

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION
June 9, 2015

Attendees: Tari Renner, Geoffrey Tompkins and Jim Jordan, Commissioners; George Boyle, Asst. Corporation Counsel, Asst. Chief Wheeler, Paul Jones, Police Patrol Officer and Renee Gooderham, Chief Deputy Clerk.

The regular meeting of the Liquor Commission was called to order at 4:02 p.m. on June 9, 2015 at the Bloomington City Hall, Council Chambers.

Public Comment: No one came forward to address the Commission.

Minutes of Previous Meeting: Motion by Commissioner Jordan, seconded by Commissioner Tompkins to approve Regular Meeting minutes of May 12, 2015.

Motion carried, (viva voce).

The following was presented:

The request of Reid Plevka and Brittany Turl to allow moderate consumption of alcohol at their August 7, 2015 wedding reception to be held at Davis Lodge.

Jeanenne Plevka, sister of groom, addressed the Commission. She stated that Double Tree would be catering the event. Beer and wine only would be served.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Reid Plevka and Brittany Turl to allow moderate consumption of alcohol at their August 7, 2015 wedding reception to be held at Davis Lodge.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 13, 2015 Consent Agenda. He encouraged Ms. Plevka to attend same.

The following was presented:

The request of Ian Spencer-Smith and Abby Spachman to allow moderate consumption of alcohol at their July 17, 2015 wedding reception to be held at Davis Lodge.

Jim Spachman, father of the bride, addressed the Commission. He stated that Biaggi's would be catering the event. Beer and wine only would be served.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Ian Spencer-Smith and Abby Spachman to allow moderate consumption of alcohol at their July 17, 2015 wedding reception to be held at Davis Lodge be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's June 22, 2015 Consent Agenda. He encouraged Mr. Spachman to attend same.

The following was presented:

The request of Beth Laakman-Schaumburg to allow moderate consumption of alcohol at her July 10, 2015 husband's birthday party to be held at Davis Lodge.

Beth Laakam, addressed the Commission. She stated that Times Past Inn would cater the event. Beer and wine only would be served.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Beth Laakman-Schaumburg to allow moderate consumption of alcohol at her husband's birthday party on July 17, 2015 at Davis Lodge be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's June 22, 2015 Consent Agenda. He encouraged Mrs. Laakman-Schaumburg to attend same.

The following was presented:

The request of Phil Lewis and Courtney Balk Schaumburg to allow moderate consumption of alcohol at their November 7, 2015 owner's meeting to be held at Davis Lodge.

Julie Lewis, sister of groom, addressed the Commission. She stated that Red Bird Catering would be catering the event. Beer and wine only would be served.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Phil Lewis and Courtney Balk Schaumburg to allow moderate consumption of alcohol at their November 7, 2015 owner's meeting to be held at Davis Lodge be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 13, 2015 Consent Agenda. He encouraged Ms. Lewis to attend same.

The following was presented:

The application of Fifth Day Restaurants, LLC, d/b/a TGI Friday's, located at 9 Brickyard Dr., requesting a RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week.

William Torchia, partner/operator, addressed the Commission. He stated that they owned/operated four (4) TGI Friday's located in Peoria, Moline, Rockford and Champaign.

Commission Renner noted that the application was a change in ownership.

Commissioner Tomkins questioned remodeling. Mr. Torchia responded that at a later date there would be re-imagining plan.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins, that the application of Fifth Day Restaurants, LLC, d/b/a TGI Friday's, located at 9 Brickyard Dr., requesting a RAS liquor license which would allow the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week, be approved contingent upon compliance with all applicable health and safety codes.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's July 13, 2015 Consent Agenda. He encouraged Mr. Torchia to attend same.

The following was presented:

Notification of Change of Corporation officer position from Lakeside Country Club, Inc., d/b/a Lakeside Country Club, located at 1201 Croxton Ave, currently holding a CA liquor license which allows the sale of all types of alcohol by the glass for the consumption on the premises seven (7) days a week. Changes are as follow: John M. Craig, Treasurer was replaced by Chris Hudgens, Treasurer.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Lakeside Country Club, Inc., d/b/a Lakeside Country Club, located at 1201 Croxton Ave, currently holding an CA liquor license which allows the sale of all types of alcohol by the glass for the consumption on the premises seven (7) days a week. Changes are as follow: John M. Craig, Treasurer was replaced by Chris Hudgens, Treasurer, be approved.

Motion carried, (viva voce).

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Gold Standard Enterprises, Inc., d/b/a Binney's Beverage Depot, located at 1409 N Veterans Pkwy., currently holding a PAS liquor license which allows the sale of all types packaged alcohol for consumption off the premises seven (7) days a week. Changes are as follow: Bradley M. Stein has been appointed as Vice President.

Motion by Commissioner Tompkins, seconded by Commissioner that the Change of Corporation officer position from Gold Standard Enterprises, Inc., d/b/a Binney's Beverage Depot, located at 1409 N Veterans Pkwy., currently holding a PAS liquor license which allows the sale of all types packaged alcohol for consumption off the premises seven (7) days a week. Changes are as follow: Bradley M. Stein has been appointed as Vice President, be approved.

Motion carried, (viva voce).

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1211, located at 515 S Clinton St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1211, located at 515 S Clinton St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President, be approved.

Motion carried, (viva voce).

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1210, located at 1210 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President.

Motion by Commissioner Tomkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1210, located at 1210 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President, be approved.

Motion carried, (viva voce).

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #129, located at 1903 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President.

Motion by Commissioner Tomkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #129, located at 1903 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President, be approved.

Motion carried, (viva voce).

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1251, located at 2302 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1251, located at 2302 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President, be approved.

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S Main St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1407, located at 2412 S Main St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President, be approved.

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1421, 1206 N Towanda Barnes Rd, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the Change of Corporation officer position from Mac's Convenience Stores, LLC, d/b/a Circle K #1421, 1206 N Towanda Barnes Rd, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Changes are as follow: Brian Hannasch, President & Senior Vice President was replaced by Darrell Davis, President & Senior Vice President, be approved.

Commissioner Renner instructed the Clerk to address the appropriate letter to the State of Illinois Liquor Control Commission acknowledging same.

The following was presented:

Notification of Violation Payment from Mac's Convenience Stores, LLC, d/b/a Circle K #129, located at 1903 W Market St, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that Commissioner Renner authorized the \$1,200 settlement. This was the seconded (2nd) violation in three (3) years for same.

The following was presented:

Notification of Violation Payment from Casey's Retail Company, d/b/a Casey's General Store #2554, located at 2017 Fox Creek Rd, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that Commissioner Renner authorized the \$600 settlement. This was a first (1st) violation for same.

The following was presented:

Violation hearing of PSM Shell, Inc., d/b/a PSM Shell, located at 2401 E Oakland Ave, currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that a \$1,000 settlement and installation of camera's had been negotiated. This was the seconded (2nd) violation in three (3) years.

The following was presented:

Complaint and citation, 2015-006, hearing for TVEO Corporation, d/b/a Eric's Mini Mart and Restaurant, located at 903 W. Wood St., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises.

A court reporter was hired to provide detailed minutes.

George Boyle, Corporation Counsel outlined the procedure for the hearing. He noted that Eric Trujillo, owner/operator was present and represented by Hal Jennings, Counsel.

Mr. Boyle read Violation 2015-006, Amended Complaint and Citation for the record.

Paul Jones, Police Patrol Officer, was sworn in by the court reporter. He stated that he was aware of the establishment. The restaurant was located in a residential neighborhood. The closest businesses were located on Morris Ave. Eric's Mini Mart and Restaurant (Eric's) has become a regular patrol. Calls for response had increased since January 2015. The majority of complaints referenced noise due to loud music, patrons leaving and fighting. Officer Jones cited his personal opinion that the volume of noise was unreasonable.

Mr. Boyle noted that a video recording was available. He questioned when and where the video was taken. Officer Jones responded that on May 17, 2015 he was in his patrol car at the corner of Wood and Allin. Video was from the dashboard camera. The video was entered into evidence and played.

Mr. Boyle questioned if same was representative of a typical Saturday evening. Officer Jones responded affirmatively. Saturday's were the busiest. There could be approximately 100 patrons. He believed that patrons leaving took a period of time due to lack of available parking. Most patrons had to park on side streets.

Mr. Boyle questioned if Parkview Inn, located at 1003 S. Morris Ave. had calls for service. Officer Jones believed there were no calls for service. Mr. Boyle requested that Officer Jones provide a comparison of the two (2) establishments. Officer Jones stated that Parkview Inn was a neighborhood tavern. They did not have large crowds. Eric's had a nightclub atmosphere similar to the Downtown taverns.

Hal Jennings, attorney for Eric Trujillo cross examined Officer Jones. Mr. Jennings questioned the lights on the seconded (2nd) half of the video at approximately 1:23 a.m. Officer Jones responded same were usually off at closing time. Mr. Jennings questioned if the establishment closed on time. Officer Jones responded affirmatively. Mr. Jennings questioned if there was noise coming from inside the establishment at 1:15 a.m. Officer Jones stated he was unsure. There were intoxicated people; no arrests were made for same. Mr. Jennings questioned the number of people outside the establishment at 1:34 a.m. Officer Jones believed there were approximately 75 – 100.

Mr. Jennings noted that Officer Jones had previously stated those vehicles were parking along the street. He questioned the number parking spaces in the adjacent lot. Officer Jones believed there were fifteen (15) in the lot next to the establishment.

Mr. Jennings questioned if the video at 1:15 a.m. was excessive noise. Officer Jones believed same was a depiction of excessive noise. He noted that the noise indicated on the video was from inside the squad car with windows cracked.

Commissioner Renner noted that when Eric's liquor license was originally granted same would be a neighborhood restaurant. He questioned if this was true today. Officer Jones stated negatively. Same was more like a nightclub.

Commissioner Jordan questioned how long Officer Jones had been assigned his current detail. Officer Jones stated two (2) years. He noted that he was in a marked squad car. He stated that patrons were not asked to leave.

Mr. Boyle questioned why patrons were not asked to leave. Officer Jones stated that Eric's had security. The crowds were large and loud. Third (3rd) shift on Saturday's were the busiest for the department. Calls for service came from all over the city. There was not enough staff to devote to Eric's. Officer Jones believed that some patrons were not friendly toward police. He had previously experienced same. Due to the number of people it was difficult to separate individuals to issue ordinance violations. He believed same would cause more difficulties.

Commissioner Renner questioned if Officer Jones had experienced other restaurants with security. Officer Jones responded negatively.

Mr. Boyle questioned if Officer Jones had been inside Eric's in the last three to four (3-4) months. Officer Jones responded affirmatively, usually between midnight and 2:00 a.m. Mr. Boyle questioned the Eric's function. Officer Jones stated tavern. He had observed more drinks at table compared to food. He noted that there had been times when the kitchen was closed.

Steve Barr, residing at 916 W. Wood was sworn in by the court reporter. Mr. Boyle questioned the type of neighborhood. Mr. Barr stated residential with a park. Mr. Boyle questioned the number of times Mr. Barr had been disturbed by Eric's. Mr. Barr responded every Friday/Saturday night midsummer to fall 2014 and spring to present 2015.

Mr. Boyle questioned the night of March 14, 2015 and early morning of March 15, 2015. Mr. Barr stated that he filed a formal complaint with the police department. Patrons were making noise to and leaving from Eric's, horns were honked, car alarms sounding, yelling and screaming. He stated that there was time when stereos were blasting in front of his home. The people inside same also consumed alcohol prior to going to Eric's. He noted that some noise from the restaurant could be heard. The majority was from patrons arriving and leaving same. His house is west of the Miller Park entrance. He had resided in the neighborhood for thirty (30) years.

Mr. Boyle questioned the noise effect. Mr. Barr stated that he does not sleep from midnight to 2:00 a.m. Mr. Boyle questioned May 8th and 9th 2015. Mr. Barr stated the noise was the same as he previously stated. His complaints were from overwhelming noise, public urination, and liter (beer cans, drug paraphilia).

Mr. Jennings questioned noise from inside the restaurant. Mr. Barr responded that the majority of noise was from the outside. Mr. Jennings questioned drugs and alcohol at Miller Park. Mr. Barr believed there was a possibility for same. Mr. Jennings question patrons leaving time from Eric's and if the lights were off. Mr. Barr stated 2:00 a.m. He had not observed the lights.

Mr. Boyle questioned patron time of arrival. Mr. Barr responded midnight to 2:00 a.m.

Surena Fish, residing at 909 W. Wood was sworn in by the court reporter. Ms. Fish noted that her home was across the street from the Miller Park entrance. She was three (3) houses from the apartment building which was next door to Eric's.

Mr. Boyle questioned disturbances from Eric's and description of same. Ms. Fish stated that lights were not turned off when the establishment was closed. She had observed a sign stating that the kitchen was open all night. She stated that around 10:00 to 10:30 the first (1st) groups arrive. Each vehicle usually has four to six (4-6) passengers. She believed people arrive who had already been drinking. Patrons were loud, use profanity, have urinated on her property, they stand in the street; they stop other vehicles, and make rude gestures on vehicles when they leave Eric's.

Mr. Boyle questioned observations from June 5th and 6th. Ms. Fish responded that she was awake due to a neighbor's emergency, EMS was called. She returned from the hospital after 1:00 a.m. She observed a large group at Eric's in the beer garden and spilling out onto the sidewalk. Some patrons had bottles and cups on the sidewalk. The doors to the tavern area were open, the lights were on. There was noise, loud conversations and profanity.

She had witnessed a fight from Eric's that ended in front of the 907/907 W. Wood St. On May 8, 2015 she witnessed a person resisting arrest.

Mr. Jennings questioned the location of sign she had observed. Ms. Fish stated that the same was located on the right side of the tavern door. Eric's served breakfast and lunch. She had on occasion eaten breakfast at same. She believed the patrons were not the same.

Charles Jurgus, 913 W. Wood, was sworn in by the court reporter. He stated that he was regularly awakened between 1:00 to 2:30 a.m. He believed same began when the tavern opened.

Mr. Jennings questioned how long he had resided in the neighborhood. Mr. Jurgus stated two (2) years.

Eric Trujillo, Eric's Mini Mart and Restaurant owner/operator was sworn in by the court reporter. Mr. Jennings questioned signage stating that the business was open all night. Mr. Trujillo stated that there was a sign stating that food was served all night. He was not open past closing time. He employed three (3) security personnel. In the last four to six (4-6) months he has asked patrons to leave when they cause problems. Maria Martinez, who resides in the apartment above the restaurant/tavern, was hired to assist with cooking at night. He noted that Eric Tally, 907 S. Allin, and Ms. Martinez had not complained about noise.

Mr. Boyle stated that Mr. Trujillo was aware of noise issues. Mr. Trujillo responded affirmatively. Mr. Trujillo cited an incident on weekend of June 6 & 7, 2015. A patron arrived having already consumed too much alcohol. He was told that he would not be served and was escorted outside.

Commissioner Renner noted that Mr. Trujillo told the Commission Eric's would be a neighborhood establishment. Mr. Trujillo confirmed same. Commissioner Renner questioned other neighborhood establishments that required security. Mr. Trujillo responded negatively. Commissioner Renner questioned responsibility.

Commissioner Tompkins questioned business vision.

Commissioner Jordan noted that complaints were from the evening hours.

Maria Martinez, 909 W. Wood St., Apt 1 was sworn in by the court reporter. Mr. Jennings questioned noise. Ms. Martinez stated she does not hear noise. She was two (2) children and neither was awoken by same.

Mr. Boyle requested her landlord's name. Ms. Martinez stated Mr. Trujillo. Mr. Boyle questioned employment. Ms. Martinez stated that she works for Mr. Trujillo and Lupitas Grocery.

Eric Talley, 907 Allin St was sworn in by the court reporter. His home was 25' to 30' from Eric's. His wife, mother in law and two (2) children reside with him. The family was not woken up by noise from Eric's.

Terry M, security for Eric's, was sworn in by the court reporter. He was employed by same a little over one (1) year. He was hired to assist with identification checks, insuring no outside

alcohol was brought in, and patrons left the tavern at closing. He stated that lights were turned off after patrons had left.

Mr. Boyle questioned crowds. Mr. M. stated that there were crowds when there was a DJ and dancing. Crowds picked up around midnight.

Commissioner Renner questioned knowledge of security for other neighborhood businesses. Mr. M. responded negatively.

Tristan Walker, head of security for Eric's, was sworn in by the court reporter. He was hired to keep the peace. After closing the parking lot is checked for patrons remaining.

Kim Lenz, 321, E. Locust, was sworn in by the court reporter. She had met Mr. Trujillo two (2) years ago. She noted that she and a friend had gone into Eric's for food and beer. They mainly went early in the evenings. She noted that she resided close to the Downtown area. She believed noise part of residing near same and believed Eric's was not different.

Mr. Boyle summarized the hearing. Findings of fact for the two (2) counts were required. The Commission had a civil burden to determining if violations occurred. Evidence had to support same. On the May 17, 2015 incident, the City believed the police video and Officer Jones' testimony was credible. The noise would disturb a reasonable person.

The second (2nd) count addressed repeated noise violations. Five (5) people testified they were not disturbed by same. Three (3) were Eric's employees. The two (2) security employees had testified that the establishment was a tavern. Mr. Boyle believed that Eric's operated as same rather than a restaurant. Patrons were allowed to linger outside the premise.

Mr. Boyle requested findings on each counts in favor of the City. There was a pattern of conduct each weekend.

Mr. Jennings questioned ability to control noise as cited in Count I(5). He questioned noise activities inside the establishment.

Commissioner Tompkins questioned Count II. He believed same should have been five (5) counts. Mr. Boyle explained that same established a pattern.

Commissioner Tompkins agreed with both Counts. He recommended liquor license revocation.

Commissioner Jordan agreed with the findings. He recommended limiting the alcohol serving time. He believed 10:30 p.m. would eliminate the problems.

Commissioner Renner believed both Counts had been supported. He requested Staff's sanction recommendations.

Mr. Boyle cited prior sanctions. He believed same should be considered. Staff recognized that Eric's provided a valuable service to the community during the day/early evenings. Staff

recommended: Count I fine \$3,500 Count II liquor license revocation or in lieu of same the licensee agree to operate as an RAS (Restaurant, All types of Alcohol, Sunday sales) with alcohol sales terminating at 10:30 p.m. seven (7) days a week. He noted that Chapter 6 Alcohol Beverages, section 37(f) states that in lieu of fines/suspension the Commission can regulate the hours of operation.

Commissioner Tompkins cited Mr. Trujillo's original business plan and evolution to the current establishment. He believed the same problems kept reappearing before the Commission. He recommended revocation.

Commissioner Jordan believed regulating the hours of operation to 10:30 p.m. nightly would solve the issues. He did not want Eric's to close.

Commissioner Renner stated that he wanted Eric's to succeed. He believed the problem was alcohol at late hours. He accepted Staff's recommendation.

Commissioner Renner recessed the Liquor Commission at 6:13 p.m. The Liquor Commission reconvened at 6:21 p.m.

Mr. Jennings stated that Mr. Trujillo would accept the regulation of hours. He recommended 11:30 p.m. closing versus 10:30 p.m.

Commissioner Renner stated that 10:30 p.m. was the only option. Mr. Jennings accepted same on behalf of Mr. Trujillo.

Mr. Boyle noted that the ruling could be appealed within twenty (20) days.

Motion by Commissioner Tompkins, seconded by Commission Jordan to adjourn. Time: 6:24 p.m.

Motion carried, (viva voce).

Respectfully submitted:

Renee Gooderham
Chief Deputy Clerk