8</p> <p>number 33:8, 34:23, 38:7</p> <p>numbers 24:19, 26:6, 31:4, 32:1, 32:17, 32:19, 33:7, 33:19</p> <p>numbers-generated 26:23</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>o'clock 18:11, 46:4</p> <p>o'neil 3:11, 36:6, 36:14, 36:18, 41:10, 41:16, 41:23, 44:13, 45:7, 45:10, 45:18, 48:18, 48:20</p> <p>objection 5:19, 5:21</p> <p>obligated 23:7</p> <p>obvious 16:14</p> <p>obviously 25:11</p> <p>occur 39:5</p> <p>occurred 40:16</p> <p>occurs 33:13</p> <p>offer 42:11</p> <p>office 16:19, 16:20, 16:23, 17:3, 18:4, 18:5, 24:3, 25:9, 28:19</p> <p>office's 16:15</p>
---	--	--	---

Transcript of Hearing
Conducted on March 20, 2017

<p>officer 38:23, 39:6, 39:12, 40:10, 41:18, 42:16, 43:10, 44:2, 44:15, 45:21, 50:6 officers 31:24, 37:9, 42:21 often 24:13, 28:9 oftentimes 27:1, 27:20 oh 8:7, 8:15 okay 8:15, 8:19, 9:17, 13:19, 15:5, 18:14, 20:17, 21:7, 22:22, 33:22, 37:24, 38:19, 40:8, 41:22, 42:23, 47:5, 47:8, 47:17, 48:6, 48:9, 48:13 old 13:7 once 8:17, 11:12, 11:19, 12:1, 13:22 one 7:15, 11:3, 13:11, 13:13, 19:16, 19:18, 20:11, 26:11, 27:10, 29:7, 29:9, 29:12, 29:15, 32:4, 32:15, 37:9, 38:7, 40:18, 43:24 online 40:21, 40:23 only 8:3, 16:14,</p>	<p>17:2, 18:5, 19:14, 20:21, 23:7, 23:24, 25:3, 29:14, 32:10 open 13:22, 14:8 opened 14:10 opening 6:16 operate 6:20, 11:15 operations 21:13 opinion 37:20 opposed 6:7, 39:23, 49:9 opposite 20:18, 21:4 option 13:3 order 4:3, 5:4, 23:9, 41:24, 42:2 other 5:16, 19:16, 19:21, 22:13, 32:23, 36:18, 48:23 others 32:3 otherwise 50:14 ounce 31:14 out 8:18, 9:4, 10:3, 19:8, 22:20, 25:7, 27:1, 27:3, 30:18, 31:17 outcome 50:14 outdoor 12:20, 13:2,</p>	<p>13:8 outside 13:13, 14:1, 28:5, 30:19 outstanding 23:11, 27:22 over 8:17, 9:1, 18:2, 24:17, 29:8, 31:8, 34:21, 42:1, 42:7 oversight 30:3, 33:3 own 6:20, 11:15, 26:7 owner 46:7 owners 7:1, 31:1 ownership 7:1 <hr/><p style="text-align: center;">P</p><hr/>package 7:24 packet 12:17, 20:24, 24:8 packets 7:9, 22:24 page 4:2 pages 1:22 paid 34:21 paint 33:24 paints 28:12 parent 37:11 park 18:1 parking 16:6, 28:6,</p>	<p>40:1 part 13:16, 13:17, 23:6, 41:11, 42:3, 42:6 particular 20:20, 25:21, 26:8, 28:22, 30:14, 37:14, 40:5, 40:15, 43:5 parties 50:13 pass 24:5 passing 18:15 past 26:4, 31:8, 31:12 patron 28:5 pattern 25:8, 33:4 payleitner 3:6, 5:8, 5:9, 6:2, 7:23, 8:7, 8:12, 8:14, 8:16, 8:19, 8:22, 9:20, 10:10, 10:21, 10:22, 12:15, 13:10, 15:3, 15:10, 15:19, 15:20, 17:10, 18:12, 19:5, 19:8, 20:16, 21:19, 22:5, 22:6, 34:3, 35:8, 35:16, 35:17, 43:8, 44:7, 44:18, 47:13, 47:17, 47:24, 48:3, 48:6, 48:9 peace 26:18 people 19:16, 20:4,</p>
---	--	--	--

Transcript of Hearing
Conducted on March 20, 2017

<p>20:12, 32:14 perhaps 41:15 period 40:10, 43:24 permit 7:3, 11:19, 23:15, 23:18, 23:19 permits 4:12, 22:15, 23:4, 25:16 person 27:21 petitioner 6:18, 17:21 phone 21:24, 25:7, 27:13, 37:22, 39:22, 39:23, 40:2, 41:2 picture 28:13, 34:1 piggyback 25:18 pin 28:7 place 4:5, 5:23, 9:12, 18:20, 24:21, 26:12, 27:11, 33:18 places 14:11 plan 8:2, 13:3, 13:16, 13:23 play 33:21 plea 45:11 point 16:22, 16:24, 18:23, 25:11, 32:22, 37:21, 39:4, 39:15, 39:16, 43:5 police 3:13, 23:7,</p>	<p>23:23, 26:10, 27:3, 27:5, 28:10, 28:16, 31:6, 31:24, 32:5, 32:6, 33:19, 37:9, 39:16, 43:9, 44:14, 47:21 polices 31:16 policy 20:7 poor 30:3 position 39:17, 44:21 possible 38:8, 41:5 postpone 41:13 pound 31:15 practices 28:12, 30:3, 30:10 present 3:1, 3:8, 6:19, 14:24, 27:21, 42:12, 47:11 pretty 29:5, 34:24 prevented 30:6, 30:20 prevention 31:14 previous 37:8 previously 9:6 pride 24:3 prior 23:2, 40:11 pro 36:12, 42:9 probably 13:21, 14:24, 34:24, 36:23,</p>	<p>39:18 problem 19:16 problems 24:4, 25:6 procedure 14:16 proceedings 50:7, 50:9 process 23:6, 38:7, 44:22, 45:24 products 18:4 profit 16:17 progressive 25:5, 25:23, 28:20, 29:20 pronounce 36:8 proof 31:5 proposal 6:11, 11:6 proud 31:19 provided 28:10 provider 46:8 pub 4:7, 4:8, 6:12, 6:21, 11:7, 11:14, 11:15, 11:22, 12:3, 15:8 public 2:15, 27:23, 50:5, 50:23 pulled 8:18 punished 31:2 purchase 43:20, 43:21 purchased 37:13, 38:13</p>	<p>purpose 39:20, 42:13 purposes 28:15 pursuant 22:22, 23:5 put 9:3, 17:2, 21:12</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 7:20, 8:21, 29:7, 38:23, 39:14, 40:6, 43:7, 43:9 questions 7:12, 12:4, 12:14, 15:1, 25:16, 29:8, 31:10, 38:3, 38:6 quickly 5:17 quite 24:14, 37:4 quota 24:11 quotes 19:15</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>randall 36:3 raymond 3:2 rdr 1:24, 50:4 reach 25:7 really 13:1, 23:21, 24:19, 28:13, 31:7, 32:23, 33:24 realtime 2:15 recall 13:7</p>
--	--	---	---

Transcript of Hearing
Conducted on March 20, 2017

<p>received 45:3</p> <p>recognize 19:17</p> <p>recom 9:9</p> <p>recommend 10:11, 10:13</p> <p>recommendation 4:11, 6:10, 9:10, 11:5, 16:5, 21:9, 21:13, 22:14, 29:6</p> <p>recommendations 35:6</p> <p>recommended 14:23, 25:15</p> <p>record 7:14, 12:7, 17:2, 27:7, 27:12, 46:16, 49:12, 50:9</p> <p>recording 37:23, 40:21, 40:22, 44:16</p> <p>reduced 50:11</p> <p>referring 45:13</p> <p>reflecting 41:11</p> <p>reflects 41:2</p> <p>refresh 12:19, 18:24</p> <p>regarding 36:2, 43:9</p> <p>registered 2:14</p> <p>regular 1:6</p> <p>reimbursement 48:4</p> <p>reiterate 17:12</p> <p>reject 38:11, 38:15</p>	<p>related 50:12</p> <p>relationship 24:10</p> <p>relationships 34:10</p> <p>relative 7:21, 41:19</p> <p>relatively 5:17</p> <p>relaxed 37:5</p> <p>remarks 6:16</p> <p>removed 8:6</p> <p>replace 9:2</p> <p>replay 16:11</p> <p>report 25:1, 27:3, 27:5, 27:7, 27:16, 28:14, 29:11, 37:8, 44:6, 45:1, 47:21</p> <p>reported 1:23</p> <p>reporter 2:14, 2:15, 50:1, 50:4</p> <p>reports 26:6, 26:11, 27:9, 28:1, 28:3, 29:3, 29:14, 33:19, 34:23</p> <p>represent 42:9</p> <p>representative 11:12, 12:3</p> <p>representatives 7:10</p> <p>representing 36:4, 36:5, 36:13</p> <p>reputation 31:9</p>	<p>request 6:17, 40:20, 41:16, 45:18</p> <p>requested 44:12</p> <p>requests 23:15</p> <p>required 29:17</p> <p>reserve 5:17</p> <p>residents 20:3, 20:9</p> <p>resolved 27:4</p> <p>respect 19:18</p> <p>respectfully 41:10, 41:16, 42:8, 42:9</p> <p>respective 23:13</p> <p>respond 37:20, 39:17, 45:21</p> <p>responded 30:20</p> <p>response 6:8, 10:16, 15:15, 35:12, 49:2, 49:10</p> <p>responsible 17:5</p> <p>restaurant 6:24, 11:21, 12:23, 14:7, 16:19</p> <p>restaurants 17:1, 17:23</p> <p>resulted 27:19</p> <p>results 19:22</p> <p>review 23:3, 24:1</p> <p>right 8:8, 8:12, 9:21, 9:22,</p>	<p>10:5, 10:9, 13:5, 13:8, 13:11, 13:21, 13:22, 14:13, 14:20, 15:11, 18:6, 18:22, 19:11, 20:2, 21:8, 21:16, 22:11, 22:19, 24:18, 30:1, 32:14, 35:24, 36:11, 41:4, 41:9, 42:24, 44:7, 45:12, 48:17, 48:23</p> <p>rise 27:2</p> <p>risen 36:22</p> <p>rises 27:6, 28:17, 32:24, 33:2</p> <p>rita 3:6, 7:22, 34:2</p> <p>river 20:19</p> <p>road 13:4, 36:3</p> <p>robert 3:4</p> <p>roll 4:4, 5:5, 10:17, 15:16, 22:2</p> <p>rose 4:13, 25:24, 29:15, 36:2</p> <p>rotary 19:21</p> <p>route 11:15</p> <p>rule 24:12</p> <p>rules 40:4</p> <p>run 7:6, 12:1</p> <p>running 39:24</p>
--	---	---	--

Transcript of Hearing
Conducted on March 20, 2017

<p>runs 19:20</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>s 11:14 said 25:19, 43:23, 50:9 same 14:10, 14:16, 17:24, 18:19, 19:1, 19:2, 19:22, 20:10, 35:1, 48:10 sand 29:2 sat 45:16 saturday 19:4, 46:23 saw 7:8, 21:2 say 19:14, 19:15, 20:10, 26:12, 31:19, 33:1, 33:9, 34:9, 37:2, 44:1, 48:24 saying 19:13, 29:16, 43:17 scope 20:22 se 36:12, 42:9 seal 50:16 seating 12:20, 13:2, 13:8 seats 13:10, 13:24 second 6:3, 6:20, 10:12, 11:13, 11:14, 15:10,</p>	<p>21:15, 35:9, 49:6 seconded 6:4, 10:14, 15:12, 21:17, 35:10 secretary 3:10, 5:6, 5:8, 5:10, 5:12, 9:24, 10:19, 10:21, 10:23, 11:1, 15:17, 15:19, 15:21, 15:23, 17:15, 22:3, 22:5, 22:7, 22:9, 35:14, 35:16, 35:18, 35:20, 46:22 security 43:3 see 24:8, 24:17, 25:6, 25:8, 27:7, 27:8, 30:5, 31:4, 33:4, 37:23, 38:21, 40:12, 42:22, 44:2 seeing 33:15 seems 16:11, 19:2, 36:12, 46:24 seen 14:3, 25:13, 31:18 sees 26:6 sell 38:16, 38:17 send 40:20, 43:2 sends 46:8 served 16:24 service 16:23, 24:9,</p>	<p>28:10, 46:7, 46:8 services 40:19 set 6:24, 23:24, 36:18, 45:11, 50:15 settle 38:9 seven 18:11 several 14:4 sharpest 33:24 ship 7:7, 12:1, 19:20 shop 17:6 shorthand 2:14, 50:1, 50:4 should 14:24, 30:6, 30:17, 47:3, 48:24 shows 40:24 side 13:11, 47:22 sides 20:18 sign 26:15, 28:24 signature-oyevl 50:20 sir 9:20, 12:15, 14:20, 16:3 sit-down 24:21 situation 27:2, 27:4, 36:24 situations 27:16</p>	<p>six 26:12, 29:11, 29:14, 32:7, 46:4 smith 12:8, 12:10, 12:12, 12:18, 12:21, 13:18, 13:20, 14:5, 14:9, 14:20, 14:23, 15:5, 16:2, 16:4 smoke 4:13, 36:3 sold 17:4, 37:13 sole 16:23 some 7:10, 13:8, 16:12, 17:1, 17:22, 18:2, 18:3, 20:20, 21:5, 24:8, 26:10, 27:19, 29:16, 38:1, 39:3, 47:23 somebody 18:10, 31:2 somebody's 27:13 someone 19:8, 27:20, 30:8 something 27:11, 29:1, 30:5, 30:18, 30:19, 37:17, 39:20, 39:21, 39:23, 42:14 something's 30:16 sometime 38:24 somewhat 37:18 sort 27:19</p>
---	---	--	---

Transcript of Hearing
Conducted on March 20, 2017

<p>sounds 44:18 south 36:3 space 8:4 speak 7:4 speaks 31:5, 34:4, 34:5, 34:10, 34:17, 35:2 st 1:2, 1:11, 2:4, 2:6, 3:12, 4:9, 5:24, 6:13, 11:8, 16:8, 16:10, 22:16, 36:3 staff 24:1, 29:4, 31:14, 31:23, 33:12, 34:15, 43:4 stage 41:12, 42:5, 42:6 stamp 40:7 start 16:1, 30:22, 36:14 started 23:5, 30:24 state 2:16, 10:6, 10:7, 42:3, 50:6, 50:24 stated 6:16, 37:15 statistician 32:2 status 16:21 stay 33:13 staying 31:20</p>	<p>stenographer 47:15 stenographically 50:10 step 6:19, 7:11, 11:3, 11:13, 12:4 still 9:4, 21:9, 45:14, 47:19 store 40:1 story 43:22, 48:1 street 2:5, 4:7, 6:12, 6:13, 6:20, 6:21, 11:7, 16:10 strike 28:11, 30:13 submitted 37:9 succeed 14:11 successful 14:7, 14:19 summer 13:13 supervision 50:11 suppose 39:16, 39:24 sure 10:18, 13:6, 14:5, 16:23, 17:3, 17:14, 20:19, 21:20, 23:10, 34:17, 36:8, 38:4, 40:13, 42:4, 44:22, 44:23, 45:8, 45:22, 46:10, 47:12, 47:15 system 24:11, 33:18</p>	<p>T</p> <hr/> <p>table 8:4 tables 9:3, 9:5 take 5:16, 6:24, 8:17, 9:12, 33:4 taken 27:13, 50:7, 50:10 talk 17:21, 20:19, 29:4, 37:6 talked 11:24, 25:22, 39:12 talking 39:7 tally 28:11 tapas 11:9, 13:13 tape 37:17, 37:21, 38:20, 38:22, 39:4, 39:6, 39:9, 39:11, 39:13, 39:24, 40:5, 40:20, 41:17, 41:19, 41:24, 42:7, 42:18, 42:22, 43:18, 47:21 tapes 46:12 tavern 6:13 taxes 23:9 technical 39:15 tell 23:22, 24:11, 31:13, 41:18 tendered 40:5</p>	<p>tenets 25:5, 28:20 term 24:14 terms 27:5 terrific 31:24 th 5:4, 16:9, 45:11, 46:24, 47:2 thank 6:15, 7:19, 7:23, 8:19, 9:7, 10:9, 11:4, 11:11, 12:12, 12:17, 14:9, 16:2, 16:3, 21:23, 22:1, 22:11, 22:18, 34:12, 35:3, 35:4, 35:22, 35:23, 48:15, 48:16, 48:18, 48:21 themselves 16:18, 36:13 theory 38:11 thereabouts 9:13, 14:18 thereafter 50:10 they'd 17:12 thing 8:3, 17:2, 19:1, 19:14, 19:22, 33:13, 33:17, 38:10, 40:18 things 18:20, 19:18, 26:20, 30:4 think 5:16, 5:22, 7:8, 10:17,</p>
---	---	---	--

Transcript of Hearing
Conducted on March 20, 2017

<p>11:21, 13:14, 14:14, 15:3, 17:17, 19:19, 19:21, 20:12, 24:7, 26:1, 26:2, 26:9, 26:14, 31:4, 31:5, 31:8, 33:7, 33:15, 34:4, 34:16, 34:21, 37:24, 41:9, 41:13, 42:9, 44:20, 44:24, 45:19, 45:23, 45:24, 47:18 thinking 32:9, 32:18, 45:14 thought 17:15, 18:20, 20:6, 47:14 three 14:14, 25:3 through 5:17, 14:4, 46:4, 46:7 throughout 20:11, 23:22, 31:12, 33:7 tight 7:6, 12:1 tim 3:11 time 13:13, 25:22, 28:10, 31:14, 32:15, 37:3, 38:23, 40:6, 40:7, 40:9, 40:11, 40:24, 41:17, 41:20, 42:16, 42:18, 43:19, 44:1, 44:8, 44:13, 45:9, 45:20, 47:7, 47:23, 48:11</p>	<p>times 28:14, 32:16 timothy 36:6 tina 3:10, 5:5, 15:16, 22:2, 23:6, 35:13 tip 42:20 tobacco 36:2 today 26:3, 36:19, 47:14 told 7:5, 12:1 tolerance 34:20 tonight 9:12, 14:17, 14:19, 15:9, 15:13, 26:3, 33:1 took 23:13, 24:21, 27:11, 27:18, 28:14, 45:20 top 31:20, 33:13 total 23:15, 34:24 totally 37:15 town 18:19, 20:11 training 17:6 transaction 40:16 transcript 50:8 transparency 34:4, 34:6 trend 34:22 trends 29:5</p>	<p>trial 45:11 tried 12:22 true 43:22, 50:8 trust 34:7 try 18:10, 38:9 trying 9:4, 20:8, 27:20, 30:8, 38:8, 47:22 tuesday 5:24 turn 29:8 turned 42:1, 42:7 two 9:15, 9:22, 11:16, 18:18, 19:18, 20:9, 26:5, 32:5, 32:10, 34:22 type 14:7, 24:21, 25:10 typewriting 50:11 typically 25:6</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>uh-huh 26:13, 39:2 unattended 33:17 under 13:7, 29:20, 40:3, 41:23, 50:11 underage 43:10, 43:13, 43:17, 43:18 understand 9:10, 11:17,</p>	<p>18:1, 21:20, 36:24, 45:1 understanding 8:10 understood 47:24 unfolded 48:2 unruly 30:8, 31:3 use 13:16, 13:18, 13:22, 16:7, 24:13, 25:5, 26:20, 26:21, 28:20, 32:1, 32:4, 38:1 usually 12:24</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>vapor 4:13, 36:3 variables 33:20 verify 37:17, 39:20 video 40:23, 40:24, 41:2, 44:16, 46:6, 46:9 violation 25:24, 29:19, 33:5, 33:6, 36:2 violations 23:11, 24:23, 25:3, 25:20, 28:23, 34:17, 35:1 visited 11:22 volumes 34:18, 35:2 vote 14:22</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waited 19:9</p>
--	--	--	---

Transcript of Hearing
 Conducted on March 20, 2017

<p>walk 41:19 walk-through 26:19 walked 38:13, 43:20, 44:2 walls 24:16, 28:4, 30:15 want 5:3, 17:17, 30:10, 32:17, 33:9, 37:5, 37:23, 38:10, 40:18, 42:11, 44:2, 44:8, 44:21, 47:10 warning 24:21, 25:3, 25:22, 25:24, 29:17, 29:20, 33:5 warrant 27:22 wax 22:17 way 37:5, 41:21 we'll 8:18, 30:22, 43:6, 47:2, 48:7 we're 9:4, 13:6, 13:18, 13:21, 18:18, 24:12, 26:18, 27:1, 31:1, 33:3, 33:4, 33:15, 38:7, 38:8, 44:21, 45:23, 47:6 we've 11:24, 14:11, 45:24 weather 13:23 week 17:16</p>	<p>weeks 7:2, 9:15, 9:22 welcome 12:18, 48:19 went 27:18, 45:17 west 6:12, 11:7 whatever 13:17, 27:18, 44:1 whatnot 23:12 whereof 50:15 whether 25:23, 36:15, 39:17, 40:11, 40:14 whole 20:11, 22:17, 27:15, 33:1 wish 14:3 within 24:15, 39:4, 45:20 without 29:10 witness 41:14, 47:20, 50:15 witnesses 47:10 wonderful 12:2, 34:9 woods 14:3 work 23:21, 28:19, 34:14, 34:18, 35:3, 43:4 wouldn't 9:13, 13:1, 21:20, 33:23, 44:7 write 27:16</p>	<p>written 37:8</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 8:9, 8:16, 8:17, 13:18, 15:3, 21:22, 30:12, 43:21, 44:10, 44:11, 44:23 year 8:14, 8:15, 16:12, 17:11, 19:1, 19:3, 19:6, 19:23, 22:16, 23:2, 23:16, 23:21, 23:22, 25:2, 26:21, 28:22, 29:1, 29:3, 34:17 year's 24:18 years 30:23, 31:8, 31:12, 33:8, 33:9, 34:22, 38:12 young 38:12, 44:9, 44:13 yourself 42:9 yourselves 7:11</p> <hr/> <p style="text-align: center;">Z</p> <hr/> <p>zero 34:20</p> <hr/> <p style="text-align: center;">0</p> <hr/> <p>00 11:18, 18:3, 23:18, 23:19, 42:18, 44:17, 45:19 004299 50:4</p>	<p>084 50:4 09 49:12</p> <hr/> <p style="text-align: center;">1</p> <hr/> <p>1 11:18, 23:18 10 45:20 11 4:8, 23:17, 29:2 138057 1:21 14 23:18 15 9:13, 14:18, 45:16 16 4:9 17 1:12, 5:4, 46:24, 47:2 18 38:12 1834 42:17, 44:15 1890 11:7 19 23:16 1st 46:23</p> <hr/> <p style="text-align: center;">2</p> <hr/> <p>2 23:19 20 1:12, 5:4, 39:11 20,000 26:21, 28:3 2015 32:4, 34:22 2016 34:23</p>
--	--	---	---

Transcript of Hearing
 Conducted on March 20, 2017

<p>2017 1:12, 5:4, 6:1, 16:10, 22:17, 50:17, 50:18</p> <p>2018 22:17</p> <p>204 6:12</p> <p>21 5:24, 7:18</p> <p>215 16:10</p> <p>22 4:11</p> <p>24 16:9</p> <p>25 16:9, 23:15, 23:16, 23:17, 45:11</p> <hr/> <p style="text-align: center;">3</p> <hr/> <p>30 1:13, 13:24, 38:24, 39:10, 44:1, 44:17, 45:14, 47:4, 48:12</p> <p>31 50:18</p> <p>34 42:17, 42:21, 44:15</p> <p>36 4:13, 13:10</p> <p>377 2:7</p> <p>3rd 9:24, 10:1, 10:2, 14:18, 14:21, 46:24</p> <hr/> <p style="text-align: center;">4</p> <hr/> <p>4 1:13, 47:4, 48:12</p> <p>4400 2:7</p>	<p>47 4:8, 11:7, 11:14, 11:15, 12:3, 15:8</p> <p>4th 50:16</p> <hr/> <p style="text-align: center;">5</p> <hr/> <p>5 18:3, 49:12</p> <p>50 1:22, 13:24, 39:11, 42:20, 42:21</p> <p>501 16:21</p> <p>52 42:21</p> <hr/> <p style="text-align: center;">6</p> <hr/> <p>6 38:24, 39:10, 39:11, 42:17, 42:18, 42:20, 42:21, 44:1, 44:15, 44:17, 45:14, 45:19</p> <p>60174 1:11, 2:6</p> <p>630 2:7</p> <hr/> <p style="text-align: center;">7</p> <hr/> <p>7 9:13, 14:18, 44:17</p> <hr/> <p style="text-align: center;">9</p> <hr/> <p>902 36:3</p> <p>9928 12:8</p> <p>9th 39:1</p>	
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