

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

April 8, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of William Mahrt and Christy Kimly to allow moderate consumption of alcohol at their November 15, 2014, wedding reception to be held at the Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

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 noted that no one was present to address this request.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He expressed his belief that someone would be present to address the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of William Mahrt and Christy Kimly be laid over until the Commission's May 13, 2014 meeting.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:03 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Garrick Gabbrants and Christine Mikel to allow moderate consumption of alcohol at their November 1, 2014, wedding reception to be held at the Miller Park Pavilion. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that no one was present to address this request.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Garrick Gabbrants and Christine Mikel be laid over until the Commission's May 13, 2014 meeting.

Motion carried.

There being no further business before the Commission, the meeting recessed at 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Michael Bozarth and Morgan Messer to allow moderate consumption of alcohol at their May 24, 2014, wedding reception to be held at the Lake Bloomington Davis Lodge. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Jeannie Swanson, bride's representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Jeannie Swanson, bride's representative, addressed the Commission. The wedding reception was scheduled for May 24, 2014 at the Lake Bloomington Davis Lodge. The plan included 120 guests. Maguire's located at 220 N. Center St. would be retained to provide liquor service, which would be limited to beer and wine only. The wedding and reception were scheduled at Davis Lodge commencing at 5:00 p.m. The reception would follow immediately and end at 11:00 p.m. Quiet hours at the Davis Lodge commence at 10:00 p.m.

Commissioner Tompkins requested that the City Clerk's Office be notified of any changes to the reception plans.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that a City licensed caterer must be retained for liquor service, which was limited to beer and wine only.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Michael Bozarth and Morgan Messer to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their May 24, 2014 wedding reception be approved.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's April 28, 2014 Consent Agenda. He encouraged Ms. Swanson to attend same.

There being no further business before the Commission, the meeting recessed at 4:05 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to address the reappearance of Asil 1, Inc., d/b/a Price Rite Food Mart, located 706 N. Clinton, requesting a GPBS liquor license which would allow the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Ahmad Samhan, owner/operator and applicant's representative.

Commissioner Renner opened the liquor hearing and noted that this was the third hearing regarding this application. The State of Illinois had lifted the hold. There was a payment plan with the Dept. of Revenue.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He had verified Commissioner Renner's comments. The applicant was a different legal entity. There was an approved payment plan and the state had lifted the hold.

Commissioner Renner noted that concerns had been raised. He encouraged the Commission to grant consideration of this application with the following condition: no single serve sale items. Beer could be sold in six (6) packs and/or forty ounce (40 oz.) cans. This condition would be revisited six (6) months after a liquor license was created. He recognized neighborhood residents concerns.

Ahmad Samhan, owner/operator and applicant representative, addressed the Commission. He stated that single serve items were the most profitable. Surveillance cameras had been installed on March 4, 2014. The business' appearance had been improved.

Commissioner Tompkins noted that Mr. Samhan had complied with all of the Commission's requests.

Commissioner Jordan noted the initial \$100,000 payment. Mr. Samhan confirmed that this payment had been made.

Commissioner Renner restated that the state had released its hold and recognized citizen objections.

Mr. Boyle noted that there were two (2) different legal entities. There was a familial relationship. The Commission should look at other factors, (Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License Findings). He restated that the state had removed the hold.

Commissioner Jordan noted the \$4,500 monthly payments. Mr. Samhan informed the Commission that payments were made by his father. Payments were made on March and April 1, 2014.

Commissioner Jordan addressed Mr. Samhan's original application. He questioned Mr. Samhan's employment at this address. Mr. Samhan had been employed at this address for two (2) years. He did not have a management experience during this time.

Commissioner Jordan cited the monthly rent – \$4,250 and a twenty (20) year contract with his father. Mr. Samhan responded affirmatively.

Commissioner Jordan questioned if the City had verification from the Liquor Control Commission that the state would issue a liquor license if the City issued one. Mr. Boyle noted that the applicant would not be eligible for a state liquor license without a local one.

Commissioner Jordan cited the debt, \$750,000. He expressed his interest in an understanding that if Mr. Samhan's father missed a payment that the City's liquor license would be revoked. These were taxpayer dollars. He noted that Mr. Samhan had filed this application in December

2013. He questioned the number of payments made. Mr. Samhan restated two (2) payments March and April 2014.

Commissioner Jordan noted that the store has remained open. Mr. Samhan informed the Commission that the store had closed in January 2014. He reopened the store in February 2014 under a new corporation.

Commissioner Jordan expressed his belief that payments must be kept current.

Commissioner Renner questioned City action if payments to the state were not kept current.

Mr. Boyle noted that generally if a debt is owed to the state and it remained unpaid the state withdraws its liquor license. He restated that there were two (2) separate entities. Failure to make payments might result in a lien being placed upon the property.

Commissioner Jordan expressed his concern regarding separate entities being created by the same family. The property/business had been transferred from one family member to another.

Mr. Samhan stated that the business could not be sold without a liquor license.

Mr. Boyle informed the Commission that a violation of law might result in a revocation. He referred the Commission to Chapter 6. Alcoholic Beverages, Section 37. Same (Local Liquor Control Commission) – Powers and Duties Generally. He added that fines and/or sanctions were possible. However, this situation was not one of them.

Mr. Samhan informed the Commission that the state had placed a lien on the property and his father's home.

Mr. Boyle noted that the hold had been lifted but not the liens.

Commissioner Tompkins expressed his opinion that there were enforcement mechanisms. He was not prepared to allow a neighborhood in transition to have a vacant building.

Commissioner Jordan stated that the state expected the local governing entity to perform the background work. If the City approved a liquor license, then the state would also. He restated the tax debt, \$750,000. If the Commission approved this application, he wanted to be assured that Mr. Samhan would do the right thing. He questioned how this was allowed to happen.

Commissioner Renner suggested that the Commission include a stipulation and set an expectation.

Mr. Boyle addressed the Commission. He restated that this applicant was a separate entity. The state was satisfied. He referred the Commission to Section 4B. Creation of New License - Findings. There was a variety of criteria to consider. Financial responsibility was only one of them.

Commissioner Jordan noted that Mr. Samhan had no responsibility to pay this debt. He expressed his concern regarding the father's action, (i.e. does not repay).

Mr. Boyle informed the Commission that he did not have a copy of the agreement. The Commission needed to address the financial issues regarding this entity.

Julie Pell, ADDRESS, addressed the Commission. She had addressed the Commission at their March 11th meeting. She had been unable to go to the store and Mr. Samhan had personally made deliveries.

Motion by Commissioner Tompkins, seconded by Commissioner Renner to recommend to the City Council that a GPBS liquor license for Asil 1, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton St., be created contingent upon compliance with all applicable health and safety codes with the following condition: 1.) no single serve sale items.

Ayes: Commissioners Renner and Tompkins.

Nays: Commissioner Jordan.

Motion carried.

Commissioner Renner questioned if Mr. Samhan understood the condition. It would be reviewed after six (6) months. He recognized Mr. Samhan's efforts. He hoped the business would be successful.

Commissioner Renner informed Mr. Samhan that this application would appear on the Council's April 14, 2014 meeting agenda. He encouraged Mr. Samhan to attend same.

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

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of Anjana 3, Inc., d/b/a Mayuri, located 1407 N. Veterans Pkwy., requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Venu Danda, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Venu Danda, owner/operator and Applicant's representative, addressed the Commission. He had applied for and the Council had granted approval for a liquor license at this location in the recent past, (May 14, 2012).

Commissioner Tompkins questioned how long Mayuri had been opened. He also questioned if Mr. Danda had liquor sales experience.

Mr. Danda stated that Mayuri had been open for two (2) years. It was a small restaurant. He restated that he had been approved for a liquor license in the recent past. He needed to remodel the restaurant. Mayuri had seen an increase in traffic. Since December 2013, business had declined. He cited customer requests for beer and wine to accompany their meals. He added that he needed to file his request with the McLean County Health Dept.

He had also held a packaged liquor license at W. Market St. Grocery located at 301 W. Market St., Unit B. He had owned and operated this business for five (5) years.

Commissioner Tompkins questioned if Mr. Danda was BASSET, (Beverage Alcohol Sellers & Servers Education Training) certified. He encouraged Mr. Danda to obtain his certification as soon as possible.

Mr. Danda cited his familiarity with state and City liquor laws.

Commissioner Jordan questioned the number of employees. Mr. Danda stated three (3). Commissioner Jordan recommended that all three (3) employees become BASSET certified.

Commissioner Tompkins noted that Heartland Community College had had issues offering the BASSET/STEPS classes this winter due to the weather.

Commissioner Renner noted that the Commission could recommend approval of this application even though the applicant lacked BASSET certification.

Tracey Covert, City Clerk, informed the Commission that Heartland had scheduled two (2) BASSET/STEPS classes: one on April 14, 2014 and the other on May 19, 2014.

Commissioner Jordan recommended granting Mr. Danda ninety (90) days to obtain BASSET certification.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins to recommend to the City Council that an RBS liquor license for Anjana 3, Inc., d/b/a Mayuri, located at 1407 N. Veterans Pkwy., be created contingent upon compliance with all health safety codes with the following condition: 1.) obtain BASSET certification within ninety (90) days.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Danda that this application would appear on the Council's April 28, 2014 meeting agenda. He encouraged Mr. Danda to attend same.

There being no further business before the Commission, the meeting recessed at 4:32 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of Westminster Village, Inc., d/b/a Westminster Village, located 2025 E. Lincoln St., requesting an RBS liquor license which would allow the sale of beer and wine only by the glass for consumption on the premises seven (7) days a week. Present at the hearing

were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Barb Nathan, Executive Director and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Barb Nathan, Executive Director and Applicant's representative, addressed the Commission. She informed the Commission that Westminster Village was a continuing care retirement community. The facility had 360 residents and sixty (60) persons in skilled care. There was a common dining facility. Residents had requested alcohol service with their dinner and/or for special events. Liquor service would be limited to residents and their guests. The plan was to start slow.

Commissioner Tompkins noted his familiarity with Westminster Village. He added that there were a number of residents who were veterans.

Ms. Nathan noted that currently there were sixty-nine (69) residents who were also veterans. She added that if this change was received well by the residents, Westminster might consider reappearing before the Commission to request an "A", All types of alcohol, liquor license.

George Boyle, Asst. Corporation Counsel, addressed BASSET, (Beverage Alcohol Sellers & Servers Education & Training), certification.

Ms. Nathan informed the Commission that there were six (6) potential servers. She stated her intention that all become BASSET certified.

Commissioner Jordan cautioned that Westminster's staff must be cognizant of the need to check guests' identification.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that an RBS liquor license for Westminster Village, Inc., d/b/a Westminster Village, located at 2025 E. Lincoln St., be created contingent upon compliance with all health safety codes.

Motion carried, (viva voce).

Commissioner Renner informed Ms. Nathan that this application would appear on the Council's April 28, 2014 meeting agenda. He encouraged her to attend same.

There being no further business before the Commission, the meeting recessed at 4:35 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of MCTH, Inc., d/b/a Lucky Seven, located 1804 S. Hershey Rd., Unit 9, requesting a TAS 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. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst.

Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Terry Harris, owner/operator, and Joe Dehn, attorney, Applicant's representatives.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Terry Harris, owner/operator and Applicant's representative, addressed the Commission. He had been employed at Mitsubishi Motors. He had also owned/operated the Lake Road Inn located at 25106 N. 1750 East Rd., Hudson, IL.

Commissioner Renner questioned if Mr. Harris was BASSET, (Beverage Alcohol Sellers & Servers Education Training), certified. Mr. Harris noted that there were three (3) key individuals, Michael Harris, Chase Harris and himself. The planned opening date was August 15, 2014. There was adequate time for them to obtain the certificate.

Commissioner Jordan questioned the time line. He also questioned if the applicant had met all of the requirements. Mr. Harris noted that the premise was an unfinished unit.

Commissioner Tompkins questioned video gaming and if this factor had driven the application for a liquor license.

Mr. Harris noted Lucky Seven had applied for a video gaming license. He estimated that liquor sales would represent sixty percent (60%) of total sales.

George Boyle, Asst. Corporate Counsel, addressed the Commission. He questioned the seating capacity.

Mr. Harris stated that the unit measured twenty-five feet by fifty feet (25' x 50'). He added that there would be restrooms and an office.

Chase Harris addressed the Commission. He believed that available space would be twenty-five feet by thirty-eight feet, (25' x 38').

Mr. Boyle directed the Commission to Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License - Findings, (14). This item addressed video gaming. He cited the square footage and seating capacity.

Mr. Harris informed the Commission that he had first right of refusal for the adjacent unit.

Mr. Boyle informed the applicant that if there was an intention to extend the premise, Mr. Harris would need to reappear before the Commission.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to recommend to the City Council that a TAS liquor license for MCTH, Inc., d/b/a Lucky Seven, located at 1804 S. Hershey Rd., Unit 9, be created contingent upon compliance with all health safety codes.

Motion carried, (viva voce).

Commissioner Renner informed Mr. Harris that this application would appear on the Council's April 28, 2014 meeting agenda. He encouraged Mr. Harris to attend same.

There being no further business before the Commission, the meeting recessed at 4:42 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to address the request of Bloomington Chateau Partners, LLC, d/b/a The Chateau, located 1601 Jumer Dr., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, and Jeremy Cruthis, Chateau's General Manager and applicant's representatives.

Commissioner Renner opened the liquor hearing and requested that the License holder address this request. Jeremy Cruthis, Chateau's General Manager, addressed the Commission. There were two (2) liquor licenses issued at this address to two (2) different entities. The premises needed to be divided. A diagram had been provided to the Commission.

Commissioner Jordan questioned the temporary liquor license issued to Tony Roma's. He also questioned if there were mini bars in the hotel's rooms. Mr. Cruthis responded negatively. He added that the Chateau would operate/oversee the conference area/banquet rooms. Tony Romas oversaw the restaurant and lounge area.

Commissioner Jordan questioned BASSET, (Beverage Alcohol Seller and Servers Education & Training), certification. Mr. Cruthis informed the Commission that twelve (12) employees had gone through the class.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that the premise for Bloomington Chateau Partners, LLC, d/b/a The Chateau, located at 1601 Jumer Dr., currently holding an RAS liquor license be redefined as presented.

Motion carried, (viva voce).

There being no further business before the Commission, the meeting recessed at 4:45 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the notification by Bloomington Fraternal Order of Eagles, d/b/a Eagles #527, located at 311 – 313 S. Main St., currently holding a CA liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins, and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Corporation Counsel, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor hearing and noted that this request involved a change of board officer. The Liquor Control Commission requires that a License holder inform the

municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Tracey Covert, City Clerk, informed the Commission that Mike Quinn had been replaced as Secretary by Theresa Fitchorn.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of board officer for Bloomington Fraternal Order of Eagles, d/b/a Eagles #527, located at 311 – 313 S. Main St., currently holding a CA liquor license; said license remains in force.

Motion carried.

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:46 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding SIRI, Inc., d/b/a Bloomington All Mart, located at 1804 S. Hershey Rd., Unit 2, currently holding a PAS liquor license which allows the sale of all types of packaged alcohol for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was an initial violation for Bloomington All Mart. This violation occurred as part of the monthly police audits. The license holder paid a \$600 fine.

Commissioner Tompkins restated that this was a first offense for this license holder.

Commissioner Jordan added that there was no violation history.

There being no further business before the Commission, the meeting recessed at 4:47 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Peggy Ann Bateman, d/b/a Diggers Again!, located at 230 E. Front St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement offer had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was the second violation for Diggers Again!. This was a small establishment. There had been a discussion regarding a remedy. The last violation occurred in 2012. The employee had been terminated. The second violation occurred in 2014. The settlement offer was \$900. He anticipated payment by May 13, 2014.

There being no further business before the Commission, the meeting recessed at 4:48 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding East Island, Inc., d/b/a Lucky Garden, located at 706 S. Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk; and Yao Chen, owner/operator and License holder.

Commissioner Renner opened the liquor violation hearing and informed the Commission that a settlement offer had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. A citation had been issued to the server. He had been contacted by the License holder. The facts were not being disputed by the License holder. Mr. Chen's concerns addressed the circumstances of the sale. This was the second violation for Lucky Garden. He addressed Chapter 6. Alcoholic Beverages, Section 37. Same – Powers and Duties Generally. The range of sanctions were \$250 - \$3,000.

Commissioner Renner noted that no fine had been issued that was lower than \$400. The City Code needed to be amended. Mr. Boyle responded affirmatively.

Commissioner Renner restated that this was Lucky Garden's second violation.

Yen Chen, owner/operator and License holder, addressed the Commission. He informed the Commission that the server stated that identification had been checked. He also told the police that identification had been checked. The employee had lied. He had visited City Hall. This individual was still employed but not as an alcohol server.

Commissioner Renner noted that Mr. Chen was responsible for his employees. This was a second offense.

Commissioner Tompkins restated that this was a second offense. The fine could range from \$1,000 to \$1,200. The Lucky Garden was not a small establishment. He had visited the establishment. He found the License holder to be uncooperative. He also did not believe that Mr. Chen had an understanding of the liquor laws.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He encouraged the Commission to address the incident at hand.

Commissioner Renner noted how important it was for the Commission to stay in contact with the Council. There would be no disconnect. Fines would be clear and aggressive. License holders would find little sympathy from the Commission and/or Council.

Commissioner Jordan questioned if the individual was still employed at the restaurant. Mr. Chen responded affirmatively. This person has been employed at the restaurant for two (2) years.

Commissioner Jordan questioned BASSET, (Beverage Alcohol Servers and Sellers Education and Training), certification. Mr. Chen informed the Commission that the class had been cancelled. The fee for the class had been paid. The individual involved in the violation no longer served alcohol.

Commissioner Tompkins questioned the number of employees who were allowed to serve alcohol and the number of employees who were BASSET certified. Mr. Chen noted that three (3) employees were allowed to serve alcohol. None were certified. His plan was to send them to the same class.

Commissioner Renner encouraged Mr. Chen to insure that BASSET certification be completed in the next ninety (90) days.

Mr. Boyle restated that BASSET classes had been cancelled. Heartland Community College planned to offer BASSET training in April and May 2014. He also addressed Mr. Chen's claim regarding this violation. In fact the server was not truthful. The claim that identification had been check was contained in the police report.

Commissioner Renner questioned if this fact should have any bearing on the fine/sanction.

Commissioner Tompkins questioned if the Commission would make a determination regarding the sanction at this date's hearing. He recommended a \$1,200 fine and a three (3) day suspension.

Motion by Commissioner Jordan, seconded by Commissioner Tompkins that the sanction for East Island, Inc., d/b/a Lucky Garden, located at 706 S. Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass seven (7) days a week be as follows: \$1,200 fine, and BASSET certification be completed in ninety (90) days.

Motion carried, (viva voce).

Commissioner Jordan considered the severity as this violation was a second offense. He cautioned that a subsequent violation would result in a higher fine and a potential for a three (3) day suspension to be served on Thursday, Friday and Saturday.

Commissioner Tompkins stated that there needed to be agreement between the Commission and Council. He cited a near riot that occurred near this restaurant.

Commissioner Renner cautioned that the incident had no direct bearing on this violation. He expressed his support for a \$1,200 fine to be paid within thirty (30) days and BASSET certification provided to the City Clerk's Office within ninety (90) days. He cautioned that a subsequent violation would result in a fine plus a three (3) day suspension to be served on prime days.

Commissioner Tompkins questioned the time line for payment. Mr. Boyle noted that the Commission would determine same.

Commissioner Jordan questioned the norm. He added that thirty (30) days seemed reasonable.

Mr. Chen readdressed the Commission. He noted that the City had offered a \$1,000 fine. Commissioner Renner noted that the City had offered him a settlement which had been turned down. Mr. Chen noted that he appeared before the Commission to explain what had happened.

Commissioner Renner believed that there had been a misunderstanding. He restated that the City had offered to settle the violation with a \$1,000 fine with no hearing before the Commission. This offer had been refused. The Commission had passed a motion which addressed the violation sanction. The sanction was a \$1,200 fine and BASSET certification within ninety (90) days plus a warning regarding any future violations. Mr. Chen had been give due process.

Commissioner Renner offered an apology if the Commission's actions seemed unclear. This was the process.

Commissioner Tompkins questioned if Mr. Chen understood state and local liquor laws. Mr. Chen responded affirmatively.

There being no further business before the Commission, the meeting recessed at 5:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Outback Steakhouse of Florida, LLC, d/b/a Outback Steakhouse, located at 1407 N. Veterans Pkwy., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was an initial violation for Outback Steakhouse. This violation occurred as part of the monthly police audits. The license holder paid a \$600 fine.

There being no further business before the Commission, the meeting recessed at 5:05 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Puran India, Inc., d/b/a Puran India Restaurant, located at 1704 Eastland Dr., Suite 9, currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was an initial violation for Puran India Restaurant. This violation consisted of two (2) events. The incidents occurred as part of the monthly police audits conducted in November and December 2013. The license holder paid a \$900 fine. He reminded the Commission that police personnel revisited establishments that failed an audit visit. The December 2013 event occurred prior to the Liquor Violation being filed for the November 2013 violation. The server had also been issued an Ordinance Violation. This was a two (2) Count complaint.

Commissioner Renner noted that \$900 was the difference between \$600, (initial violation fine), and \$1,200 (second violation fine).

There being no further business before the Commission, the meeting recessed at 5:07 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding MCO QRS, Inc., d/b/a Legend's Sports Bar & Grill, located at 712 Eldorado Rd., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk.

Commissioner Renner opened the liquor violation hearing and noted that the Commission would be informed that a settlement had been offered and payment had been made.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that this was a subsequent violation for Legend's Sports Bar & Grill. This violation occurred as part of the monthly police audits conducted in February 2014. The license holder paid a \$600 fine. Legend's previous violation occurred over three (3) years ago. The Commission considered liquor violation history over a period of three (3) years.

There being no further business before the Commission, the meeting recessed at 5:08 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Europe, Inc., d/b/a Chasers, located at 110 W. Washington St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Tari Renner, Geoffrey Tompkins and Jim Jordan; George Boyle, Asst. Corporation Counsel, Clay

Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, Ron Nurceski, owner/operator and License holder and Robert Lenz, License holder's attorney .

Commissioner Renner opened the liquor violation hearing and noted that there were two (2) items listed on the Commission's meeting agenda: 1.) setting sanctions regarding November 2013 violation, (Liquor Violation No. 2013 – 23); and 2.) liquor violation from calendar year 2014, (Liquor Violation No. 2014 – 07).

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that in 2013 Chasers had two (2) violations which were addressed by the Commission. Liquor Violation No. 2013 – 13 was settled by the following: \$14,000 fine; installation of a camera system approved by the Police Department, license suspension for two (2) days, (November 30 and December 1, 2013); and all employees BASSET, (Beverage Alcohol Sellers and Servers Education and Training), certified. Violation No. 2013 – 13 was considered settled.

A subsequent violation occurred on November 8, 2013, (Liquor Violation No. 2013 – 23). This incident involved underage sales. Mr. Boyle referenced Chapter 6. Alcoholic Beverages, Section 26A. No Sale, Gift or Delivery to or by a Person Under the Age of 21 Years or an Incompetent – Illegal Purchase or Procurement – Illegal Possession – Parents' Responsibility. He referenced the police report and noted that information had been redacted. The License holder had stipulated to the facts. Mr. Boyle cited Section 37. Same – Powers and Duties Generally, (i.e. sanctions).

Bob Lenz, License holder's attorney, addressed the Commission. He made two (2) points: 1.) no one regretted this incident more than his client, (i.e. November 8, 2013). Chaser's had just opened for business. Customers were not anticipated until after 10:00 p.m. The business had not been open for five (5) minutes. There was a single bartender on duty who was not BASSET certified. The individual made a serious mistake and was terminated. The suggested fine was \$1,250. This subsequent event was not the same type of violation. The employee was not sharp. This was an unfortunate event. He hoped that the City's policy was one that wanted to see the license holder's succeed. This was a minor violation. There were no other customers present as Chaser's had just opened.

Mr. Lenz noted that his client was struggling to pay the existing fine. He respectfully requested that the fine be lowered. His client had acknowledged the second offense and Mr. Lenz believed that \$1,000 fine would be adequate.

Commissioner Renner noted that the Commission had just given Lucky Garden located at 706 S. Eldorado Rd., a \$1,200 fine for a second offense. He added that the License holder had not terminated the individual involved in the violation.

Mr. Lenz restated that his client terminated the individual the moment he was notified by the police that the violation had occurred.

Commissioner Jordan understood the burden and added his interest in a fair decision. A mistake had been made. The first mistake made by the License holder was an unmanned front door. A

doorman should be posted prior to the business opening. This policy would protect the License holder. He added that he would not support a sanction that was for less than what had been offered. The issue was creditability.

Commissioner Renner noted the range for second violations was from \$1,000 to \$1,200. Mr. Boyle added that the offer was \$1,200.

Commissioner Tompkins expressed his opinion that there had not been a technical violation. The law had been broken. He believed that the City's offer was favorable. The Council and community had placed pressure on the Commission to be firm. He questioned where the BASSET certified person was that night. He added that there had been a number of incidents at this establishment.

Commissioner Renner encouraged the Commission to look at the big picture. The previous violation involved a number of individuals. It was a high profile liquor violation. He added that Ron Nurceski, owner/operator and License holder, had not turned the lights on. He asked the Commission to consider the following: 1.) the employee was terminated immediately and 2.) cameras have been installed.

Commissioner Jordan addressed a doorman policy, i.e. that a doorman be on duty prior to opening.

Ron Nurceski, owner/operator and License holder, addressed the Commission. Chaser's opened its doors at 9:30 p.m. Bouncers were scheduled to start working at 10:00 p.m. During the first thirty (30) minutes, there was a lone bartender on duty.

Commissioner Jordan noted that Mr. Nurceski relied on his employees. Mr. Nurceski informed the Commission that he employed college students to work at his restaurant and/or tavern. He added that a bouncer could be scheduled to start work at 9:30 p.m.

Commissioner Jordan expressed his opinion that a doorman's number one job was to insure that no one underage was admitted into the establishment.

Mr. Nurceski restated that at the time of the violation there were not any customers present. The bartender was still setting up. The doorman had other responsibilities such as stocking the bar.

Commissioner Jordan restated that he had made a suggestion which he believed was reasonable.

Mr. Lenz's noted Commissioner Jordan's feedback which had been offered in his client's best interest. Mr. Nurceski would take same seriously.

Commissioner Tompkins added that if Chaser's was not ready to accept/serve customers then it should not open its doors. A liquor license holder needed to protect one's self.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the sanction for Europe, Inc., d/b/a Chasers, located at 110 W. Washington St., currently holding a TAS liquor

license which allows the sale of all types of alcohol by the glass seven (7) days a week be as follows: \$1,200 fine for Liquor Violation No. 2013 – 023 to be included in the monthly payments for Liquor Violation No. 2013 – 013 in \$100 per month installments.

Motion carried, (viva voce).

Mr. Boyle noted that the Commission considered like liquor violations when determining liquor violation sanctions.

Commissioner Renner added that Chaser's had been given the largest liquor violation fine in the City's history. In addition, Mr. Nurceski had terminated the employee involved in this liquor violation.

Commissioner Renner noted that Liquor Violation No. 2014 – 007 would be continued to a later date.

There being no further business before the Commission, the meeting recessed at 5:27 p.m.

Commissioner Renner recommended that the discussion regarding liquor license fees be held over until the Commission's May 13, 2014 meeting. Liquor license fees had a role to play in the City's budget. The City Manager had started working on same. The Commission could take additional action beyond the City Manager's recommendation.

Commissioner Renner cited recent issues with new liquor license holders. He also noted a recent death. Questions had been raised regarding over serving. The City needed to be more aggressive in its BASSET, (Beverage Alcohol Seller and Servers Education and Training), enforcement.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The recent incident was under investigation and he would not address same. He acknowledged that the recent tragedy involved DUI (Driving Under the Influence). The vehicular crash involved a loss of life. He did not want to impact the investigation and/or prosecution. The Commission would be fully informed at a later date.

Asst. Police Chief Wheeler addressed server expectations. Questions had been raised regarding negligent servers and determining when someone is under the legal limit. He noted efforts regarding designated drivers and alternative transportation programs, (i.e. vehicle for hire). It was difficult to recognize a BAC (Blood Alcohol Content) less than .08. BASSET training addressed not serving someone who was obviously intoxicated. He recommended that the Commission take action after the adjudication of this case.

Commissioner Renner expressed his concerns regarding underage service/situations and when over serving occurs which can result in a potentially dangerous situation.

There being no further business before the Commission, the meeting adjourned at 5:34 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk