

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

Thursday, December 1, 2016

I. CALL TO ORDER

Chairman Strelau called the December 1, 2016 Liquor Commission meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mr. Clary, Mr. Jacobson, Ms. King, Ms. Pietrucha, Chairman Strelau

ABSENT: Mr. Austin, Mr. Krusenoski

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

OTHERS: Robert Anderson, Theodora Maldonado, Kirk Mauriello, Susanne Nagel, Lisa Sahagun, Gerardo Sahagun, Alfredo Sahagun, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the September 1, 2016 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no changes, corrections or additions, the September 1, 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. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The first order of business is to conduct a public hearing for liquor license applications. 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."

Chipotle Mexican Grill - 1203 Ogden

Chairman Strelau stated that the next order of business was an application hearing for Chipotle Mexican Grill, Inc. d/b/a Chipotle Mexican Grill located at 1203 Ogden Avenue. She stated that the applicant was seeking a Class "R-1", full alcohol, on-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.

Ms. Theodora Maldonado was sworn in by the court reporter. Ms. Maldonado introduced herself as the general manager and liquor manager for Chipotle. Mr. Robert Anderson stated he was the attorney representing the applicant.

Chairman Strelau asked the applicant to present its case.

Attorney Anderson stated that all Chipotle restaurants are corporate owned and publically traded on the New York Stock Exchange. He stated that they began operating in 1998 with their first restaurant in Illinois beginning in 2000. He stated that they operate 1,900 locations throughout the United States and noted that there are 119 in Illinois currently operating with liquor licenses.

Attorney Anderson stated that there is both a corporate liquor handling manual and a Dowers Grove supplemental manual for this location. He stated that all employees who ring up and handle liquor will be 21 years of age or older and will be BASSET certified. He noted that a contingency for the license was to provide the employee certifications. He stated that employees were trained on November 29th and that he would forward those certifications to staff.

Attorney Anderson stated that it is Chipotle policy to card everyone. He added that they will not accept the vertical license.

Ms. Maldonado stated that customers will order drinks at the cashier. She stated that the cashier will prompt the date of birth/year in which a customer has to be to purchase liquor and the cashier will check the patron's identification. She stated that they will only be serving beer and margaritas which are made to order. Attorney Anderson stated that margaritas are single serve only and not available in pitchers.

Ms. King stated that their disciplinary history was included in the packet and noted that 50% of the violations listed were for signage violations. She asked them to elaborate on their corporate training.

Attorney Anderson stated that all employees are trained with the corporate and local manuals upon hire and required to take the BASSET training course. He noted that although only employees who are 21 and over will be allowed to serve, they will require BASSET training for all employees so that underage staff will know how to recognize signs of intoxication and report any problems with customers to the management.

Attorney Anderson elaborated on the sale to minor violations. He stated that when a violation occurs, the entire store is retrained and must go through the BASSET certification again. He stated that disciplinary action for the employee will range from written warnings to termination, depending on the nature of the event.

Attorney Anderson advised the two violations at the Champaign location were issues with the employees and they were immediately terminated.

Ms. Maldonado stated that they will hold internal refresher meetings. She stated they have daily "chip talks" and will be sure to stress the importance of proper liquor service.

Ms. Maldonado stated that all retail liquor storage is behind the counter where they will regularly monitor stock. She noted the area has a camera directed at the area for observation. She stated that this location is small and they do not have space for a liquor cage.

Ms. King noted that the location was close to the high school and a middle school. She encouraged them to pay attention when dealing with underage patrons who may frequent the location.

Mr. Clary mentioned the number of violations at multiple locations. He asked at what point are customers carded. Ms. Maldonado replied they will be carded when they order. She noted that it is their policy to card everyone.

Mr. Clary asked Ms. Maldonado about her liquor handling experience. Ms. Maldonado replied that she had liquor handling experience at the DeKalb location where she also served as manager. Mr. Clary asked if there were any violations there. Ms. Maldonado replied not at her location.

Mr. Clary asked what type of margaritas will be served. Ms. Maldonado replied Patron. She noted some stores also serve Sausa tequila.

Ms. Pietrucha had no questions.

Mr. Jacobson referred to the nineteen page list of disciplinary violations. Attorney Anderson replied there was a three page list of violations. Ms. Kuchynka clarified that the nineteen page document was a list of all of the liquor licenses issued by the IL Liquor Control Commission in the State of Illinois. Mr. Jacobson apologized for the confusion.

Mr. Jacobson noted that there was no point of entry for the date of birth in the register and just a yes/no prompt for the cashier which they could override. Attorney Anderson stated that patrons will be refused liquor service if they cannot provide identification. He stated that employees are trained to ask for identification at the point of sale.

Mr. Jacobson asked if the margaritas are pre-made. Ms. Maldonado replied that they are made to order. Mr. Jacobson asked how the liquor is regulated. Ms. Maldonado replied that there is a shaker which has the measures printed on it. Mr. Jacobson asked if they audit the number of drinks they sell. Ms. Maldonado replied she was unsure.

Chairman Strelau asked how many employees were under 21. Ms. Maldonado replied 3-4.

Chairman Strelau asked how many employees are on shift at any given time. Ms. Maldonado replied that they have 8-9 on shift in the morning and 5-6 during the evenings. Chairman Strelau asked if there will always be someone over 21 in the restaurant to ring up sales. Ms. Maldonado replied yes. She stated that all managers are over 21.

Chairman Strelau asked Ms. Maldonado about the cash register system. Ms. Maldonado replied that when a liquor item is ordered, the register screen prompts a message with the date of birth a patron needs to be to be served liquor, staff is required to ask for identification, then proceed to hit the yes/no button to

finalize the sale. She stated that if they are not 21 or cannot provide identification, the item is voided. Chairman Strelau asked if staff is required to key the date of birth into the register. Ms. Maldonado replied no. Chairman Strelau noted that the point of sale system is a little loose and leaves them susceptible to potential violations.

Chairman Strelau asked how many of the 119 stores in IL were involved in violations on their history sheet. Attorney Anderson replied 24. Chairman Strelau noted that 25% of their stores had violations. She stated that most of them were violations for not having signage posted. Attorney Anderson noted that these were oversights in that the renewed licenses were not posted in a timely manner.

Chairman Strelau noted that the Commission has never seen such a comprehensive list of violations and she was astounded at the number of them, especially for signage. She stated that posting the license in essence is an easy task and it seemed that the value of having a liquor license was lacking. She stated that corporate sets the tone and tenor for the establishment and their record reflects a lack of concern for the most basic license requirements. She stated that the location was close to two schools and was concerned and noted that their record reflects very poorly on the corporation. She advised them they will be regularly tested. She noted that Downers Grove is not forgiving when there are violations. She questioned if any \$250 fine that they received could be taken seriously. She encouraged them to follow the rules and stress the importance of all aspects of liquor service.

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, Certificate of Occupancy and employee certifications.

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 "R-1" liquor license application.

MS. KING MOVED TO FIND CHIPOTLE MEXICAN GRILL, INC. D/B/A CHIPOTLE MEXICAN GRILL LOCATED AT 1203 OGDEN AVENUE QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE: **Aye:** Ms. King, Mr. Clary, Ms. Pietrucha

Nay: Mr. Jacobson, Chairman Strelau

Abstain: None

MOTION CARRIED: 3:2:0

Motion carried.

Honey Jam Café - 1300 Oak Grove Road

Chairman Strelau stated that the next order of business was an application hearing for Honey Jam Café, LLC d/b/a Honey Jam Café located at 1300 Oak Grove Road. She stated that the applicant was seeking a Class "R-2", beer and wine only, on-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. Kirk Mauriello and Ms. Susanne Nagel were sworn in by the court reporter. Mr. Mauriello introduced himself as the Chief Operating Officer for Honey Jam. Ms. Nagel introduced herself as the general manager and liquor manager for Honey Jam.

Chairman Strelau asked the applicant to present its case.

Mr. Mauriello stated that Honey Jam opened in 2010 by the Portillo Restaurant Group. He stated that Portillo's sold to the investment group HJC of Downers Grove in 2014 and most recently acquired in September of 2016 by Honey Jam Café, LLC. He stated that they operate Honey Jam Cafés in Bolingbrook and Downers Grove. He added that the Batavia location has since closed.

Mr. Mauriello stated that they are open only for breakfast and lunch from 6:30 AM to 2:30 PM daily. He stated that they are seeking a beer and wine license based upon many customer requests.

Mr. Jacobson noted that he liked the restaurant and noted that it was regularly busy. He stated that the application materials were in order. He noted that they are not open late and that it was not likely to be a drinking establishment.

Ms. Pietrucha noted that they open and close early. She asked what the benefit would be to serve beer and wine during these short hours. Mr. Mauriello replied that they get many requests on the weekend if they serve mimosas with breakfast. He noted that they were not out to make money serving liquor, but to enhance the dining experience and offer it to satisfy consumers.

Ms. Pietrucha asked what their hours of operation were on the weekends. Mr. Mauriello replied between 7 AM to 2:30 PM, Saturday and Sunday.

Mr. Clary asked staff what the earliest establishments may serve. Ms. Kuchynka replied 8 AM Monday through Saturday and 9 AM on Sundays.

Ms. Kuchynka stated that she discussed this matter with the applicant and asked Mr. Mauriello to elaborate on the point of sale system (POS). Mr. Mauriello stated that they will be putting in new POS systems by the end of the month. He stated that they can attach a code to liquor items which can be "locked" and will prohibit staff from ringing up alcoholic items during those hours that liquor sales are not allowed and will be on a timer. He stated that they will also set up a system to lock down the liquor storage area. He stated that they are looking into a timing system or where only the manager may unlock the storage area with a key.

Ms. King liked their liquor handling manual and was pleased that they provided a list of employees who could and could not serve liquor. She liked that they included information on the Village's DUI Notification Program and that they make their employees aware of the Village's Compliance Testing and included the fines and fees if there is a violation. Mr. Mauriello replied that they have a zero tolerance

policy concerning violations and noted that employees involved in any liquor violation will be immediately terminated. He stated that they put a lot of time and effort into the manual. Ms. King replied that was indicative of the materials.

Chairman Strelau agreed that their manual was excellent. She was pleased with the list of employees as it helps the Commission understand how many are able to serve in their establishment and the likelihood that the establishment is properly staffed to handle the liquor license.

Mr. Mauriello stated that they pay to have their employees obtain the BASSET training. He stated that they use Our Serving which is a company they use and have control over the training and are able to easily retain and/or retrieve electronic copies of their certificates at all times.

Chairman Strelau asked Ms. Nagel about her liquor handling experience. Ms. Nagel replied that she had worked for Portillo's for 20 years. She stated that most of her experience came from the Key Wester which was a 600 seat restaurant with full liquor service in Naperville. She stated that she is BASSET certified. She stated that she has worked for Honey Jam for the past seven years. She stated that she was a server, server/trainer and an assistant manager.

Chairman Strelau stated that they will need to be mindful of the starting times for serving liquor, especially Sunday. She stated that years ago serving time on Sunday started at noon. Mr. Mauriello noted that was one of their concerns before they applied to Downers Grove, as some other municipalities are still noon. He stated that they were pleased that the hours start at 9 AM.

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 and employee certifications.

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 "R-2" liquor license application.

MR. JACOBSON MOVED TO FIND HONEY JAM CAFÉ, LLC D/B/A HONEY JAM CAFÉ LOCATED AT 3000 OAK GROVE ROAD QUALIFIED FOR A CLASS "R-2", BEER AND WINE ONLY, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MS. KING SECONDED.

VOTE: **Aye:** Mr. Jacobson, Ms. King, Mr. Clary, Ms. Pietrucha, Chairman Strelau
Nay: None
Abstain: None

MOTION CARRIED: 5:0:0

Motion carried.

Trio Restaurant & Banquets - 980 W. 75th Street

Chairman Strelau stated that the next order of business was an application hearing for Jamay, Inc. d/b/a Trio Restaurant and Banquets located at 980 W. 75th Street. She stated that the applicant was seeking a Class "R-1", full alcohol, on-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.

Ms. Lisa Sahagun was sworn in by the court reporter. Ms. Sahagun introduced herself as the liquor manager for Trio Restaurant and Banquets.

Chairman Strelau asked the applicant to present its case.

Ms. Sahagun stated that Trio Restaurant will be taking over the former Bohemian Garden Restaurant location. She stated that they will be open from 7 AM to 9 PM Sunday through Thursday and until 10 PM on Friday and Saturday. She stated that the restaurant seats 135 and that they have separate and large banquet rooms that seat 35 and 100, respectively. She stated that they were seeking a full liquor license.

Mr. Jacobson stated that the application packet looked good and he liked the fact that they will not accept the vertical id's. He stated that he was pleased that they notified employees that they would be terminated if they were to violate their policy.

Mr. Jacobson noted that they mentioned Happy Hour provisions. He asked staff to confirm that the Downers Grove law concerning Happy Hours has changed. Ms. Kuchynka replied yes. She stated that licensees will need to follow State regulations and guidelines.

Ms. Pietrucha had no questions.

Mr. Clary asked if Trio was a franchised operation. Ms. Sahagun replied no and stated it was privately owned and that there were no other locations.

Mr. Clary stated that the manual looked great. He advised that violations are a serious issue and asked that they be mindful of serving properly. Ms. Sahagun stated that she included an acknowledgment that employees are required to sign and notify them that they will be terminated if they violate their liquor policies.

Ms. King noted that the establishment will cater to banquets and asked how they plan to monitor those events and deal with those in attendance who may not be of age. Ms. Sahagun stated that all employees will be BASSET trained upon hire. She stated that there will be a manager on duty during all hours that alcohol is served. She stated that employees will be instructed to monitor patrons and be mindful of underage drinking. She stated she did not anticipate problems with proper training and management on staff during the banquets.

Chairman Strelau asked Ms. Sahagun about her liquor handling experience. Ms. Sahagun replied she did not have liquor handling experience. Ms. Sahagun stated that Ms. Kuchynka offered to conduct an on-site training seminar once employees are hired. Ms. Kuchynka confirmed. Ms. Sahagun stated that she has taken Ms. Kuchynka's advice and guidance and noted she was extremely helpful.

Ms. Kuchynka asked Ms. Sahagun to confirm that they will be hiring a professional bartender. Ms. Sahagun replied yes.

Chairman Strelau asked how many servers would be serving alcohol. Ms. Sahagun replied that she would like all of her servers to be of age, but expected about two-thirds of them will be over 21. She planned to have 6 servers on the floor during the week and 7-8 servers on the floor over the weekend.

Ms. Kuchynka noted that the applicant has operated a restaurant in the past and while they do not have liquor handling experience, they have a number of years of experience in the restaurant field. Ms. Sahagun noted that she and her husband operated a similar restaurant without a liquor license in DesPlaines for the past 9 years. She stated that they have relocated in order to be closer to home.

Chairman Strelau noted that the manual is only as good as how much emphasis the management places on it and noted that those who treat liquor service in a casual manner tend to have problems. She stated that management needs to impress upon its employees to card and be cautious when serving and always be vigilant as 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, Certificate of Occupancy and employee certifications.

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 "R-1" liquor license application.

MR. JACOBSON MOVED TO FIND JAMAY, INC. D/B/A TRIO RESTAURANT AND BANQUETS LOCATED AT 980 W. 75TH STREET QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. CLARY SECONDED.

VOTE:	Aye:	Mr. Jacobson, Mr. Clary, Ms. King, Ms. Pietrucha, 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 welcomed Ms. Pietrucha to the Liquor Commission.

Ms. Kuchynka noted that month end reports were sent via email, as the Commission had not met in a number of months.

Ms. Kuchynka advised the licensees were advised of the adoption of the Happy Hour regulations in the August, 2016 Liquor Newsletter and noted that document was in the Commission's month end report for September.

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 stated that she anticipated meeting for January 5, 2017. Mr. Clary asked if it was just to hear and application. Ms. Kuchynka stated yes. She noted that the control buys will not begin until after the 1st of the year, as there has been a staff change at the Police Department level and that the agents will be on break for the holidays.

VIII. COMMENTS FROM THE PUBLIC

There were none.

IX. ADJOURNMENT

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

Mr. Clary moved to adjourn the December 1, 2016 meeting. The meeting was adjourned by acclamation at 7:15 p.m.

