

**DOWNERS GROVE LIQUOR COMMISSION  
VILLAGE HALL COUNCIL CHAMBERS  
801 BURLINGTON AVENUE**

Thursday, June 2, 2016

**I. CALL TO ORDER**

Chairman Strelau called the June 2, 2016 Liquor Commission meeting to order at 6:33 p.m.

**II. ROLL CALL**

**PRESENT:** Ms. Fregeau, Ms. King Mr. Jacobson, Mr. Krusenoski, Chairman Strelau

**ABSENT:** Mr. Austin, Mr. Clary

**STAFF:** Liaison to the Liquor Commission Carol Kuchynka, Assistant Village Attorney Dawn Didier, Village Attorney Enza Petrarca

**OTHERS:** Dino Alexakos, Santhosh Pillai, Kevin Landau, Court Reporter

**III. APPROVAL OF MINUTES**

Chairman Strelau asked for approval of the minutes for the May 5, 2016 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the May 5, 2016 minutes of the Liquor Commission meeting were approved as written.

Chairman Strelau reminded those present that this evening's meeting was being recorded on Village-owned equipment. Staff was present to keep minutes for the record and a court reporter was present taking the minutes verbatim.

**IV. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS**

Chairman Strelau made the following statements:

"Section 3-40 of the Downers Grove Municipal Code provides that the Local Liquor Commissioner may revoke or suspend any license issued if the Commissioner determines that the licensee has violated any of the provisions of this chapter or any State law pertaining to the sale of alcohol. Both under the Section cited above, and under Chapter 235, Section 5/7-5, Illinois Compiled Statutes, the Local Liquor Commissioner is required to hold a public hearing after notice to the licensee, in which the licensee is afforded an opportunity to appear and defend. Pursuant to Section 3-5 of the Downers Grove Municipal Code, this hearing is being conducted by the Local Liquor Commission at the request of the Local Liquor Commissioner."

"The Commissioner has the power to temporarily suspend a license without a hearing if there is reason to believe that continued operation of the licensed business would immediately threaten the welfare of this community. Such was not done in these cases. The licensee may be represented by counsel, although he need not be for the purposes of this hearing."

Chairman Strelau asked if there was a signed stipulation in this case. Ms. Didier replied yes.

Chairman Strelau made the following statements:

"In view of the stipulation the order of this hearing will be substantially as follows:"

- A. Prosecution will read the signed stipulation into the record with the opportunity for the licensee to register its concurrence or non concurrence for the record.
- B. Prosecution may present any additional evidence in this case with the right of the licensee to cross-examine.
- C. Licensee may present any defense or mitigating evidence with right of prosecution to cross-examine.
- D. Summary of case by prosecution and defense."

"The prosecution should establish that timely notice of this hearing has been provided to the licensee."

"Witnesses shall be sworn."

"Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to ensure that irrelevant or repetitive testimony does not unduly prolong the hearing."

"A court reporter is present and will take the proceedings verbatim. Staff is also present for the purpose of summarizing the proceedings."

"The Commission will submit the findings and recommendations to the Local Liquor Commissioner regarding the existence and nature of any violation."

"Upon receipt of the recommendation of the Commission, the Commissioner will render a decision and the licensee will be notified in writing."

### *Giordano's - 5115 Main*

Chairman Strelau stated that the next order of business was to conduct a disciplinary hearing for CMJ, Inc. d/b/a Giordano's located at 5115 Main Street. She stated that the licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

Chairman Strelau asked that any individual(s) representing the licensee step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Dino Alexakos was sworn in by the court reporter.

Chairman Strelau asked the prosecuting attorney to present her case.

Ms. Didier stated that the parties to this hearing before the Liquor Commission of the Village of Downers Grove by and through their attorneys, if any, hereby stipulate as follows:

1. CMJ, Inc. d/b/a Giordano's, 5115 Main Street, Downers Grove, Illinois, is the holder of a Class R-2 Liquor License #LQ-000049, issued by the Village of Downers Grove. That said Licensee has held a liquor license for this location from the Village of Downers Grove since December 28, 1999.
2. Notice of this hearing was served upon the Licensee by certified mail to its registered agent and by personal delivery to the manager of the licensed premises.
3. At approximately 5:15 p.m. on Thursday, May 5, 2016, Downers Grove Police Officer Lylerly and Downers Grove Police Officer Buzacky observed A.A., a special agent of the Downers Grove Police

Department under the age of twenty-one (21), whose date of birth is February 16, 1999 (making her 17 years old), enter Giordano's located at 5115 Main Street, Downers Grove.

4. The special agent was seated at a table in the restaurant and waitress Julie Parison, asked her for her order.
5. The special agent ordered a bottle of Samuel Adams beer while Officers Lylerly and Buzucky observed her.
6. That Julie Parison, whose date of birth is October 27, 1993, never asked the special agent for identification.
7. That Julie Parison then served the special agent a bottle of Samuel Adams beer.
8. Officers Buzucky and Lylerly who witnessed the events in the foregoing paragraphs, identified themselves and advised Julie Parison that the delivery of an alcoholic beverage had been made to a minor.
9. Julie Parison was issued a Village ordinance administrative citation for delivering alcohol to a minor in violation of Section 3-25(a) of the Downers Grove Municipal Code.
10. The Officers advised manager Robert Kozla that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Ms. Didier asked that the signed stipulation be entered into the record as Village's Exhibit #1.

Chairman Strelau accepted the signed stipulation as Village Exhibit #1.

Chairman Strelau asked the licensee to present its case.

Mr. Dino Alexakos introduced himself as the owner and manager of Giordano's. He stated that he has owned and operated the restaurant since December of 1999. He stated that he agreed with the stipulation of facts and that a violation occurred. Mr. Alexakos added that Julie Parison was terminated immediately.

Mr. Alexakos stated that employees are directed to ask for identification. He stated that one prior violation occurred in 2003. He stated that since this violation, they re-wrote the employee handbook with more stringent policies on carding. He apologized for the violation.

Ms. King asked how long Julie had been employed. Mr. Alexakos replied just under a year. He stated that she was trained but failed to card. He stated that she had a lackadaisical attitude and did not take carding serious and had no excuse for the violation.

Ms. King asked about the quantity of alcohol sales. Mr. Alexakos replied that they have a low volume of alcohol sales in the range of 8-9%, which is only for the convenience of customers. He stated that they do not push alcohol.

Ms. King asked if a manager was on duty. Mr. Alexakos replied yes but added that he personally was not in the restaurant at the time of the violation.

Ms. King asked if they have any signage posted reminding employees about serving liquor. Mr. Alexakos stated that they have a sign at the bar "We card" and have the "under 21 age" signage.

Ms. King stated that they have had a good record and asked Mr. Alexakos if he has been the owner since opening. Mr. Alexakos replied yes.

Ms. King asked how many employees they have on staff. Mr. Alexakos replied two during the week and four on the weekends.

Mr. Alexakos stated that he met with each staff member after he got word of the violation. He stated that they have regular shift meetings to reinforce policy and procedure.

Mr. Krusenoski asked Mr. Alexakos if he was both owner and liquor manager. Mr. Alexakos replied yes. Mr. Krusenoski asked Mr. Alexakos if he re-wrote the serving policies. Mr. Alexakos replied yes. He stated that all servers were required to read it and sign an acknowledgment form.

Mr. Krusenoski asked at what age they request identification. Mr. Alexakos stated that employees are asked to card anyone appearing under the age of 40.

Mr. Krusenoski asked Mr. Alexakos if she had a response for the violation. Mr. Alexakos replied no and that she was terminated immediately.

Mr. Krusenoski stated that the small percentage of alcohol sales has a low reward and high risk. He stated that management sets the tone and tenor for the establishment and felt that a lackadaisical attitude by employees is unacceptable. He stated that liquor serving policies be instilled as important.

Ms. Fregeau agreed with Mr. Krusenoski's statements. She added that management sets tone and tenor and failures fall upon management's shoulders.

Ms. Fregeau asked how often they meet with employees. Mr. Alexakos replied on a regular basis.

Mr. Alexakos noted that from the last violation, their policy was to not accept the vertical under 21 license, however, Julie did not card in this instance.

Ms. Kuchynka advised the Commission that Giordano's passed the re-test of May 25<sup>th</sup>.

Mr. Jacobson stated that the training of employees on proper liquor service is lacking. He stated that it is a small establishment and that management should regularly be monitoring the floor and keeping an eye on staff. He stated that there has not been a violation for 13 years at the location.

Chairman Strelau stated that after the incident in 2003, they had a good record until now. She asked what other policies have changed. Mr. Alexakos stated that after the incident in 2003, they no longer hired servers under the age of 21, nor accept the vertical identification. He stated that they are reminded regularly to card patrons under 40.

Chairman Strelau stated that proper training begins and ends with management. She stated that they have no alternative but to be strict and suggested that they step up the training.

Chairman Strelau asked the prosecuting attorney to summarize.

Ms. Didier summarized by stating that CMJ, Inc. d/b/a Giordano's located at 5115 Main Street, has stipulated to a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance which prohibits the sale of alcohol to a minor. She recommended that the licensee be found guilty of a violation.

Chairman Strelau asked Mr. Alexakos if he had any final comments for the record. Mr. Alexakos replied no and again apologized for the incident.

Upon hearing the evidence presented in this case, Chairman Strelau requested a motion as to whether the licensee be found guilty or not guilty of a violation of Section 3-25(a) of the Downers Grove Municipal Code.

**MS. KING MOVED TO FIND CMJ, INC. D/B/A GIORDANO'S LOCATED AT 5115 MAIN STREET GUILTY OF VIOLATING SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. FREGEAU SECONDED.**

**VOTE:**

**Aye:** Ms. King, Ms. Fregeau, Mr. Krusenoski, Mr. Jacobson, Chairman Strelau

**Nay:** None

**Abstain:** None

**MOTION CARRIED: 5:0:0**

The Motion carried.

**V. APPLICATION FOR LIQUOR LICENSE**

Chairman Strelau made the following statements:

"The first order of business is to conduct a public hearing for a liquor license application. For the benefit of all present, I would like to state that this Commission does not determine the granting or denial of the issuance of any license. We may at the end of each hearing, make a finding or recommendation with respect to the application. If necessary, the Commission may adjourn a hearing to a later date in order to have benefit of further information."

"At the conclusion of the hearing, the Commission will summarize its findings and determine any recommendations it wishes to make to the Liquor Commissioner."

"The Liquor Commissioner, who is the Mayor of Downers Grove, will, pursuant to Section 3-12 of the Ordinance, render decisions regarding issuance of available liquor licenses within 60 days."

"Hearings by this Commission are held according to the following format: 1) reading of information pertinent to the application, 2) comments from the applicant, 3) comments from the public, 4) discussion by the Commission, and 5) motion and finding by the Commission."

**Doubletree - 2111 Butterfield Road**

Chairman Strelau stated that the next order of business was an application hearing for AC Hospitality, LLC d/b/a Doubletree located at 2111 Butterfield Road. She stated that the applicant was seeking a Class "H-1", full alcohol, on-premise consumption liquor license and a Class "K-1", full alcohol, off-premise consumption liquor license.

Chairman Strelau asked that any individual(s) representing the applicant step forward and be seated. She asked that any individual(s) giving testimony, state and spell their name for the record, indicate their affiliation with the establishment and be sworn in by the court reporter.

Mr. Santhosh Pillai and Mr. Kevin Landau were sworn in by the court reporter. Mr. Pillai introduced himself as the liquor manager of the Doubletree and Mr. Landau introduced himself as legal counsel.

Chairman Strelau asked the applicant to present its case.

Mr. Pillai stated that the hotel is currently in operation and noted they are seeking a liquor license for the hotel and the catering operation out of the hotel. He advised that the tentative closing is set for June 15<sup>th</sup>. He stated that they are keeping the operation the same and maintaining all liquor serving staff.

Ms. Fregeau asked Mr. Pillai if he will serve as liquor manager and asked how often he will be on-site. Mr. Pillai replied yes and that he will be at the location about 80 hours a month.

Ms. Fregeau asked Mr. Pillai about his liquor handling experience. Mr. Pillai replied that he had served as liquor manager at the Florida hotel and had 8 years of liquor serving experience. Ms. Fregeau asked Mr. Pillai if he had any liquor handling experience in Illinois. Mr. Pillai replied no.

Ms. Fregeau commented on the food and beverage manual and noted it contained general serving guidelines and noted that the detailed liquor manual referenced on page 5 of the manual was not provided with the application materials. Mr. Pillai replied that this manual is also used at the other property. He stated that reference was made in error and that his legal department removed that item from the manual. He stated that he had contacted Ms. Kuchynka and advised that provision was removed and a section was added to page 32 of the manual on carding procedures and guidelines for the Downers Grove location.

Ms. Fregeau stated that she noticed the driver's license photos were included and what licenses are accepted. She asked if they will accept the vertical under 21 identification. Mr. Pillai replied no. She asked that they address that guideline in the revised manual.

Ms. Fregeau asked how often employees are trained. Mr. Pillai replied that new hires go through an orientation. He stated that they plan monthly meetings with all staff and discuss issues during pre-shift meetings.

Ms. Fregeau asked that they spell out policy and consequences if employees serve minors. Mr. Pillai replied that employees will be terminated.

Ms. Fregeau noted that BASSET certifications for Arturo Hernandez and Reyna Duran were expired and that they need to renew their training. Ms. Kuchynka noted that the current owners provided the list of trainees to AC Hospitality and these expirations may have been overlooked. Mr. Pillai assured the Commission that the employees will be re-certified immediately.

Ms. Fregeau stated that relying on BASSET training is not enough as they may have seen during the prior disciplinary hearing and encouraged them to conduct training regularly.

Ms. Fregeau asked if there are any servers under the age of 21. Mr. Pillai replied 2-3 and stated all seven of the bartenders are over 21.

Ms. Fregeau asked if Doubletree had any prior violations. Ms. Kuchynka replied the prior owner did. Ms. Fregeau noted that they might want to reconsider using prior training techniques. Mr. Pillai replied that the manual was written by AC Hospitality, not the prior owner.

Mr. Jacobson asked Mr. Pillai if he was aware of any liquor problems at other hotel operations he had managed. Mr. Pillai replied no.

Mr. Jacobson asked Mr. Pillai what topics would be covered during pre-shift training. Mr. Pillai replied that they would reiterate the importance of carding, recognizing signs of intoxication and monitoring guests behavior.

Mr. Jacobson asked what they will do if a patron is over served. Mr. Pillai replied if not already a guest, they will be offered a discounted room, alternate transportation and/or food. He stated that staff will be directed to notify the beverage manager and management will help dealing with intoxicated guests.

Mr. Jacobson asked what the consequences were to employees that are caught serving a minor. Mr. Pillai replied termination. Mr. Landau noted that employees are part of a collective bargaining unit and the union may get involved if the employee is not lawfully terminated. He stated that there may be some prescribed discipline set forth by the union. Mr. Jacobson asked who completed the contract negotiations. Mr. Landau replied that they are pre-existing. Mr. Jacobson suggested that they review the union contract to determine what procedure they need to follow if an employee is involved in a violation.

Mr. Jacobson suggested that they obtain an ID Checking Guide to verify out of state identification, especially as they are operating a hotel with out of town guests. He was pleased that they will not accept the vertical under 21 license. He asked at what age they will request identification. Mr. Pillai replied identification will be asked from anyone appearing under the age of 40.

Ms. King asked if they have a corporate in-house compliance testing. Mr. Pillai replied no. He stated they have a secret shoppers program for the hotel part but noted it might be good to test employees and monitor their adherence to liquor policies.

Mr. Krusenoski had no questions. He was glad that they were present to hear the preceding disciplinary hearing and the consequences for licensees involved in a violation.

Chairman Strelau asked Mr. Pillai about his schedule. Mr. Pillai replied he will start out working 80 hours a month for a number of months and gradually transition out. He stated that there will be a food and beverage director, food and beverage manager and two executive management positions hired after the transition.

Chairman Strelau suggested that the food and beverage manual should be more specific with consequences of serving to a minor and employee responsibilities that are specific to Downers Grove. She stated that policies for catering and wedding events should also be covered.

Chairman Strelau stated that management sets the tone and tenor by stressing the importance of proper liquor service. She cautioned them about the control buy program and advised that they will be tested.

Chairman Strelau asked staff for recommendations or comments pertinent to this application. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of satisfactory background checks, the annual fee, an executed lease, dram shop insurance and revised Certificate of Occupancy.

Chairman Strelau asked for comments from the public. There were none.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "H-1" liquor license application.

**MR. JACOBSON MOVED TO FIND AC HOSPITALITY, LLC D/B/A DOUBLETREE LOCATED AT 2111 BUTTERFIELD ROAD QUALIFIED FOR A CLASS "H-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. KRUSENOSKI SECONDED.**

|              |                 |   |
|--------------|-----------------|---|
| <b>VOTE:</b> | <b>Aye:</b>     | Mr. Jacobson, Mr. Krusenoski, Ms. Fregeau, Ms. King, Chairman Strelau |
|              | <b>Nay:</b>     | None  |
|              | <b>Abstain:</b> | None  |

**MOTION CARRIED: 5:0:0**

Motion carried.

Hearing the testimony given in this case, Chairman Strelau asked for a recommendation from the Commission concerning its finding of "qualified" or "not qualified" with respect to the applicant with regard to their Class "K-1" liquor license application.

**MR. KRUSENOSKI MOVED TO FIND AC HOSPITALITY, LLC D/B/A DOUBLETREE LOCATED AT 2111 BUTTERFIELD ROAD QUALIFIED FOR A CLASS "K-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.**

**VOTE:**           **Aye:**           Mr. Krusenoski, Ms. King, Ms. Fregeau, Mr. Jacobson, Chairman Strelau  
**Nay:**           None  
**Abstain:**       None

**MOTION CARRIED: 5:0:0**

Motion carried.

## **VI. OLD BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any old business.

Ms. Kuchynka reported on the month end report. She stated that the Mayor approved the Fairview Mart & Tobacco license which she expects to issue July 1<sup>st</sup>. She stated that the Mayor approved the Bogies license, however, there was a potential legal issue with the new owner utilizing the Bogie's name. She stated that she would advise them when the license is issued and a name change, if any.

## **VII. NEW BUSINESS**

Chairman Strelau asked if there was any discussion, update from staff or comments from the Commission regarding any new business.

Ms. Kuchynka asked the commission's availability for the July 7<sup>th</sup> meeting. Mr. Jacobson advised that he could not attend.

Ms. Kuchynka reminded the Commission of the upcoming Illinois Liquor Control Commission's licensee meeting on Monday, June 6<sup>th</sup>. Mr. Jacobson stated that he signed up. Ms. Kuchynka advised that she will be attending and had been given a license from the ILCC of those local license holders that registered for the seminar.

Ms. Fregeau asked about E licensees advertising college night Thursdays and conducting bar pong. She asked staff to monitor if the licensee is targeting college students and encourage drinking on the licensed premises. She noted that the licensee was in recently to discuss a new direction and more upscale and older clientele targeting. Ms. Petrarca stated that they have had the issue of bar pong with another licensee and how it is to be conducted. Ms. Kuchynka stated that they are not allow to fill cups with beer and/or promote it as "beer" pong. Ms. Fregeau asked if any prizes were awarded. Ms. Kuchynka replied no.

Mr. Jacobson asked about drink pricing and wondered how licensees with limited hours of operating can offer specials. Ms. Petrarca stated that licensees can advertise drink specials but they have to be available during their hours of operation.

## **VIII. COMMENTS FROM THE PUBLIC**

There were none.

## **IX. ADJOURNMENT**

Concluding business for the evening, Chairman Strelau called for a motion to adjourn.

Ms. Fregeau moved to adjourn the June 2, 2016 meeting. The meeting was adjourned by acclamation at 7:35 p.m.