

LIQUOR AND LICENSE COMMISSION
McHenry County Government Center – Administration Building
667 Ware Road
Woodstock IL 60098

MINUTES OF WEDNESDAY, FEBRUARY 9 2005

Chairman Hammerand called the meeting to order at 9:15 a.m. The following members were in attendance: John Hammerand, Chairman; Ed Dvorak; Anna May Miller; and Nick Provenzano (arriving at 9:20 a.m.). Pete Merkel had informed the Commission he would be unable to attend this meeting. Also in attendance: Michelle Courier, Assistant State's Attorney; and Captain Dave Shepherd, Sheriff's Department; Hearing Officer, Stephen M. Haugh; a court reporter; and interested public.

John Hammerand, Chairman
Ed Dvorak Pete Merkel
Anna May Miller Nick Provenzano

MINUTES OF THE PREVIOUS MEETING

On a motion by Mr. Dvorak, seconded by Ms. Miller, the Commission approved the regular session minutes of January 12, 2005 as presented with all members present voting aye.

PUBLIC PARTICIPATION: None.

NEW BUSINESS

Liquor License Request: The Commission interviewed Soudev Damarla who is applying for a class B liquor license. This will be a corporate license under Midwest Petroleum Development Corporation Crystal Lake Inc. Application documents were reviewed. Ms. Damarla was asked to provide an additional reference letter from a person other than a relative or employee, a certificate of dram shop insurance with an expiration date of 5/1/05; and a copy of the health permit. Mr. Provenzano made a motion, seconded by Mr. Dvorak, to recommend approval of a liquor license subject to receipt of documents noted above and finger print results. The motion carried with all members present voting aye on a roll call vote (Miller, Dvorak, Provenzano and Hammerand).

Raffle Permits: No applications were submitted.

LIQUOR LICENSE HEARING: Hearing officer Stephen M. Haugh opened the hearing for Porten Road Pub. Members provided their names for the Court Reporter. The defendant and witness were sworn-in by Mr. Haugh. Ms. Courier reviewed the current McHenry County Liquor Control Ordinance – Section 18 (referring to the Sales of alcoholic liquor. She provided information on the March 12, 2004 sting operation incident and then questioned the witness, Chris Sullivan. Mr. Sullivan identified himself as being a special agent with the Illinois State Police. He reviewed his duties and how sting operations were conducted noting that confidential informants between the age of 17 to 19 were used in these operations. He then stated he and his partner entered the Porten Road Pub at approximately 9:00 p.m. on March 12th and sat at the bar. The confidential informant then entered the establishment and ordered a beer. Mr. Sullivan and his partner observed the waitress and noted that no identification was requested. Once the beer was served, the informant left the establishment without taking a drink. Mr. Sullivan also reported that all informants are given breathalyzer tests before and after each sting. Mr. Jensen (the owner of the Porten Road Pub) reported that the case was dismissed by the County. He asked the witness if he had observed any underage drinking in this establishment prior to the informant's appearance. Mr. Sullivan responded that it was beyond their duties to ID everyone in the establishment and that he did observe a liquor transaction (as noted above) that occurred with a minor (the informant). In Mr. Jensen's statement, he again noted that the courts had dismissed this case. He stated his establishment was a small neighborhood bar with only 10 bar stools and that a fine of \$500 was half a month's profits. He also reported that he does display a sign of "no underage drinking" in his establishment. Ms. Courier explained that there was no trial and the case was dismissed since the bartender took a class. Mr. Jensen did not agree with Ms. Courier and wanted written proof. Ms. Courier explained further that with no trial there was no finding of fact. Members also questioned Mr. Jensen after which closing statements were made.

EXECUTIVE SESSION: Mr. Dvorak made a motion, seconded by Mr. Provenzano, to enter executive session to discuss Porten Road Pub litigation.

Ms. Miller made a motion, seconded by MR. Provenzano, to return to regular session.

The Committee was in executive session from 10:10 a.m. to 10:28 a.m.

OPEN SESSION CONTINUED.

Mr. Haugh reopened the Liquor Hearing and noted that Mr. Jensen had voiced his objection to the Ms. Courier, Assistant State's Attorney, being allowed to remain in the room during the executive session.

Mr. Provenzano made a motion, seconded by Ms. Miller, to find the owners of the Porten Road Pub guilty of allowing the sale of alcohol to a minor on 3/12/04 and imposed a fine of \$500.00 for said violation. The motion carried with all members present voting aye on a roll call vote (Provenzano, Miller, Dvorak and Hammerand).

Mr. Hammerand reviewed the Liquor Ordinance (Section 18) with Mr. Jensen. Mr. Jensen stated it really does not matter since he will soon be selling this business and commented that this was a case of entrapment. It was explained that this had been a completely legal sting operation. Ms. Miller made a motion, seconded by Mr. Provenzano, to allow five business days for the payment of the fine. Mr. Jensen and his wife left the meeting. The motion carried with all members present voting aye on a roll call vote (Provenzano, Miller, Dvorak and Hammerand).

Mr. Haugh closed the liquor hearing at 10:40 a.m.

Liquor licensing request: Mr. Delgado and Kelly Smith, Attorney for the Tanston Corporation, addressed the Committee and requested permission to open business under their 04/05 liquor license this spring. After a discussion, the Committee agreed to Mr. Delgado's request. The Corporation will make proper application for a new liquor license with a change in officers for the 05/06 license. The previous CEO of the corporation had passed away suddenly and his son Mr. Hammersmith Jr. will be replacing him as the new CEO. Mr. Delgado expressed his thanks to the Committee for their understanding.

2005 renewal process: The Committee directed the secretary follow the 2004 guidelines for sending out license renewal notices.

OLD BUSINESS

Nothing reported.

ADJOURNMENT

Noting no further business, the meeting adjourned at 11:04 a.m. on a motion by Mr. Provenzano, seconded by Ms. Miller, with all members present voting aye.

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