

MINUTES OF THE BLOOMINGTON LIQUOR COMMISSION

February 11, 2014

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the notification by Smashburger Acquisition Peoria, Inc., d/b/a Smashburger #1323, located at 1401 N. Veterans Pkwy., currently holding an RBS liquor license, which allows 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.

Commissioner Renner informed the Commission that Commissioner Stockton had resigned from the Commission effective February 10, 2014.

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 this item involved the change of corporate 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, addressed the Commission. She informed them that David Prokupek, President and CEO, had left employment with Smashburger Acquisition Peoria, Inc. He has been replaced by Scott Crane.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to accept the change of corporate officer for Smashburger Acquisition Peoria, Inc., d/b/a Smashburger #1323, located at 1401 N. Veterans Pkwy., currently holding an RBS liquor license; said license remains in force.

Motion carried, (viva voce).

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 4:04 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order to hear the request of Lola Jimoh and Felix Anaman to allow moderate consumption of alcohol at their March 8, 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.

Commissioner Tompkins recommended that City staff reach out and contact the bride and groom regarding this item. He added that based upon the information received the Commission should allow Commissioner Renner the discretion of placing this request before the Council at their February 24, 2014 meeting.

Commissioner Jordan concurred with Commissioner Tompkins' comments.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that Commissioner Renner had the authority to take this action.

The Commission directed Tracey Covert, City Clerk, to follow up with the requestors.

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 hear the request of Jonathan Hughes and Sarah Spurling to allow moderate consumption of alcohol at their June 13, 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 Art Donaldson, caterer and requestor's representative.

Commissioner Renner opened the liquor hearing and requested that the requestor's representative address this request. Art Donaldson, caterer, addressed the Commission. He was the owner/operator of Times Past Inn located at 1216 Towanda Ave. The wedding reception was scheduled for June 13, 2014 at the Lake Bloomington Davis Lodge. The plan included 75 - 100 guests. Times Past Inn would be retained to provide liquor service, which would be limited to beer and wine only. The wedding was scheduled for 4:00 p.m. The reception was scheduled from 5:00 p.m. until 9:00 p.m. Quiet hours commence at 10:00 p.m. He was asked to address the Commission as the bride and groom resided out of state.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the request of Jonathan Hughes and Sarah Spurling to allow moderate consumption of alcohol at the Lake Bloomington Davis Lodge for their June 13, 2014 wedding be approved.

Commissioner Renner stated that this item would appear on the Council's March 10, 2014 Consent Agenda. He encouraged Mr. Donaldson to attend same.

There being no further business before the Commission, the meeting recessed at 4:07 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application by Asil 1, Inc., d/b/a Price Rite Food Mart, located at 706 N. Clinton St., 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. 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 representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. He noted past applications and the debt owed to the state. He questioned if the debt had been paid in full.

Ahmad Samhan, owner/operator and Applicant representative, addressed the Commission. He informed them that his father had entered into a payment plan with the state. Payments were \$4,500 per month. He had a name and telephone number for an employee at the Department of Revenue.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He recommended that Mr. Samhan provide this information to the City Clerk's Office. City staff would research same. The Commission had three (3) options: 1.) approve the application; 2.) deny the application or 3.) lay the application over to a future date. Option three would give City staff the ability to verify Mr. Samhan's statements.

Commissioner Tompkins questioned the terms of the repayment agreement. Mr. Samhan noted that the term was for seventeen (17) years.

Commissioner Jordan questioned the current balance. Mr. Samhan cited \$799,000 remained after a \$100,000 payment. Payments would commence in March 2014. The \$100,000 payment was made in January 2014.

Commissioner Jordan noted the past applications. He cited the May 14, 2013 liquor hearing. The Commission was informed at that meeting that payments were being made.

Commissioner Jordan questioned Mr. Samhan's tenure at this store. Mr. Samhan stated two (2) years as an employee.

Commissioner Tomkins addressed the financial statement. This document addressed the profitability of the business. He restated that the agreement with state required \$4,500 monthly payments over the next seventeen (17) years. Mr. Samhan believed that the liquor license would provide the store with the ability to pay off the debt. The loss of the liquor license had hurt the business. The store needed to provide one stop shopping.

Commissioner Jordan questioned the anticipated percentage of sales from alcohol. Mr. Samhan noted forty percent (40%) of the store's customers purchase other items such as tobacco and/or food.

Commissioner Renner stated that the applicant believed that a liquor license was critical to the business' survival. In addition, Mr. Samhan believed that a liquor license would also provide the business with the ability to pay the outstanding gasoline taxes.

Commissioner Renner noted that it appeared that no one on the Commission appeared to be in favor of this application. The Commission appeared to be opposed to this application.

Dick Fasig, 610 E. Douglas, addressed the Commission. He encouraged the Commission to deny a new liquor license for Price Rite. He requested that liquor sales not be allowed at this address. The state had allowed this business to be in arrears for gasoline taxes in an amount over \$700,000. The agreement with the state was for a term of seventeen (17) years. He informed the Commission that cigarettes had been sold at a cost of \$1 each. He expressed his concern regarding individuals loitering on the property. He also cited liquor bottles found in the adjoining alley. The business was not clean. The ATM, (Automated Teller Machine), also did not work. There had been a number of police vehicles on the premise. It was difficult to determine who was employed by the business. Mr. Samhan had not presented any evidence of his suitability to hold a liquor license.

Commissioner Renner noted that the Commission could not accept hearsay. There needed to be evidence, (claim that cigarettes were sold for \$1 each).

Commissioner Tompkins questioned if the bottles found in the alley were liquor bottles. Mr. Fasig responded affirmatively.

Elton Mau, 609 N. Clinton St., Wash House owner/operator, addressed the Commission. He supported Mr. Fasig's comments. He had heard from Price Rite's customers regarding cigarette sales. In addition, he heard a lot of stories.

Commissioner Renner restated that the City needed to have evidence. The Police Department could attempt to verify these statements.

Mr. Mau added testimony from someone who had purchased a single cigarette should be acceptable.

Mr. Boyle added testimony based upon personal observation would also be acceptable.

Commissioner Renner reviewed the letter submitted by Mr. Mau. It addressed litter, intoxicated persons, etc. Mr. Mau expressed his concerns as an owner of an adjacent business.

Mr. Mau performed cleaning/maintenance at his business. The Wash House was open 24/7/365, (twenty-four hours a day/seven days a week/three hundred six-five days a year). He noted the number of liquor bottles found. Intoxicated persons came into the business. He had installed surveillance cameras. These incidents had become less frequent since Price Rite has not held a liquor license. He believed that Price Rite's former customers were shopping at Franzetti's Pantry Plus located at 801 E. Washington St.

Commissioner Tompkins objected to Mr. Mau's comments. He had not seen anyone consuming alcohol outside of Franzetti's. Mr. Mau cited a recent experience. Two (2) individuals were on the east side of the building consuming alcohol at 2:00 p.m. in the afternoon.

Commissioner Tompkins stated that the store's owner was a conscientious businessman. He had never seen litter (liquor bottles) on the premise. He added that the claim that litter (liquor bottles/cans) in the alley came from Price Rite was incorrect as this business currently did not hold a liquor license.

Jeff Marvel, 508 E. Mulberry, addressed the Commission. He cited individual walking through the alley. He had found litter (liquor bottles/cans) in the alley. The litter could have come from Price Rite and/or Franzetti's. He restated his concern regarding foot traffic.

Mr. Fasig readdressed the Commission. He wanted to clarify that his comments did not imply recent events. These events occurred prior to Price Rite's loss of its liquor license.

Donna Hesty, 508 E. Mulberry, addressed the Commission. She also noted the litter in the alley. She cited aluminum cans, (beer and soda). She had visited Price Rite. Cigarettes were being sold by the piece. A pack of cigarettes had been sold for \$10 a pack. The store was disorganized and unclean. It lacked appropriate management and the employees were discourteous. She noted individuals loitering at the store in the evening.

Mr. Samhan readdressed the Commission. He wanted to make a couple of points. He cited his attempts to disperse individuals who loitered at the store. He had also called the Police Department when his efforts had failed. Customers were not afraid of his employees. He added that he could not control customers' behavior after they leave the property. He acknowledged that littering was annoying. He expressed his willingness to research Ms. Hesty's claim that she had been charged \$10 per pack for cigarettes. Cigarettes retail price was \$6.50 per pack. Finally, he stated that Price Rite did not sell cigarettes by the piece.

Commissioner Renner restated the concern raised which addressed litter, (liquor bottles and cans). He noted that Price Rite did not have a liquor license. Mr. Samhan responded affirmatively.

Commissioner Tompkins addressed lighting and video surveillance cameras. Mr. Samhan informed the Commission that new video surveillance equipment would be installed. Store improvements would take time and money. His goal was to re-establish the store and put Price Rite back on its feet.

Commissioner Tompkins stated that it was key for Price Rite that it not be a pleasant place to hang out. Interior and exterior store lighting needed to be improved. He believed that the pay telephone had been removed. He added that something needed to change.

Commissioner Renner restated the concerns raised: 1.) the back tax issue; 2.) lighting; and 3.) surveillance cameras. The Commission could place conditions upon a liquor license.

Commissioner Jordan addressed individuals congregating in the store's interior. Mr. Samhan believed that the store's appearance was better. Commissioner Jordan questioned loitering. Mr. Samhan did not believe that this was an issue. He had to limit the number of children in the store at one time. Price Rite was a neighborhood store.

Commissioner Jordan questioned staff size. Mr. Samhan stated that there were two (2) employees, his brother and himself. He was on premise open to close.

Clay Wheeler, Asst. Police Chief, addressed the Commission. He did not have an exact number regarding calls for service. He was unaware of any issues at this location. He believed that calls for service had decreased. He cited the business' lack of a liquor license. He added that it was the business owner's responsibility to keep a business clean and to enforce a no loitering policy.

Commissioner Renner stated that the Commission had heard concerns regarding this application. There needed to be a plan for improvement.

Commissioner Tompkins addressed the need to balance free enterprise versus a neighborhood store. Concerns went beyond the outstanding tax issue. He was not prepared to support this application.

Commissioner Jordan noted that the neighborhood wanted a good convenient store. He also cited the outstanding taxes owed to the state. He could not support this application as he had not seen any evidence of real change. This business was saddled with a huge debt.

Commissioner Tompkins noted that if this business were to fail, the City would have an abandoned building. Commissioner Renner noted that as the Mayor abandoned buildings represented a serious problem.

Commissioner Tompkins stated that Mr. Samhan would have to develop a concrete business plan which listed specific improvements with a time line.

Commissioner Renner addressed Mr. Samhan. He informed the applicant that the Commission was interested in the following items: 1.) develop a business plan; 2.) progress regarding payments to the state; and 3.) enhanced/improved lighting and surveillance cameras. Upon submittal/proof of these items, then Mr. Samhan could reappear before the Commission.

There being no further business before the Commission, the meeting adjourned at 4:40 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of Bloomington Ribs, LLC d/b/a Tony Roma's, located at 1601 Jumer Dr., requesting 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 David McClain, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. David McClain, owner/operator and Applicant's representative, addressed the Commission. He was an operating partner. Tony Roma's would be located at the Chateau. He had two (2) goals for this hearing: a positive recommendation from the Commission to the Council for action and approval of his written request for temporary use of the Chateau's liquor

license for Tony Roma's training week. His goal was to have a liquor license issued to Tony Roma's by February 25, 2014.

Commissioner Renner offered congratulations on opening a Tony Roma's in the City.

George Boyle, Asst. Corporation Counsel, addressed the Commission. City staff wished to make a statement regarding this application. The premises was owned and operated by Bloomington Chateau Partners, LLC. He cited Chapter 6. Alcoholic Beverages, Section 4B. Creation of New License Classification, Factual Criteria 7. The financial responsibility of the applicant and 8. Whether the applicant, or (if the applicant is a partnership or corporation) whether any partner officer or director of the applicant has ever held a liquor license and his or her performance as a licensee. He acknowledged that Bloomington Ribs, LLC, the applicant, was a new entity. Mary Pat Kerper, a member of Bloomington Ribs, LLC was employed as the Fiscal Officer for Bloomington Chateau Partners, LLC. There were significant issues with Bloomington Chateau Partners, LLC. He cited unpaid prepared Food & Beverage Taxes and Hotel/Motel Taxes. The Chateau was current on Food & Beverages Taxes. However, there was \$220,000 in outstanding Hotel/Motel Taxes. The Chateau would enter into an agreement with City regarding payment of same. An action plan would be drafted to insure that this would not reoccur. Bloomington Chateau Partner, LLC had made progress. The Chateau's success as a business would be good for the community. Tony Roma's should enhance Bloomington Chateau Partners, LLC's ability to continue to make payments to the City.

Commissioner Renner was optimistic that this situation would not happen again.

Commissioner Tompkins questioned Mr. McClain's role. Mr. McClain was the Operating Manager.

Commissioner Tompkins questioned if Mr. McClain had read the City's Alcoholic Beverage Code. He also cited the City's requirement for BASSET, (Beverage Alcohol Sellers & Servers Education & Training) certification. Mr. McClain responded affirmatively. Both he and the management team would be BASSET certified. He added that he and his staff must meet Tony Roma's standards. He cited the franchise agreement. A team would come to the City to train the restaurant's staff. Tony Roma's protected the brand.

Commissioner Jordan questioned the current bar area at the Chateau. Mr. McClain stated that when Tony Roma's opened the current bar area would become part of the dining room.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that that the application by Bloomington Ribs, LLC, d/b/a Tony Roma's, located at 1601 Jumer Dr., requesting an RAS liquor license, which allows the sale of all types of alcohol only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, (viva voce).

Mr. McClain wanted to clarify the temporary use of the Chateau's liquor license for the training week.

Mr. Boyle noted that the City Code would allow Tony Roma's to proceed under the Chateau's existing liquor license.

Commissioner Jordan questioned liquor liability. Mr. Boyle noted that Tony Roma's would be operating under the existing the liquor license held by the Chateau. He restated that the City Code allowed same. The City had received letters from both entities.

Mr. McClain restated that it would be a training week. Liquor would only be served at two (2) events: family and friends and the VIP event held on February 24, 2014.

Commissioner Jordan noted that Tony Roma's would not be open to the public.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to approve the request by Bloomington Ribs, LLC to operate under Bloomington Chateau Partners, LLC's liquor license during the training week, (February 18 – 24, 2014).

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's February 24, 2014 Consent Agenda. He encouraged him to attend same.

There being no further business before the Commission, the meeting recessed at 4:50 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Hearing to order regarding the application of CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire St., requesting 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 Peter Goranitis, owner/operator and Applicant's representative.

Commissioner Renner opened the liquor hearing and requested that the Applicant address this application. Peter Goranitis, owner/operator and Applicant's representative, addressed the Commission. He was negotiating the purchase of CJ's Restaurant, had filed an application for a liquor license and planned to move to Bloomington.

Commissioner Jordan questioned the sale time line. Mr. Goranitis informed the Commission that the sale was contingent upon approval of the liquor license. He noted that currently the business held an "R", Restaurant, liquor license.

Commissioner Tompkins cited similar requests in the past.

Commissioner Jordan noted that approval of the liquor license could be contingent upon the sale of the business.

George Boyle, Asst. Corporation Counsel, addressed the Commission. A liquor license holder must own the premise or have a lease to the premise.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that that the application by CJ's Catering, Inc., d/b/a CJ's Restaurant, located at 2901 E. Empire, requesting an RAS liquor license, which allows the sale of all types of alcohol only by the glass for consumption on the premises seven (7) days a week be approved contingent upon compliance with life safety codes.

Motion carried, (viva voce).

Commissioner Renner stated that this item would appear on the Council's March 10, 2014 Consent Agenda. He encouraged him to attend same.

There being no further business before the Commission, the meeting recessed at 4:54 p.m.

The Bloomington Liquor Commissioner Tari Renner called the Liquor Violation Hearing to order regarding Jim's Steak House of Bloomington, Inc., d/b/a Jim's Steak House, located at 2307 E. Washington St., currently holding an RAS liquor license which allows the sale of all types of alcohol 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 second offense for Jim's Steak House. The license holder paid a \$1,000 fine. Mr. Boyle added that City staff would include signed orders in the Commission's packets when available.

There being no further business before the Commission, the meeting recessed at 4:55 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.

Commissioner Renner opened the liquor violation hearing. This hearing was scheduled to address a review of sanctions and conditions and an initial liquor violation. He added that the City had been contacted by the license holder's attorney who requested that this item be laid over until the Commission's March 11, 2014 meeting.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He addressed the sanction review. The license holder had installed a camera system to detect false identification. At the request of the Police Department, another company had been hired. The license holder was working with two (2) police officers.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The Police Department was not satisfied with the first system as installed. The issue addressed quality. The system was being corrected. Progress had been made. He lacked further information.

Commissioner Tompkins questioned if the license holder was current on fine payment. Tracey Covert, City Clerk, responded affirmatively.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan to lay over the violation hearing 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 for consumption on the premises seven (7) days a week, until the Commission's March 11, 2014 meeting.

Motion carried, (viva voce).

Mr. Boyle readdressed the Commission. Chasers had been involved in a subsequent violation. The license holder had to decide whether to plead to the facts or contest same. He believed that the license holder would agree to the facts. On March 11, 2014, the liquor violation hearing would address sanctions.

There being no further business before the Commission, the meeting recessed at 5:00 p.m.

The Bloomington Liquor Commissioner Tari Renner opened the discussion regarding liquor violation penalties. 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 discussion. He cited his recent election as Mayor. The Commission would have the opportunity to address this issue. He noted the recent record violation that resulted in a record sanction which included a record fine. He cited the past practice that the fine for a first violation was \$600 and \$1,000 - \$1,200 for a second violation.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He referred to the City Code which stated that liquor fines started at \$250, (Chapter 6. Alcoholic Beverages, Section 37 Same – Powers & Duties Generally (g)).

Commissioner Renner noted his decision to vary from recent past practice based upon circumstance. He believed that a message had been sent to the Downtown liquor license holders.

Commissioner Tompkins expressed his opinion that the Commission was where it needed to be. Liquor violation fines needed to be a deterrent. The Mayor as Liquor Commissioner should

make judicious use of lowering fines for long standing liquor license holders. Fines had been increased and the Council seemed pleased with this action.

Commissioner Renner noted recent liquor violations involving long standing license holders and his decision to reach a compromise.

Commissioner Jordan recommended that the Commission consider the time frame, additional offenses/violations, etc. The Commission needed to be flexible when dealing with long standing license holders/businesses.

Commissioner Tompkins cited past practice of utilizing a three (3) year time line.

Commissioner Jordan questioned if three (3) liquor violations in three (3) years would result in revocation.

Commissioner Tompkins recommended the following liquor fines: first offense - \$600, second offense - \$1,200 and third offense - \$3,500. These fines should be applied per Count. He added that Chasers was an extreme situation.

Commissioner Renner restated that the Commission levied a record fine for that violation. He readdressed the fine structure. A three (3) year calendar would be used. A lower fine could be offered to a restaurant with no previous violations.

Commissioner Jordan described this course of action as reasonable. He questioned if the Commission should consider the business' occupancy limit and the impact of underage persons present on premise.

Clay Wheeler, Asst. Police Chief, addressed the Commission. He expressed his concern regarding staffing to address same.

Mr. Boyle readdressed the Commission. He had heard two (2) topics: parameters for settlement and number of liquor violations. Liquor violations used to be rare. He noted the current level of compliance checks. The Police Department conducted twelve to fifteen (12 – 15) audits per month. The result of same was an increase in the number of liquor violation hearings. The Commission had the authority to recommend parameters for settlement. The Commission and Council had expressed their interest in sending a message to the liquor license holders. One method of enforcement was a liquor fine. He recommended that the Commission support an increase to the minimum fine from \$250 to \$400. He offered to prepare a text amendment for adoption by the Council.

Commissioner Renner stated that no action would be taken at this hearing. He expressed the Commission support for an increase to \$400.

Mr. Boyle addressed guidance as to authority. Liquor violation settlements were authorized by the Mayor/Liquor Commissioner. The initial fine would be \$600 unless there were mitigating circumstances: size of business, clean record, tenure as a license holder, efforts to address the

violation. Flexibility would be limited to the first offense. The Commission concurred with these comments.

Mr. Boyle questioned authorized settlements for a second offense. A third offense would include an appearance before the Commission and a fine in the area of \$3,500.

Commissioner Renner added the fine should also address the number of individuals involved in each Count.

Commissioner Tompkins cited his concern regarding a licensed establishment with three (3) violations within three (3) years with multiple individuals involved. He cited his role on the BNCC (Bloomington Normal Community Campus Committee). He believed that liquor license holders viewed liquor fines as a cost of doing business.

Mr. Boyle reminded the Commission of their authority to suspend a liquor license.

Commissioner Renner addressed the information regarding Operation Straight ID for retail liquor merchants/licensees. This was a free training program. He recommended that this information be provided to Jan Lancaster, owner/operator of the Bistro located at 316 N. Main St. This information should be taken to the Downtown Bar Owners Association.

Commissioner Tompkins informed the Commission that Heartland Community College had had to cancel recent BASSET, (Beverage Alcohol Sellers & Servers Education & Training), classes due to inclement weather.

There being no further business before the Commission, the meeting adjourned at 5:13 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk