

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

May 14, 2013

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of AMIR 83, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton, requesting a GPBS liquor licenses which would allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk, and Fouad Samhan, owner/operator and Applicant representative.

Commissioner Renner opened the Public Comment section of the meeting. No one came forward to address the Commission.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this request. Fouad Samhan, owner/operator and Applicant representative, addressed the Commission. His family had owner/operated Price Rite Food Mart since 2002. He planned to purchase the business from his father, Mohammad Samhan. Price Rite would be starting fresh.

Commissioner Renner noted that AMIR 83, Inc. was a new corporation. He requested assurances from Mr. Samhan that things would be different. Price Rite was currently owned/operated by Andy & Associates, Inc.

Mr. Samhan informed the Commission that Andy & Associates, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton, owed the state gasoline taxes. His father and his attorney were currently in negotiations with the state. Price Rite Food Mart needed liquor sales in order to be a viable business. He added that he has served as the Store Manager for the past twelve (12) years. He planned to lease the building from his father.

Commissioner Renner noted that Mr. Samhan would have to exercise more control over the building than his father had.

Mr. Samhan cited his intention to run a clean business. His brother would also be employed at the store.

Commissioner Renner noted that the state had placed a lien on the premise. Mr. Samhan needed to obtain a release from the state prior to the City taking action on this application.

Commissioner Jordan stated that Mr. Samhan's ability to obtain a state liquor license would be dependent upon his ability to resolve the outstanding issues with the state as there was a lien on the property.

Mr. Samhan restated that his father's attorney claimed that he would be eligible for a state liquor license if a new corporation was formed.

Commissioner Stockton questioned corporate stock ownership for Andy & Associates, Inc. versus AMIR 83, Inc. Mr. Samhan informed the Commissioner that he held no stock in Andy & Associates, Inc. He was the sole stockholder for AMIR 83, Inc.

Commissioner Stockton noted that the primary parties for these two (2) corporations were a father and son.

Mr. Samhan informed the Commission that his father would pay the gasoline taxes. He had already paid over \$100,000. Mr. Samhan stated his intention to remain in the City.

Commissioner Stockton questioned the amount owed to the state. Mr. Samhan cited \$700,000.

Commissioner Stockton noted that the store's revenue impacted Price Rite's ability to pay the back taxes. He added that the state had taken Andy & Associates, Inc., d/b/a Price Rite, liquor license. This application involved the same premise with a different corporate name. The new corporation was held by a different family member. The state still had a hold on the property.

Mr. Samhan noted a state audit which was completed in 2009. His father had hired a number of attorneys. An appeal was filed in 2011. Andy & Associates, Inc. was on a payment plan with the state. The state did not renew the state liquor license because Andy & Associates, Inc. missed payments when he was ill. He was off work for six (6) months. Andy & Associates, Inc. was scheduled to reappear before the Board of Appeals. He added that the state did not take away lottery sales.

Commissioner Renner readdressed that the fact that the state needed to release the premise.

George Boyle, Asst. Corporation Counsel, questioned if there was a written agreement between Andy & Associates, Inc. and the State of Illinois. He stressed that the Commission did not have the details.

Commissioner Jordan requested that Mr. Boyle contact the state Liquor Control Commission's corporation counsel to inquire if an opinion had been rendered. Mr. Samhan believed that he was not responsible for the debt.

Mr. Samhan responded affirmatively. He restated that he had been the Store Manager for the past twelve (12) years.

Commissioner Renner addressed the Samhan's ability to repay the debt. He questioned the impact upon the business due to the loss of liquor sales.

Mr. Boyle restated that the state must release the premise. Mr. Samhan needed to obtain proof of this from his father's attorney.

Mr. Samhan restated that his father and his attorney were in negotiations with the state. He hoped that they would reach a lump sum agreement. His father's other assets, (personal residence, other businesses, etc.), were at risk. He believed that the state has requested \$626,000.

Mr. Boyle believed that there were other licensed establishments in the same/similar situation. Upon review of Price Rite's file, he did not uncover any City liquor violations.

Commissioner Stockton restated that the City could not grant a liquor license at this time. The Commission could pass a motion contingent upon resolution with the state. Another option was to lay this application over until the Commission's June 11, 2013 meeting. This action would provide the Applicant with the opportunity to produce the requested documentation.

Mr. Samhan restated that Price Rite had been at this location since 2002.

Mr. Boyle cautioned the Commission against speculation.

Commissioner Renner believed that there was consensus on the Commission. The City was willing to work with Mr. Samhan. He believed that this application would be laid over until the Commission's June 11, 2013 meeting to provide Mr. Samhan with the opportunity to address the issues with state. It was better delay then deny this application.

Motion by Commissioner Tompkins, seconded by Commissioner Stockton that the application by AMIR 83, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton, requesting a GPBS liquor license which would allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week be laid over until the Commission's June 11, 2013.

Motion carried.

Mr. Boyle stressed that Mr. Samhan needed a state release for the address/premise. He also addressed issues raised by the McLean County Health Department.

Commissioner Renner noted that there were health code violations. The City had been contacted by the McLean County Health Department. Mr. Samhan had a month to address these issues.

There being no further business before the Commission, the meeting recessed at 4:26 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification of payment for MKM Oil, Inc., d/b/a Commerce Shell, located at 1801 S. Veterans Pkwy., currently holding a GPBS liquor licenses which would allow the sale of packaged beer and wine for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Steve Stockton, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Bob Wall, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and requested that George Boyle, Asst. Corporation address this item.

George Boyle, Asst. Corporation Counsel, addressed the Commission. This violation was for underage sales of liquor. It occurred as part of the Police Department's audits. This was first offense for this license holder. The license holder pleaded to the facts and paid a \$600 fine.

There being no further business before the Commission, the meeting adjourned at 4:27 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk