

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

Thursday, April 7, 2005

D R A F T

I. CALL TO ORDER

Chairman Kubes called the April 7, 2005 Liquor Commission meeting to order.

II. ROLL CALL

PRESENT: Ms. Dietrich, Mr. McInerney, Mr. Barnett, Ms. Haider, Chairman Kubes

ABSENT: Ms. King, Mr. Durkin

STAFF: Prosecuting Attorney Beth Clark, Assistant Village Attorney Ann Marie Perez,
Liaison to the Liquor Commission Carol Conforti

OTHERS: Anna Wojdyla, Mario Quatraro, Rory Hancock, Jerry E. McGinn, Sean Chaudhry, Joe Mengel, Donnacha Geary, Patty Steuber, Court Reporter

III. APPROVAL OF MINUTES

MR. McINERNEY MOVED TO APPROVE THE MARCH 3, 2005 MINUTES OF THE LIQUOR COMMISSION MEETING AS PRESENTED. MS. DIETRICH SECONDED.

VOTE: **Aye:** Mr. McInerney, Ms. Dietrich, Mr. Barnett, Ms. Haider, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

Chairman Kubes 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 to take the minutes verbatim.

IV. DISCIPLINARY HEARING FOR ALLEGED VIOLATIONS

Chairman Kubes 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 this case. The licensee may be represented by counsel, although he

need not be for the purposes of this hearing."

Chairman Kubes asked if there was a signed stipulation in this case. Ms. Clark replied yes.

"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 and the appropriate penalty, if any."

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

Wojdyla Enterprises, Inc. d/b/a Bohemian Garden Restaurant, 980 W. 75th Street

Chairman Kubes stated that the first order of business is to conduct a disciplinary hearing for Wojdyla Enterprises, Inc. d/b/a Bohemian Garden Restaurant located at 980 W. 75th Street. The licensee has been charged with a violation of Section 3-25(a) of the Downers Grove Liquor Control Ordinance.

Chairman Kubes asked that any individuals representing the licensee step forward and be seated. He asked that any individual 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. Anna Wojdyla and Mr. Mario Quatraro were sworn in by the Court Reporter. Ms. Wojdyla introduced herself as the owner/liquor manager of the establishment. Mr. Mario Quatraro introduced himself as the chef and the individual involved in the violation incident.

Chairman Kubes asked the prosecuting attorney to present her case.

Ms. Clark 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. Wojdyla Enterprises, Inc. d/b/a Bohemian Garden Restaurant, 980 West 75th Street, Downers Grove, Illinois, is the holder of a Class D-1 Liquor License #03-04456, 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 August 10, 1995.
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 4:30 p.m. on March 23, 2005, Downers Grove Police Officer DeVries observed ES, a special employee of the Downers Grove Police Department under the age of twenty-one (21), whose date of birth is December 10, 1986 (making her 18 years old), enter Bohemian Garden Restaurant located at 980 West 75th Street, Downers Grove.
4. The special employee sat at the bar and ordered an Amstel Light from the cook, Mario Quatraro while Officer DeVries observed her.
5. That Mario Quatraro, whose date of birth is July 2, 1967, then served the special employee a bottle of Amstel Light beer.
6. That the special employee gave Mario Quatraro \$10.00 for the beer.
7. That Mario Quatraro rang up the sale charging the special employee for the beer, returned change to the special employee and then returned to the kitchen.
8. That Officer DeVries called Mario Quatraro out of the kitchen and confirmed that at no time did Mario Quatraro ask the special employee for identification.
9. Officer DeVries who witnessed the events in the foregoing paragraphs, identified himself and advised that the delivery of an alcoholic beverage had been made to a minor.
10. Officer DeVries spoke with the manager who advised that Mario Quatraro had undergone training, however normally works in the kitchen and only came out as they usually do not have customers at the bar early in the evening.
11. Mario Quatraro 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.
12. The Officer advised that notice of further action would be forthcoming from the Downers Grove Liquor Commission.

Attorney Clark asked that the signed stipulation be entered into the record as Village's Exhibit #1. Chairman Kubes accepted the signed stipulation as Village Exhibit #1.

Chairman Kubes asked the licensee to present its case.

Ms. Wojdyla requested additional days of suspension in lieu of a fine for the violation. Mr. Quatraro requested to speak on their behalf as Ms. Wojdyla was nervous and upset. Mr. Quatraro stated that he was involved in the incident and was not paying attention at the time of the sale. He added that he has a 16 and 13 year old and felt terrible for what happened but had no excuse for the violation.

Mr. Quatraro stated that there was a lot going on at the time the special agent came in. He was working on to-go orders in the kitchen. He stated he left the kitchen and went to the bar after a busboy told him a

customer was waiting. He took it upon himself to take the drink order instead of getting Anna, who was busy seating guests.

Mr. Quatraro stated that he felt terrible that this happened as he helps with the training. Mr. Quatraro stated that they discuss liquor policies every two weeks. He added that they keep an eye on the waitress to make sure that they request identification.

Mr. Barnett asked Mr. Quatraro to explain their training. Mr. Quatraro replied that he teaches the waitresses how to card and what to look for on the identification. He added that they are trained to ask for help if they are unsure about an identification and that they are trained to look for the red background Under 21 license.

Mr. Barnett asked if Mr. Quatraro if they have covered the recent changes in the law with their employees, such as increased fines and suspensions as well as administrative charges to those involved in the sale. Mr. Quatraro replied yes.

Mr. Barnett asked Mr. Quatraro what would prevent this from happening again. He explained he was worried that Mr. Quatraro was involved in the sale, yet he is the trainer. Mr. Quatraro replied that they will all work together to make sure this does not happen again.

Ms. Haider asked Mr. Quatraro his position at the establishment. Mr. Quatraro replied that he is the Chef. Ms. Haider asked Mr. Quatraro if he normally serves alcohol. Mr. Quatraro replied no. Ms. Haider asked who was working the bar. Mr. Quatraro stated that at the time of the incident, they were between shifts and the bartender was not there yet. Mr. Quatraro stated that the busboy told him someone was in the bar and he just went out to help.

Ms. Haider asked Mr. Quatraro if he was ever involved in a violation before. Mr. Quatraro replied no. Ms. Haider asked if the establishment has had a violation before. Ms. Conforti replied that they have had a clean record for the past five years.

Mr. McInerney asked them to explain their training program. Mr. Quatraro stated that they have held meetings where they cover carding procedures and not serving minors. Mr. Quatraro stated that they recently covered the new form of Under 21 identification. Mr. McInerney asked Mr. Quatraro if he has attended a certified training course. Mr. Quatraro replied no. Ms. Wojdyla replied that she has had certified training.

Mr. McInerney reiterated that he is concerned that Mr. Quatraro was involved in the incident and is the trainer for the establishment. He questioned the credibility of their training program. He strongly encouraged them to provide certified training to some of their servers to ensure that staff is adequately trained.

Ms. Dietrich asked Mr. Quatraro how long he has worked at the establishment. Mr. Quatraro replied 18 years.

Ms. Dietrich asked Ms. Wojdyla if she is the liquor manager. Ms. Wojdyla replied yes. Ms. Dietrich asked why Mr. Quatraro is doing the training. Ms. Wojdyla stated that she chose Mr. Quatraro to help her. Mr. Quatraro added that he usually helps conduct training for Ms. Wojdyla due to the language barrier. Ms. Dietrich suggested that Mr. Quatraro to attend a certified training class. She was concerned that he, as a trainer, forgot to ask for identification.

Ms. Dietrich asked if they focus on recognizing signs of intoxication as well as carding procedures as a part of their training. Mr. Quatraro replied yes. He added that servers are trained to refuse service if

customers appear intoxicated. He added that employees are also instructed to call taxi's. Ms. Dietrich asked if they have a formal training manual that is covered with employees and new hires. Mr. Quatraro replied no, but they do cover main points of liquor service regularly. Ms. Conforti stated that when they obtained the license in 1995, they would have had to submit a manual along with their application. She indicated that she would look for their manual in their file. Ms. Dietrich stated that if there is a manual on file they should obtain it from Ms. Conforti, update it, provide it to their employees and have them sign a document that they have received it and read it.

Ms. Dietrich stated that when they update the manual, they might wish to include the information on fines to the establishment and servers. Mr. Quatraro stated that he did show all the employees the citation he received for the incident. Ms. Dietrich asked them to utilize the knowledge of Ms. Conforti to help them update the manual.

Ms. Dietrich asked Ms. Wojdyla if they would rather take a longer suspension in lieu of a fine. Ms. Wojdyla replied yes.

Chairman Kubes stated that Mr. Quatraro indicated that he has been a Chef at the establishment for 18 years and seemed to serve as the employee manager for the restaurant. Mr. Quatraro replied yes. He added that he helps Ms. Wojdyla with the employees mostly because of her accent.

Chairman Kubes asked how many staff members are employed and which of those handle liquor. Mr. Quatraro stated that only Ms. Wojdyla and one bartender handle the pouring of mixed drinks. He stated that there is one bartender, Ms. Wojdyla and six waitresses who handle liquor.

Chairman Kubes also recommended formal certified training for staff members. He stated that they should definitely update the liquor manual and attend BASSETT training. He suggested that they cover Downers Grove ordinances with employees.

Chairman Kubes asked how busy the establishment was at the time of the incident. Mr. Quatraro replied that he was handling many to-go orders. He added that the bar area was empty. Mr. Quatraro replied there is no excuse for his mistake, he was not paying attention.

Chairman Kubes questioned Mr. Quatraro if he asked the special agent for identification. Mr. Quatraro replied no. He added that he normally asks for identification, but as he was busy. He added that he was caught off-guard and offered no excuse for not carding.

Chairman Kubes asked about the controlled buys they have passed. He asked if they recalled who was serving at the time of the passes. Ms. Wojdyla replied it was her.

Chairman Kubes asked if there were any additional questions from the Commission.

Mr. Barnett appreciated Mr. Quatraro's candor this evening. He stated that they have passed a lot of buys and suggested that they go out of their way to make sure employees are aware how important this is especially as the employees have seen the trainer involved in a violation. Mr. Quatraro indicated that he will attend a formal training class. Mr. Quatraro apologized for the violation.

Ms. Clark stated that Wojdyla Enterprises, Inc. d/b/a Bohemian Garden Restaurant, located at 980 W. 75th Street, 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. Ms. Clark added that this is the licensee's only violation in the past 5 years. She added that there were no aggravating circumstance in this case.

Ms. Clark recommended, based upon suspension guidelines, that the license serve a one (1) to three (3)

day suspension for the violation. In addition, she recommend that the licensee be required to pay administrative fees up to \$1,000 to cover the costs of conducting this hearing.

Upon hearing the evidence presented in this case, Chairman Kubes 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.

Chairman Kubes asked for any further discussion. Mr. Quatraro asked if they could have additional suspension in lieu of a fine. Chairman Kubes stated that the Commission should determine if the licensee is guilty or not guilty at first.

MR. McINERNEY MOVED TO FIND WOJDYLA ENTERPRISES, INC. D/B/A BOHEMIAN GARDEN RESTAURANT LOCATED AT 980 W. 75TH STREET GUILTY OF A VIOLATION OF SECTION 3-25(A) OF THE DOWNERS GROVE LIQUOR CONTROL ORDINANCE. MS. HAIDER SECONDED.

VOTE: **Aye:** Mr. McInerney, Ms. Haider, Ms. Dietrich, Mr. Barnett, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Chairman Kubes requested a recommendation be made as to the fine and/or suspension for the violation.

MS. DIETRICH MOVED TO RECOMMEND THAT THE LICENSE OF WOJDYLA ENTERPRISES, INC. D/B/A BOHEMIAN GARDEN RESTAURANT LOCATED AT 980 W. 75TH STREET, BE SUSPENDED NOT LESS THAN TWO (2) NOR MORE THAN THREE (3) DAYS, THERE BE NO FINE, AND THAT THE LICENSEE PAY \$680.00 TO COVER THE ADMINISTRATIVE COSTS TO CONDUCT THIS HEARING. MS. HAIDER SECONDED.

VOTE: **Aye:** Ms. Dietrich, Ms. Haider, Mr. McInerney, Mr. Barnett, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Chairman Kubes asked if there were any final comments from the licensee. Mr. Quatraro again asked for additional suspension in lieu of a fine. Chairman Kubes stated that the motion reflects a zero dollar fine. He added that the recommendation was not to issue a fine. He stated that a portion of the recommendation was that the licensee pay an administrative fee in the amount of \$680.00 to cover the costs to conduct the hearing.

Mr. Quatraro asked the Commission how he could get information on training. Chairman Kubes replied that he may speak with Ms. Conforti to obtain further information.

Chairman Kubes strongly suggested that the licensee attend certified training, update their manual and continue training.

Chairman Kubes asked for any additional comments. There being none, Chairman Kubes concluded the disciplinary hearing portion of the evening's meeting.

V. APPLICATION FOR LIQUOR LICENSE

Chairman Kubes made the following statements:

"A part of tonight's agenda is to conduct a public hearing on 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 licenses within 60 days in order to consult the Plan Commission for its recommendations."

"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 to take the proceedings verbatim. Staff is also present for purposes of summarizing the proceedings."

The Grove Fresh Market, Inc. d/b/a The Grove Fresh Market - 2065 63rd Street

Chairman Kubes stated the next order of business was to consider a liquor license application. He added that The Grove Fresh Market, Inc. d/b/a The Grove Fresh Market, located at 2065 W. 63rd Street is seeking a Class B-2-B, beer and wine only, off-premise consumption liquor license.

Chairman Kubes asked that any individuals representing the applicant step forward and be seated. He asked that any individual 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. Rory Hancock and Mr. Jerry McGinn were sworn in by the court reporter. Mr. Hancock introduced himself as the president and liquor manager for the establishment. Mr. McGinn introduced himself as the co-owner and general manager of the establishment.

Mr. Hancock stated that they are seeking to obtain a beer and wine packaged license for a grocery store located at Woodward & 63rd Street. He stated that beer and wine sales would help business. He added that he and Mr. McGinn have been in the grocery business for 25 years. Mr. Hancock stated that he was the former liquor manager at Treasure Island Foods about 12 years ago.

Mr. Barnett stated that he had no questioned and welcomed them to Downers Grove.

Ms. Haider asked how the liquor department will be set up. Mr. Hancock replied that beer and wine will

be contained in a special section which they are able to rope off. He stated it is at the east side of the building toward the front entrance.

Mr. Hancock advised that the store will be open during the week and on Saturday from 7 am to 10 pm. He added that from 7-8 am the area will be roped off. He stated that on Sunday they will open from 8 am to 9 pm. He added that the liquor will be roped off from 8-12 noon.

Ms. Haider asked about employees selling alcohol. Mr. Hancock stated that when employees are hired, they are given a code which they will have to enter into the register. Mr. Hancock stated that employees will have to "sign on" with their number in order to ring up sales. When they scan liquor, if the employee is over 21, they can complete the sale. He stated that if the employee is under 21, they will not be able to complete the sale. He added that they will need to call an over 21 employee or manager to their register where the over 21 employee or manager will have to enter in their own code to complete the sale.

Mr. Hancock also advised that when the liquor items are scanned a date will pop up on the register screen. He added that an over 21 employee will take the customers license, verify that it is the customer, and then have to punch in the customers date of birth to complete the sale.

Mr. McNerney welcomed the applicant to Downers Grove. He stated that by witnessing the previous disciplinary hearing, they have clearly seen how serious the Village is about underage sales. He stated that it seems clear that they are utilizing technology well with the use of the cash register software. He warned that technology is only as good as the employees using it. He encouraged them to stress the importance of proper liquor handling. He commented on their manual.

Mr. Hancock advised that each time an employee collects their "till" or register of money to start the day, they are required to sign a daily liquor log. The log is a document in their register which reminds them to card, not sell to minors, and not to sell to intoxicated guests.

Mr. McNerney asked if they have experienced any problems at licensed establishments in which they worked. Mr. Hancock and Mr. McGinn replied no.

Ms. Dietrich stated that she liked the daily log and hoped that they keep utilizing it. She asked if the cashier is not 21 and a liquor sales comes through what would happen. Mr. McGinn replied that the register will not allow them to ring it up under their code. He added that they will have to call someone over who is 21. Mr. Hancock stated then the over 21 individual or manager will have to enter their code in order to complete the sale.

Ms. Dietrich asked Mr. Hancock if he was the liquor manager and that he would be working 60 hours. Mr. Hancock replied yes.

Ms. Dietrich asked if Mr. McGinn's was going to play an active role at the store. Mr. McGinn replied that they will co-manage the store. He stated that Mr. Hancock will handle the liquor aspect, but he will oversee a majority of the day-to-day operations on the store floor.

Chairman Kubes asked who will stock the alcohol, how the overstock will be stored and who will have access to the storage. Mr. Hancock replied that alcohol will be stocked only when he is at the establishment. He added that a locked storage area made of wood and chicken wire will hold any overstock of alcohol. He added that only he and Mr. McGinn will have keys to it.

Chairman Kubes commented on their manual.

Chairman Kubes said violations typically happen after the licensee has been operating for a long time as they get lax with training, or happen immediately when the new business opens. He cautioned them not to miss minor details such as carding while they are intent on getting the business up and running.

Chairman Kubes stated that he liked the register system, but encouraged that employees make sure that the identification matches the customer.

Chairman Kubes stated that there was a typo on page 5 of the manual. It reads "check anyone's id who appears to be under 5 years of age". He clearly recognized it as a typo and asked that the age be raised. Mr. Hancock indicated that they want to card everybody, but the typo will be fixed.

Chairman Kubes asked how many employees they will have. Mr. Hancock replied that they will have 50-60 employees, with roughly 15-20 of them being cashiers.

Chairman Kubes asked if they have received certified training. Mr. Hancock stated that he had taken a certified course years ago and would be willing to take a refresher course.

Chairman Kubes asked if there were any final questions from the Commission.

Ms. Dietrich asked when they expected to open. Mr. Hancock replied 6 weeks.

Chairman Kubes asked if the licensee had any further comments. Mr. Hancock replied that he looks forward to doing business in Downers Grove and commented on the help received from and job done by Ms. Conforti during the application process.

Chairman Kubes 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 B-2-B liquor license application.

MS. DIETRICH MOVED TO FIND THE GROVE FRESH MARKET, INC. D/B/A THE GROVE FRESH MARKET, LOCATED AT 2065 63RD STREET, QUALIFIED FOR A CLASS "B-2-B" LIQUOR LICENSE. MR. McINERNEY SECONDED.

VOTE: **Aye:** Ms. Dietrich, Mr. McInerney, Mr. Barnett, Ms. Haider, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

The Cellar Door, LLC d/b/a The Cellar Door - 5150A Main Street

Chairman Kubes stated the next order of business was to consider another liquor license application. He added that The Cellar Door, LLC, located at 5105A Main Street is seeking a Class B-2-A, beer and wine only, off-premise consumption liquor license.

Chairman Kubes asked that any individuals representing the applicant step forward and be seated. He

asked that any individual 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. Sean Chaudhry was sworn in by the court reporter. Mr. Chaudhry introduced himself as managing partner and liquor manager for the establishment.

Mr. Chaudhry began by stating that he appeared before the Commission last month to apply for a restaurant license for the same location. He included a explanation letter along with this application and hoped that the Commission would understand his predicament. He stated that bids for the remodel project had come in significantly higher than they anticipated. He added that the budget for the remodel was estimated at \$150,000.00 but bids came in over \$300,000.00. He stated that they do not lack funding, but he and his investors came to the conclusion that the return on the investment would not be very beneficial based on the size of the 42-seat establishment. He noted that he is pursuing a more conducive location to open the "tapas-style" restaurant. He stated that he was interested in the Downtown Al's Beef location which would require significantly less remodeling, as all the kitchen equipment is there. He stated that the location also has plenty more seating and would be more profitable.

Mr. Chaudhry stated that the 5150 Main Street location remains vacant. He added that a fine wine shop would do very well there and in a more cost effective manner. He added that if they are allowed to open a wine shop in lieu of a restaurant, they would not have to worry about installing cooking equipment and sprinklers and the like - which would significantly cut costs of the build-out. He stated that there is adequate parking. He hoped for the Commission's support.

Chairman Kubes made a quick correction in location's address, which may be the result of the wrong information contained in last month's packet. Ms. Conforti replied that the correct address is 5150 A Main Street and all incorrect address references shall be corrected.

Mr. Barnett welcomed Mr. Chaudhry back but expressed hesitation to issue the license as he was really excited about the "tapas-style" restaurant concept. He indicated that he was thankful, however, that Mr. Chaudhry was still trying to establish a business at the location. He did not have any questions about the application.

Ms. Haider stated that she did not have any questions.

Mr. McInerney asked Mr. Chaudhry to refresh him about his experience. Mr. Chaudhry replied that he has owned and operated The Hinsdale Wine Shop for just under 2 years. He stated that he successfully passed their first controlled buy last week.

Mr. McInerney asked the expected date of opening. Mr. Chaudhry replied three months.

Ms. Dietrich stated that she is excited about the wine shop and was glad that he was moving on even though the restaurant fell through. She hoped that his other Downers Grove endeavors work out as well.

Chairman Kubes asked how many employees they plan to have at the establishment. Mr. Chaudhry replied five. He stated that he will be running this establishment, with an assistant manager and three other sales people.

Chairman Kubes asked if he planed on training his employees through TIPS. Mr. Chaudhry replied he will train them with the manual. He also stated that he would have Ms. Conforti do an on-site training seminar as well.

Chairman Kubes asked if he will keep the wine shop open if he finds another restaurant location. Mr. Chaudhry stated that he had already hired a Chef. Mr. Chaudhry replied that the Chef will be the general manager of the bistro and he would have some involvement there as well. He noted that the potential bistro location is substantially larger and would have closer to 100 seats, which would require more wait staff than he expected to hire for the 5150 A location.

Chairman Kubes asked how Downers Grove will suit his needs for selling wine and beer at that location. Mr. Chaudhry replied that Downers Grove is up and coming and a great community with a Downtown district with constant activity. He stated that there must be a reason why Sam's Wine & Spirits also had chosen to locate in Downers Grove rather than in another community.

Chairman Kubes asked if there is a basement to the establishment and asked where liquor storage would be. Mr. Chaudhry replied that there was a basement and some liquor storage would be located there. He added that wine inventory from distributors is readily available and he can get deliveries a few times a week. He stated there would be no need to store a lot.

Chairman Kubes asked if the register is located on the counter near the entrance. Mr. Chaudhry replied yes.

Chairman Kubes asked Mr. Chaudhry if he will utilize a software program on the register which would require employees to enter in the customer's age similar to that of The Grove Fresh Market. Mr. Chaudhry replied that he utilizes Quick Books software which does not have that ability. He could look into getting the software, but likes Quick Books. He indicated he uses QuickBooks in the Hinsdale store and would rather have the same software in both locations. He stated that he would train his employees on proper carding techniques. He added that all employees will be over 21.

Chairman asked if there were any further questions from the Commission or comments from the licensee. Hearing none, Chairman Kubes 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 B-2-A liquor license application.

MR. McINERNEY MOVED TO FIND THE CELLAR DOOR, LLC D/B/A THE CELLAR DOOR, LOCATED AT 5150A MAIN STREET, QUALIFIED FOR A CLASS "B-2-A" LIQUOR LICENSE. MS. HAIDER SECONDED.

VOTE: **Aye:** Mr. McInerney, Ms. Haider, Ms. Dietrich, Mr. Barnett, Chairman Kubes
Nay: None
Abstain: None

MOTION CARRIED: 5:0:0

The Motion carried.

Chairman Kubes concluded the application hearing portion of the evening's meeting.

VI. OLD BUSINESS

Chairman Kubes asked for discussion, update from staff or comments from the Commission regarding any old business.

Ms. Conforti stated that she included a draft ordinance in the packet amending provisions concerning the sale of alcohol. She anticipated that someone from Ballydoyle would be present this evening to discuss container size limits proposed in the ordinance. Ms. Conforti stated that she included a chart detailing the number of ounces containers hold and approximately how many drinks each container yields.

Ms. Conforti stated that she received comments from Ballydoyle and Emmett's regarding the proposed ordinance regulating the size of containers. Emmett's requested that the size of the containers sold to not exceed 64 ounces in lieu of 60 ounces (as previously written) in order to accommodate the sale of their "growlers" - or to-go containers for their beer brewed-on-premises. Ballydoyle forwarded a fax concerning the sale of table tappers.

Ms. Conforti stated that she discussed the issue of table tappers with staff at Ballydoyle. She stated that the units they have hold 96 ounces of beer which equals approximately six-16 ounce glasses of beer. She added that it is their policy to deliver these serve-yourself containers to four or more people. She stated that they charge a proportionate increase in price for the increase in the volume of beer in the container. She stated that they do not put hard liquor in the containers and do not offer these at a special price or discount.

Ms. Conforti stated that the proposed ordinance would prohibit Ballydoyle from continued use of the table tappers as container size "shall not exceed 64 ounces".

Ms. Conforti stated that Ballydoyle claimed that table tappers alleviate wait staff from having to return to the table with drinks, which, in turn, frees up their time to bus, pay more attention to the customer and to the service aspect of the dining experience. Ms. Conforti added that Ballydoyle wait staff is limited to providing service to a 5-table station so they can pay particular attention to service. She asked for the Commission's feedback concerning table tappers.

Mr. Joe Mengel was present as one of the investors representing Ballydoyle. He stated that Phil Cullen was out of town on vacation. He reiterated Ms. Conforti's comments that hard liquor is not available in the table tappers. He stated that Ballydoyle uses the table tappers to help in the service aspect of the dining experience. He added that there must be a party of four at the table before they even consider a request for the table tapper. He stated that the price for the tapper will vary, depending upon the beer in them. He stated that domestics are cheaper than imports, but they charge a proportionate increase. He stated they try to accommodate larger groups.

Chairman Kubes remembered that over service was an issue of concern with the sale of the table tappers. He added that the Commission wondered how much was in the container, how many people are being served with it and what type of alcohol was in it.

Mr. Mengel stated that all wait staff and management personnel are BASSETT certified. He stated that they are responsible to the community.

Ms. Dietrich stated that the Commission felt that some guidelines needed to be established so misuse of the container would not occur. She stated that Ms. Conforti has been providing research from the Internet over the past few months, but most questions raised were somewhat answered by the information that Ballydoyle provided today.

Ms. Conforti stated that the issue of regulating the size of containers came up because of the table tapper and also because another licensee was offering \$5.00 pitchers of Long Island Ice Tea. Chairman Kubes stated that table tappers are a new concept and that the Commission had just been made aware of and it was an item that the Commission felt necessary to address.

Mr. Barnett indicated that the Ballydoyle table tappers hold 96 ounces, which is about 6 glasses of beer or 1 ½ beers per person. He wondered how providing the table tappers help the server when they serve it to a table of four. He added that it would take just as much time for a waitress to deliver two rounds of drinks. He stated that there is less than a second round for everybody and wondered how service was improved. Mr. Mengel stated by the time the table finishes the table tapper, other tables can be serviced. Mr. Barnett replied that when the table wants a second round, they still have to be served again and in a sense, the server would make the same number of trips to the bar.

Mr. Barnett wondered how the wait staff knows how many drinks each person at the table has out of the table tapper. He stated that staff has no way to monitor guests or count drinks.

Mr. Barnett stated that it is the Commission's role to ensure that alcohol service happens in an appropriate manner and is respectful and mindful of public safety in general. He stated that although Ballydoyle servers have gone through extensive alcohol training, that training is taken out of the equation as staff is not using that knowledge when they are not monitoring the table.

Mr. McNerney stated that he is concerned that the quantity of alcohol being served in the table tapper does not seem to fit with the definition of a restaurant. Mr. Mengel replied that the table tapper is a marketing item that Ballydoyle has become known for. He added that they are a conversation piece as well. He stated that it is not their intention to over serve guests. He stated that servers are trained to recognize signs of intoxication even though they are not actually counting the number of drinks each patron has out of the table tapper.

Mr. McNerney felt there is a loss of control when a large quantity of alcohol is provided. He stated that the more interaction the server has with the table, the more opportunity the server has to notice signs of intoxication. Mr. McNerney added that the discussion about the table tappers is warranted and stated that it is important to identify what constitutes a reasonable quantity of alcohol.

Ms. Haider asked what the table tapper unit looks like. Mr. Mengel stated that the unit has a base with a tapper valve and a tube that sits on it. Ms. Haider stated that she understands the marketing aspect of it but felt it was not a good idea. She asked if there are smaller tappers. She added that even though a table tapper was brought to a table of 4, the wait staff does not know who is drinking out of it.

Ms. Steuber stated that the unit looks large, but it only holds 6, 16 oz. glasses of beer. She stated that wait staff only will have 5 tables to wait on. She stated that with the limited number of tables in a station wait staff actually pays more attention to the table. Ms. Steuber stated that most larger parties order the table tappers. She added that it is a way for their customers to have fun and entertain themselves by pouring their own glass.

Chairman Kubes asked how many table tappers are served to customers on an average night. Ms. Steuber replied on Friday/Saturday about 4-5. She added that during the week they rarely sell. Mr. Geary added that during the week they do not store the units behind the bar because there is no demand for them.

Chairman Kubes asked how many tables of four order multiple table tappers over the course of an evening. He stated that they would only serve 2 table tappers to a table. He stated that the bartenders are very well aware of when the tapper comes into be filled. He added that the server must enter the table number and the bartenders can monitor how many go out per table.

Chairman Kubes asked if the base of the unit has a cooling fan to keep the beer cold. Mr. Geary replied no. He added that they table tappers are a nice tool, but are not a "beer drinkers" thing. He stated that the beer gets warm.

Chairman Kubes stated that the Commission discussed what constitutes a "pitcher". He added that the chart staff provided which covers the volume ounces in particular types of containers was beneficial.

Ms. Dietrich stated that the Commission discussed what could be sold in the table tappers/pitchers and for how much. She would be concerned if Long Island Ice Tea would be available and sold for low cost.

Mr. Geary stated that Ballydoyle does not sell pitchers, but do sell the table tappers very carefully.

Chairman Kubes stated that over service an issue. He stated that although Ballydoyle sells the table tappers in a good manner, other licensees may be apt not to - which would cause some concern.

Mr. Geary stated that they make no profit on the table tapper. He added that they do not offer the table tappers at a discount and stated that they charge what it would cost for 6, 16 oz. beers. Mr. Geary stated he would like to charge more for the novelty. He added that it takes the bartenders a lot of time to fill the unit.

Mr. Mengel stated that the unit is a conversation piece and a marketing tool. Mr. McInerney stated that he still is unsure how the concept relates in the context of the restaurant. He stated that the "tapper" gives the perception of a bar atmosphere.

Ms. Steuber stated that the ratio of food to alcohol sales is 60-40% and the do operate primarily as a restaurant. She added that the establishment has an older clientele.

Mr. Barnett asked Ms. Conforti the size of growlers (to go containers) sold by Emmett's. Ms. Conforti replied 64 ounces.

Ms. Steuber stated that if they see an intoxicated customer, a taxi is called. Mr. Geary added that there is staff at the door watching customers leaving. He also noted they offer customers a cab.

Ms. Conforti noted that the draft ordinance was based upon similar container size restrictions adopted by the City of Naperville.

Chairman Kubes thanked the representatives from Ballydoyle for attending. He appreciated their comments and insight concerning the table tappers. He stated that it seems that they are doing a good job of monitoring their guests and delivering table tappers in a responsible manner, however, other licensees may not be so responsible, which is why the Commission felt it necessary to discuss the issue. He stated that he had a better understanding about the units based upon their comments, but felt there should be something in the ordinance regulating these units. He felt that if they do allow the use of the tapper, it should be limited to beer only. Chairman Kubes confirmed with Ms. Conforti that the manufacturer of the units promotes the sale of hard alcohol drinks in their advertising.

Mr. McInerney asked if the proposed draft ordinance which limits container size to 64 ounces will have a negative impact on Ballydoyle. Mr. Mengel replied yes. Ms. Steuber replied it would put their table tappers out of service. Ms. Dietrich asked if they could only fill them 64 ounces. Ms. Steuber replied it would look silly and half full. Mr. Geary stated that it would defeat the purpose of having them. Mr. McInerney felt as Ballydoyle is known for their food, atmosphere and entertainment, there would be an indifferent impact if they lost overall business because discontinued use of the table tappers.

Mr. Geary stated that the table tappers are a novelty. He stated that customers bring their friends in to see them. He stated that they do not serve beer in pitchers, as they do not do that in Irish restaurants. He stated that the table tappers do help bring back people for the novelty.

Mr. Barnett stated that the 30-55 age bracket clientele and the limited wait staff tables is an entirely different environment than other establishments in town. He stated that what worries the Commission is that the delivery of pitchers and table tappers may magnify the opportunity of over service and other abuses. He thanked the representatives for appearing before the Commission.

Mr. Geary stated that the table tappers cost \$100 and people attempt to take them. He added that they only keep 8-9 in house because they are hard to store. He didn't believe that many other establishments would bother to get them. He felt that it would be unfair to take away their use of the table tappers based upon the pretense that another establishment might abuse or misuse them.

Chairman Kubes stated that it is the job of the Commission to review and discuss ordinance changes so they are fair for everyone and do not take away from the businesses.

Ms. Dietrich stated that the representatives made great arguments about the table tappers and are responsible with the service, but reiterated that the Commission is looking at the big picture.

Mr. Mengel asked the Commission what the next step is. Chairman Kubes stated that the Commission may recommend a change to the ordinance and then present it to the Village Council.

Ms. Dietrich asked if the Commission discusses the issue more, where do the representatives need to be to represent their position. Ms. Conforti replied that the Commission may vote on the proposed ordinance this evening, table it or come up with an amicable amendment. She added that if the Commission recommends that the ordinance be changed, it will need to go before the Council for consideration. Ms. Steuber asked that Ms. Conforti keep them up to speed with the process. Ms. Conforti agreed.

Ms. Dietrich indicated that she would have to leave the meeting. She requested to express her position on the issue. She stated that she agrees with the concerns of the Commission but felt that they could structure the ordinance to allow the table tappers, with exceptions. She stated that the ordinance could permit "containers of beer, up to 96 ounces, may be served to 4 or more people at a time". She also would like to add that they be limited to two per table. She stated that she has a concern with the monitoring of guests but understands the same problem could happen with a pitcher if it is delivered to a table of 4 but only one customer drinks from it. She stated that the 96 ounces is substantially more than the 64 ounces they were going for, but perhaps the containers can be sold with restrictions.

Ms. Dietrich excused herself from the meeting at 8:35 p.m.

Ms. Conforti stated that the State law does not define "pitcher" nor does it place limits on the ounces contained therein. She added that a pitcher, no matter what is in it, must be delivered to two or more people at one time. She stated that State law would allow the delivery of a table tapper to two people. She stated that there is the potential that another licensee would serve the table tapper in this manner, which would result in 3, 16-ounce drinks per two people. She stated that there were table tapper units being sold on the Internet that held 168 ounces. She stated that the potential service of 168 ounce unit to two people does exist with the ordinance as written.

Ms. Steuber asked if the Commission could limit the sale of hard alcohol from the units. The Commission replied yes.

Mr. McInerney stated that Ms. Conforti provided a draft ordinance to the Commission. He stated that perhaps they could narrow the ordinance to only allow beer and wine from the units. Mr. Geary explained that sales of margaritas by the pitcher exist. He stated that there is a big difference in the amount of alcohol contained in a margarita versus a Long Island Ice Tea which contains about 80%

alcohol.

Chairman Kubes stated that he would consider allowing the table tappers, but would like to set guidelines for the size of containers.

Mr. Barnett stated that under current ordinance, a licensee could serve 168 ounce table tapper filled with Long Island Ice Tea and deliver it to a table of two. He stated that clearly is not what the Village wants to allow. He stated that they must come up with some wording which does not create a problem for those that are operating responsibly, but at the same time, establish guidelines to prevent abuse.

Chairman Kubes asked how many beers are in a pitcher and how many people does a pitcher have to be delivered to. Ms. Conforti replied there are approximately five beers in a pitcher which must be delivered to two or more people. Chairman Kubes stated two people at a table could have 2 ½ beers each.

Ms. Perez stated that the ordinance could be worded to limit the delivery to one drink per person, which would eliminate the need for establishments to serve drinks in other size containers.

Ms. Steuber asked if there is a regulation on how many pitchers of beer someone can have. Ms. Perez replied no, but it would be up to the servers to regulate the amount given to a customer.

Ms. Conforti suggested also requiring a proportionate increase in the price of a container as the volume increases. She added that drink specials tend to encourage people to drink more. She stated that she was more comfortable that Ballydoyle charged the same for a table tapper as what it would cost for the same number of drinks by the glass. She feared that a licensee would offer a table tapper filled with alcohol for \$5.00. Ms. Perez stated that she was unsure if an ordinance could be structured to dictate a businesses prices.

Mr. Mengel suggested that the ordinance prohibit the sale of hard liquor from the table tappers.

Chairman Kubes asked if various containers can be limited. He suggested limiting alcoholic spirits not to exceed 60 ounces, for sale growlers not to exceed 64 ounces, and table tappers, containing beer only, not to exceed 96 ounces.

Ms. Conforti replied that she could redraft the ordinance based on tonight's discussion for the Commission to review at next month's meeting.

MR. McINERNEY MOVED TO TABLE THE DISCUSSION ON THE ORDINANCE AMENDING THE SALE AND PROMOTION OF ALCOHOLIC LIQUOR UNTIL THE NEXT LIQUOR COMMISSION MEETING IN ORDER TO BE PROVIDED A REDRAFT OF THE ORDINANCE WITH ALTERNATIVE LANGUAGE. MR. BARNETT SECONDED.

VOTE: Aye: Mr. McInerney, Mr. Barnett, Ms. Haider, Chairman Kubes

Nay: None

Abstain: None

MOTION CARRIED: 4:0:0

The Motion carried.

The Commission thanked the Ballydoyle representatives for attending and providing discussion on the matter.

Ms. Conforti stated that she is keeping a liquor agenda log of items the Commission should discuss at future meetings, time permitting. She stated that she spoke with Barbara Wysocki concerning the creation of the liquor licensee forum that she was trying to arrange, but to date, no group has been established. She asked Barb to discuss the issue of renewal posting with the group, but could not establish a date when that would be done. Ms. Conforti stated that she would like to get input from the Chamber. Chairman Kubes agreed. Mr. Barnett suggested advising the Chamber that there are agenda items that the Commission would like to get settled by the end of the year.

VII. NEW BUSINESS

Chairman Kubes asked for discussion, update from staff or comments from the Commission regarding any new business.

Mr. McNerney asked Ms. Conforti if it would be possible for the Commission to get information if someone was injured in an accident involving a DUI. Ms. Perez replied that the Village may be able to pull up how many emergency responses to DUI the Village has. She indicated that information would include those who were not coming from Downers Grove establishments and/or who did not answer the DUI questionnaire. Mr. McNerney stated it might help to illustrate that not only DUIs are occurring, but people are getting hurt. Ms. Conforti noted that dram shop insurance requirements were put in place as a remedy for victims of a DUI related injury. Ms. Conforti stated that this month's packet included an interesting article about a bar being sued by the family of a DUI injury victim.

Mr. Barnett asked Ms. Conforti about the disciplinary actions in which training is recommended. He wondered if there was follow up. Ms. Conforti replied that the problem found with the certified training requirement is that COD only offers the course if there are enough people enrolled and added that finding an area trainer is difficult and the cost of the training is high. She stated that she attempts to follow up with the licensees. She added that the establishment can be re-cited for the offense if they have not complied with the Order of the Liquor Commissioner or she may deny the license at renewal unless certification is proven.

Mr. Barnett asked if the licensee should re-appear before the Commission if training is required in the Order. Ms. Conforti stated language to the Order could be added requiring them to re-appear before the Commission. She also requested that the administrative costs be raised in these instances to cover the cost of their re-appearance at another meeting.

Ms. Conforti was concerned about the employee turnover rate. She added that although we may give a violator six months to train employees, who is to say or confirm those employees still exist at the establishment. Mr. Barnett stated if conditions in the Order are included, it may be easier for them to comply in a timely manner. Ms. Conforti stated that the Order can also state that if the licensee fails to provide proof of certified training by a certain date that a fine in the amount of "X" dollars be imposed on the licensee.

Chairman Kubes did not feel the need for the licensee to come back. He stated that at the end of the license year, they would have to comply or re-issuance of the license would be denied. Ms. Conforti noted that the Village has instituted a new program wherein if a business owes the Village any money for alarm fees, permit fees, fines, citations, etc. she can deny the re-issuance and/or revoke the license immediately.

Ms. Conforti stated that Big Dog's changed their name to Gina's Belmont Grill.

Ms. Conforti stated that the Mayor has issued a special event liquor license to the Downers Grove Rotary Club to operate the 2005 Heritage Fest Beer Garden. She added that he also issued a special event license to Sam's Wine & Spirits to conduct wine tasting inside the beer garden. Chairman Kubes questioned why Sam's did not appear before the Commission. Ms. Conforti replied that the Mayor signed off on it. She stated that she was surprised that the State required another license for the same event, but understood that Sam's needed it as they would be operating out of the confines of their store. She added that they do wine sampling on site regularly and are well versed in State law regarding the quantity they can give in samples. She added that for 2 hours during each of the three days of the event the wine tasting will be conducted.

Ms. Conforti stated that the Ballydoyle Sidewalk Café was set to open tomorrow, April 8, 2005.

Ms. Conforti stated that Emmett's Ale House has submitted an application for Sidewalk Café. She stated that they are planning to utilize Village owned property and need Council approval. She stated that before she brings them before the Commission to discuss their application for a Class "O" outdoor liquor license, she wants to be sure that Council is willing to let them utilize and make improvements to a portion of the Grove Street sidewalk.

Ms. Conforti advised the Commission that the Legal Department is in the process of revising the Sidewalk Café and Special Commercial Events Ordinances and shall present changes to the Code at the Council workshop meeting of April 26th. She stated that for-profit use of public property is also at issue. She stated that the outcome of the Council meeting will determine how cafes and events will be allowed.

Ms. Conforti stated that Bamboleo/Isabella will be opening their café soon. She stated that they have applied for a temporary use license. She stated that the café is conducted wholly upon private property, which requires the temporary use license. She noted that they had been previously been granted a Class "O" outdoor liquor license which is automatically renewed each year.

Ms. Conforti mentioned that Village Attorney Beth Janicki-Clark will be leaving the Village at the end of the month. She thanked Ms. Clark for all her hard work and input concerning Liquor Commission issues. Chairman Kubes thanked Ms. Clark for all of her help and the group wished her good luck.

Ms. Conforti mentioned that Ms. Haider has indicated that she has chosen not to return to the Liquor Commission after her term is up on April 30th. Ms. Conforti thanked Ms. Haider for her help and input on the Liquor Commission. The Commissioners thanked her and wished her luck.

VIII. COMMENTS FROM THE PUBLIC

Chairman Kubes asked if there were any comments from the public.

There were none.

IX. ADJOURNMENT

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

Ms. Haider moved to adjourn the April 7, 2005 meeting. The meeting was adjourned by acclamation at 9:15 p.m.