

# DRAFT

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

December 6, 2001

**I. CALL TO ORDER**

Chairman Mochel called the meeting to order at 6:30 p.m.

**II. ROLL CALL**

**PRESENT:** Ms. Gerloff, Mr. Kubes, Chairman Mochel

**ABSENT:** Mr. Julian, Mr. Sandack

**STAFF:** Village Attorney Daniel Blondin, Liaison to the Liquor Commission Carol Conforti, Secretary Karen Mudra

**OTHERS:** Ali A. Mirza, Court Reporter

**III. APPROVAL OF MINUTES**

**MS. GERLOFF MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 1, 2001 LIQUOR COMMISSION MEETING AS PRESENTED. MR. KUBES SECONDED.**

Mr. Kubes said that the spelling of Bamboléo was incorrect in the minutes. Ms. Conforti explained that Mr. Nahlawe did not submit the correct spelling of the restaurant name until after the meeting last month. She said the minutes would be corrected to reflect the correct spelling. There being no further comments; Chairman Mochel called for a vote on the minutes as corrected.

**VOTE:**                   **Aye:**                   Ms. Gerloff, Mr. Kubes, Chairman Mochel

**Nay:**                   None

**Abstain:**           None

**MOTION CARRIED:**                   **3:0:0**

Chairman Mochel said this meeting is being recorded on Village-owned equipment. There is a secretary present to take the minutes for the record and a court reporter is present to take the minutes verbatim.

**IV. PUBLIC HEARING FOR LIQUOR LICENSE APPLICATION HEARING**

Chairman Mochel made the following statement:

"A part of tonight's agenda is to conduct a public hearing on an application for a liquor license. For the benefit of all present, I would like to state that this Commission does not determine the issuance of any liquor licenses. We may at the end of each hearing, make a finding of 'qualified' or 'not qualified' with respect to each applicant. 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 a decision regarding the approval or denial of the application presented this evening."

"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."

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

**AA Mirza Enterprises, Inc. d/b/a Downers Grove Food Mart, 2027 Ogden Avenue**

Chairman Mochel said that AA Mirza Enterprises, Inc. d/b/a Downers Grove Food Mart, 2027 Ogden Avenue is applying for a Class "B-2" license authorizing the retail sale of packaged beer and wine.

Mr. Ali Mirza, President/Secretary of AA Mirza Enterprises, Inc. d/b/a Downers Grove Food Mart, was sworn in by the court reporter. After losing his job as a cost accountant with an Oak Brook firm, Mr. Mirza wanted to purchase his own business. He decided to buy the Downers Grove Food Mart, a small store that sells grocery items and packaged liquor. Mr. Mirza said that no liquor would be consumed on the premises.

Concerning liquor handling experience, Mr. Mirza said he was part owner in a Mobile Super Save gas station and mini mart in North Chicago that had a liquor license. However, his business partner was the liquor manager of the establishment. At Ms. Conforti's suggestion, Mr. Mirza said he enrolled in an alcohol-training course at the College of DuPage. In addition, the present owner of Downers Grove Food Mart has agreed to stay on and train Mr. Mirza for three or four weeks after the closing.

Mr. Kubes asked if this would be Mr. Mirza's first store in the Downers Grove area. Mr. Mirza replied yes.

Mr. Kubes asked Mr. Mirza about his previous experience. Mr. Mirza said he was part owner and operator of the Mobile Super Save for seven years. Mr. Kubes asked if Mr. Mirza was the liquor manager. Mr. Mirza replied no. Mr. Mirza said he also worked as a cost accountant for 16 years in Oak Brook.

Mr. Kubes asked if Mr. Mirza plans to hire any employees. Mr. Mirza said he may hire one part-time employee; however, he and his wife plan to operate the business. Mr. Kubes told Mr. Mirza that individuals under the age of 21 are not permitted to sell alcohol in Downers Grove and he suggested that he include this information to his liquor manual in case he hires an employee who is under 21. Mr. Mirza said if he does hire a part-time employee, he plans to hire someone who is over 21.

Mr. Kubes asked if Mr. Mirza has begun the liquor training class at the College of DuPage. Mr. Mirza said the class met December 1, 2001. He said it was a one-day, six-hour class and he is awaiting the results of his final test.

Mr. Kubes expressed concern about what he felt were inconsistencies in Mr. Mirza's liquor manual. He said he thought the manual was difficult to understand, especially for a first time employee. He suggested that Mr. Mirza review liquor manuals from other establishments to get an idea of how to improve his manual. Mr. Kubes said other manuals that he has reviewed have contained more in-depth instruction especially regarding understanding and recognizing a valid driver's license. Mr. Kubes said he feels it would be beneficial for current and future employees if Mr. Mirza included this information in his liquor-handling manual. He said it is important for everyone to know that his employees are properly trained.

Mr. Mirza said he has reviewed the rules for alcohol sales in Downers Grove that Ms. Conforti gave him and he has taken the liquor training class at the College of DuPage. He added that he feels he is mature enough to understand the responsibilities of proper alcohol sales. Mr. Mirza told the Commission that he would try not to do anything illegal for which he would be penalized.

Mr. Kubes referred to Item 12 in Mr. Mirza's liquor manual, which states "Adults buying drinks for minors will not be allowed under any circumstances. Additionally, the adult must not be allowed to purchase for minors." Mr. Kubes said he feels the two statements are somewhat repetitive and confusing. He suggested that perhaps Mr. Mirza could simplify and clarify the language. Mr. Kubes said without detailing every inconsistency he found in the manual, he feels it is the Commission's responsibility to ensure that Mr. Mirza's manual states the rules for liquor sales in Downers Grove as clearly and comprehensively as they are presented in other liquor manuals. Mr. Kubes suggested that Mr. Mirza post a perpetual calendar in the store so that the cashier will know which birth date to watch for each day to determine if an individual is 21 years old. Mr. Kubes suggested that the notation in the manual about the red background on an under 21 Illinois Driver's license should be enlarged and put in a prominent place in the manual.

Mr. Kubes asked if Mr. Mirza had considered other locations before deciding to purchase the store in Downers Grove. Mr. Mirza replied yes. He said he decided to locate in Downers Grove because it is close to his home.

Referring to the floor plan of the store that was included in the Commissioners' information packets, Mr. Kubes asked if Mr. Mirza plans to remodel the store. Mr. Mirza replied no. He said he plans to display a little more warm beer and wine at the ends of the aisles. Mr. Mirza said that if he makes any significant changes to the floor plan he would notify Ms. Conforti.

Mr. Kubes asked where alcohol would be stored. Mr. Mirza said the storage area for alcohol will be located at the back of the store between the back door and the coolers and will only be accessible to employees.

Mr. Kubes asked how alcohol would be secured during the hours when the store is open, but alcohol sales are not permitted. Mr. Mirza said the lights in the alcohol coolers will remain off until the permitted hours for alcohol sales and the warm displays will be covered with plastic. Mr. Mirza said that the hours for permitted alcohol sales in Downers Grove are only in conflict with his store hours during the morning because they will open before alcohol sales are permitted. He said the store would close in the evening prior to the time when the Village terminates alcohol sales for the day. Mr. Mirza added that he intends to post a sign in the store stating the hours during which alcohol sales are permitted. Mr. Kubes said posting the hours for alcohol sales in the store is a good idea and he suggested that the same information be included in the liquor manual.

Ms. Gerloff asked how long Mr. Mirza has lived in Glen Dale Heights. Mr. Mirza replied 14 years. After visiting the Downers Grove Food Mart recently, Ms. Gerloff noted that the door to the storage room is a swinging door. She asked how it would be secured to prevent unauthorized individuals from entering the storage area when he or his employees were busy at the cash register. Mr. Mirza said that once he has been approved for his license he would do what ever the Commission recommends. He added that he must secure the storage room door in some way for his own benefit because beer and wine are some of the most expensive items in the store. Ms. Gerloff asked if the door from the outside at the back of the store would also be locked. Mr. Mirza said they have already installed a bolt on the back door and if someone attempts to open it an alarm will sound.

Ms. Gerloff asked if Mr. Mirza and his wife plan to operate the store on their own when it opens and perhaps in time hire a part-time employee. Mr. Mirza replied yes.

Ms. Gerloff said she felt Mr. Mirza's liquor manual was clear and comprehensive. She said she did not have a problem understanding it. She wished Mr. Mirza success in his business.

Chairman Mochel asked if Mr. Mirza planned to be at the store 50 hours a week. Mr. Mirza replied yes. Chairman Mochel noted that Monday through Friday, the store will be open 17 hours a day and 16 hours each day on weekends for a total of well over 100 hours per week. Chairman Mochel asked who would cover the store during all those hours. Mr. Mirza said he



**Abstain:** None

**MOTION CARRIED:** 3:0:0

The Commission members all wished Mr. Mirza success in his business. Chairman Mochel told Mr. Mirza that if he had any questions or concerns he should contact Ms. Conforti.

#### **V. OLD BUSINESS**

Ms. Conforti said that concerning Riprocks v. Illinois Liquor Control Commission, Judge Wheat sustained the Illinois Liquor Control Commission's order. Ms. Conforti said Riprocks has 30 days in which file an appeal with the Appellate Court. Ms. Conforti said she anticipates that Riprocks will file the appeal. Chairman Mochel asked why Riprocks was appealing the ruling. Mr. Blondin said he felt it was because they did not want a license suspension on their record.

Mr. Kubes asked who would decide the date of the suspension if it is finally upheld. Mr. Blondin said the Mayor would set the date for the suspension. Mr. Kubes asked if a suspension would affect Riprocks' insurance costs. Mr. Blondin said he did not believe this type of suspension would affect their insurance. Chairman Mochel wondered if Riprocks was protesting the suspension because they did not want it made a part of the public record. Mr. Blondin agreed and added that a suspension on their record could be used as an aggravating circumstance when deciding subsequent penalties.

Ms. Conforti confirmed that Monical's Pizza has closed voluntarily due to a lack of sufficient business. Ms. Conforti said they have forfeited their license.

Ms. Conforti said the September/October DUI reports were included in the Commissioners' packets for their review.

Ms. Conforti said that she issued the liquor license to Bamboléo on December 5, 2001 and she included the final floor plan in tonight's informational packet. She explained that the Mayor did a visual inspection of Bamboléo last weekend before the license was issued. Ms. Conforti said Riga Toni LLC submitted a combined floor plan of the building showing the layouts for both Isabella and Bamboléo. Although, the management had said that there would be ten seats in the bar area at Bamboléo, there are an additional five seats along a counter at the front window. She added that the front counter is large enough for customers to use for dining and the full menu is available in that area as well. After doing a visual inspection with the Code Service department, Ms. Conforti said the establishment looks wonderful and should be a good addition to the downtown. Ms. Conforti said Bamboléo would be open to the general public this weekend.

Chairman Mochel asked if Ms. Conforti had received Mr. Nahlawe's application for liquor manager. Ms. Conforti replied yes. She added that his State background check came back fine.

**VI. NEW BUSINESS**

Ms. Conforti said she was contacted recently by Mr. Aanivar, an individual who wanted to open a comedy club at 63<sup>rd</sup> and Main Street in a store formerly occupied by a hobby shop. Ms. Conforti said he wanted to know how the Liquor Commission felt about the possibility of creating a liquor license specifically for an entertainment facility. Ms. Conforti explained that liquor licenses in Downers Grove are usually contingent upon the availability of food service. However, she said that Mr. Aanivar does not want to serve food at the club, other than snack items and drinks. Ms. Conforti explained that at the Funny Bone, a similar type comedy club, patrons pay a cover charge in addition to a two-drink minimum. Patrons then watch a comedy show, snack on "munchies" and leave when the show is over. Ms. Conforti said Mr. Aanivar planned to have one show at the club on Thursdays, and two shows each on Friday and Saturday evenings. Mr. Mochel asked if the same show would be repeated on evenings when there are two shows or if two different shows would be performed on the same evening. Ms. Conforti said she did not know. She said currently Mr. Aanivar is trying to secure financial backing for the venture and he wanted to gage the Commission's feelings about the possibility of creating a new type of license.

Chairman Mochel said he felt it would be more appropriate for Mr. Aanivar to present his concept to the Village Council since they are the body that ultimately decides whether or not to create a new license. Mr. Blondin agreed.

Ms. Gerloff said she thinks a comedy club that offers appetizers and/or dessert with drinks while guests watch a show would do well in Downers Grove.

Mr. Kubes pointed out that if the establishment plans to serve food, the facility under consideration may have to undergo substantial remodeling to accommodate food service and comply with Health Department requirements. Ms. Conforti said Mr. Aanivar would prefer not to serve food because he has found that it is a distraction to have people eating sandwiches etc. during a performance.

Mr. Kubes asked if the theater license created for the Tivoli could be used for a comedy club. Ms. Conforti replied no. She explained that in addition to there being only one such license, the theater license is for contracted events that are closed to the general public.

Mr. Blondin pointed out that even if the Liquor Commission was in favor of creating a license for a comedy club, they do not have the authority to do so. He added that the Village Council would have to change the Ordinance before a new license could be created. Mr. Blondin suggested that Ms. Conforti direct Mr. Aanivar's request to Steven Rockwell, Director of the Economic Development Commission. Ms. Conforti agreed. She added that she also told him to check with Code Services to determine if the building he planned to use would be appropriate for his purposes. Ms. Conforti said she would tell him that the Liquor Commission has discussed the issue and decided that it would be more appropriate for him to consult with Economic Development Director Steven Rockwell.

Ms. Conforti said the next meeting is scheduled for January 3, 2002 and there are two disciplinary hearings on the agenda at this time.

**VII. COMMENTS FROM PUBLIC**

A reporter present in the audience asked the name of the comedy club and the name of the owner. Ms. Conforti said the club would be called Mainly Comedy and the owner is Mr. Aanivar.

**VIII. ADJOURNMENT**

**MS. KUBES MOVED TO ADJOURN THE MEETING. MS. GERLOFF SECONDED.**

The meeting was adjourned by acclamation at 7:07 p.m.