

DOWNERS GROVE LIQUOR COMMISSION
VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE
Thursday March 2, 2023

I. CALL TO ORDER

Chairman Strelau called the March 2, 2023 Liquor Commission meeting to order at 6:32 p.m.

II. ROLL CALL

PRESENT: Mr. Fenton, Mr. Johnson, Ms. Kastory, Mr. Mehta, Mr. Shah (6:37), Chairman Strelau

ABSENT: Ms. Rutledge

STAFF: Carol Kuchynka, Liaison to the Liquor Commission, Assistant Village Attorney Brandan Rissman

OTHERS: Suzie Positano, Kimberly Mitchell, Doug Sinars, Krystal Smith, Tynia Thomas, Dan Mukenschnabl, Valerie Fabac, Ajinder Sandhu, Al HB Husain, Court Reporter

III. APPROVAL OF MINUTES

Chairman Strelau asked for approval of the minutes for the January 5, 2023 Liquor Commission meeting and asked members if there were any corrections, changes or additions.

Hearing no additional changes, corrections or additions, the January 5, 2023 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.

IV. APPLICATION FOR LIQUOR LICENSE

Chairman Strelau made the following statements:

"The next 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 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."

"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) discussion by the Commission, 4) comments from staff, 5) comments from the public, and 6) motion and finding by the Commission."

Eleven 26 – 5126 Main Street

Chairman Strelau stated that the next order of business was Eleven 26 Main, LLC d/b/a Eleven 26 located at 5126 Main Street. She stated that the applicant is seeking a Class “R-1”, full alcohol, on-premise consumption liquor license and a Class “O” outdoor 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. Suzanne Positano and Ms. Kimberly Mitchell were sworn in by the court reporter. Ms. Positano introduced herself as owner and Ms. Mitchell introduced herself as the general manager.

Chairman Strelau asked the applicant to explain what they are about.

Ms. Positano stated that she and her partner Doug Sinars co-own the new establishment. She stated that Eleven 26 is the day her deceased brother’s birthday and the restaurant was named in honor of him. She stated the restaurant has been a lifelong dream. She stated that her partner Doug owns the building.

Ms. Positano stated that Eleven 26 will be a restaurant with liquor service, adult/kids menus and live music. She stated that they will have many genres of music at the facility.

Ms. Positano has resided in Downers Grove for the past six years. She added that they were renovating the old Busy Bee bakery site. She noted in memory of the Busy Bee they are going to be attempting to get their donut recipe and desserts on the menu. She stated that she would like to observe tradition of the establishment that was a part of Downers for years.

Chairman Strelau asked for questions from the Commission

Mr. Johnson asked about the Class O liquor license. He asked to explain the plan for that area. Ms. Positano replied that they will be fully staffed to service the outdoor area.

Ms. Positano stated they will have plenty of staff to service tables and two general managers will operate the restaurant.

Mr. Johnson asked how many employees they plan to have when the restaurant is fully operational. Ms. Positano replied 20-25. Ms. Mitchell stated that during events they will also plan for security on the weekends.

Mr. Johnson asked about their liquor handling experience on the application which was left out. Ms. Mitchell replied that she worked in the nightclub industry for 10 years on the east coast. She stated that she transplanted in 2010 to Illinois. She stated that she has both bartending and night club industry. Ms. Positano stated that her parents owned a restaurant in Elmhurst where she works at a few years as well. She stated that being in the music industry she has experience in entertainment/hospitality industry serving and handling liquor at various venues.

Mr. Johnson stated that their manual indicates they will hold training quarterly and weekly meetings as required by management. Ms. Positano replied every Tuesday night they will have an all staff meeting.

She stated that they will cover the schedule for the week and make sure bartenders and servers are on point with proper service.

Mr. Fenton noticed that both of them were certified. He asked who all will be required to be as well. Ms. Positano replied that her other manager Dan had submitted his certification along with their employee Valarie. She stated that anyone serving will not allowed to work until they are certified.

Ms. Kastory had no questions.

Mr. Mehta was curious about them feel the need for security. Ms. Mitchell replied that if there is a weekend event you want to make sure everyone is safe and have security. Ms. Positano replied similar to Ballydoyle, they would have a door person. She stated some days they might have a cover charge and when they host a bigger show they would have additional security.

Mr. Mehta asked if they felt this would be more of a bar or a restaurant. Ms. Positano replied restaurant and noted customers will be sitting, eating while listening to music.

Ms. Positano stated that they will be serving tapas food. She stated that they have a gluten free menu along with a variety of desserts. She stated that this is not just a music venue.

Mr. Mehta understood that Ballydoyle has door staff when they have shows and he noted other restaurants if they have security, he has not noticed that they do. Ms. Mitchell stated that “security” is the word she uses. Ms. Positano noted that they would have someone at the door taking any fees. She stated that there are eating areas along with the back area has a stage.

Ms. Positano noted that there will be French doors at the front of the establishment. She stated that there will be a piano bar and seating for eating areas and televisions. She noted that the long hall will be adorned with music albums and information on artists. She stated that there was a circular bar in the back of the restaurant with a replica of her brother’s guitar. She stated that there is seating for eating along with a stage for entertainment. She stated that the kitchen is located to the rear of the establishment.

Mr. Mehta asked if there was a counter at the front of the restaurant. Ms. Positano replied yes and it is seating where you cannot walk through the French doors.

Mr. Mehta asked if there will be age restricted shows. Ms. Positano replied that they are all ages as it is a restaurant with entertainment. She stated it is all ages but on the weekends or later at night they have discussed after 11 pm they may revert to 21+.

Ms. Kuchynka clarified that in the event they hold activities which are entertainment based and/or ticketed events, a Special Event liquor license may be required. She noted those would be necessary if the main and principal business is not in operation. She confirmed with Ms. Positano that tables would remain in place at all times. Ms. Positano agreed.

Mr. Mehta asked if it was their plan for all ages all the time. Ms. Positano replied yes.

Mr. Shah asked what the seating capacity is. Ms. Positano replied 147. Ms. Kuchynka advised that there will be seats around the rear bar. She stated that Ms. Positano advised her that food service would be available at the bar.

Mr. Shah asked what the capacity would be if they were to become an entertainment venue for an evening. Ms. Kuchynka noted that their capacity would increase for standing room. She stated that Community Development would need to confirm those numbers in plan review and noted that they may be

asked for their architect to provide a number based on that. She stated that calculations for those activities will be required.

Mr. Shah asked if liquor licenses cap the amount of people allowed. Ms. Kuchynka replied no. She stated that the Fire Department would need to provide an occupant load based on the life safety code.

Ms. Positano stated that they would like to have a Gospel brunch on Sundays and offer brunch/lunch on Saturdays.

Chairman Strelau asked clarification from staff that they cannot move tables without a Special Event license for a music venue. Ms. Kuchynka replied yes. She stated that they can apply for a Special Event license if they plan events outside of the scope of the normal day to day business. Ms. Positano replied that they would like to do a grand opening with red carpet, while bringing in a big name entertainer. She stated that once in a while they would like to bring in some special act. Ms. Kuchynka noted that tables can be moved for larger dining parties for example, but when they are not operating as a restaurant the special event will kick in. She stated that staff would evaluate the event, decide if it requires a special license, address capacity, security, if required, and notify departments if it may affect traffic and parking, etc.

Chairman Strelau cautioned them that a popular artist is going to draw a large crowd and security may be an issue. Ms. Positano replied that she organizes events and has a security team come in for crowd control, etc. She noted that they have caps for tickets.

Chairman asked Ms. Positano and Ms. Mitchell if they ever had a liquor violation. Both replied no.

Chairman Strelau stated that she loved the concept as it is different than what we have. She noted that there may be some pitfalls, but being in the business they should be able to identify with that. She was reassured that they wanted to hold weekly meetings and noted that they may need more round up with staff for special events.

Chairman Strelau noted that people who make their employees understand how important liquor service is. She advised them that the Village conducts control buys in order to see how accurately they card.

Chairman Strelau asked when they plan to open. Ms. Positano replied that they are starting the buildout in a week.

Ms. Positano stated that they have a big team meeting each Tuesday to discuss the agenda for the week. She stated that every day they will have a team huddle before the shift. She looks forward to bringing something exciting to town.

Chairman Strelau asked staff for recommendations or comments pertinent to this request. Ms. Kuchynka referred to the outdoor café plan. She stated that the plan is only a proposal at this stage. She stated that Community Development staff will need to review the layout and use of the public street and sidewalk areas. She stated that a license agreement will be required to utilize the public property. She stated that the café may or may not be open this season, depending upon when they open. She advised that the café season runs March 15-November 15th yearly.

Ms. Kuchynka stated that other factors affecting the finding includes receipt of the Certificate of Occupancy, dram shop insurance, annual fee, 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 their request for a Class R-1 liquor license.

MR. FENTON MOVED TO FIND ELEVEN 26 MAIN, LLC D/B/A ELEVEN 26 LOCATED AT 5126 MIAN STREET QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JOHNSON SECONDED.

Aye: Mr. Fenton, Mr. Johnson, Ms. Kastory, Mr. Mehta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

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 their request for a Class O liquor license.

MR. FENTON MOVED TO FIND ELEVEN 26 MAIN, LLC D/B/A ELEVEN 26 LOCATED AT 5126 MAIN STREET QUALIFIED FOR A CLASS "O", OUTDOOR LIQUOR LICENSE. MR. JOHNSON SECONDED.

Aye: Mr. Fenton, Mr. Johnson, Ms. Kastory, Mr. Mehta, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

Shikara – 1620 75th

Chairman Strelau stated that the next order of business was Ashyana Banquets, LLC d/b/a Shikara located at 1620 75th Street. She stated that the applicant is 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.

Mr. Ajinder Sandhu was sworn in by the court reporter. He stated that he was part owner of the establishment. Mr. Al Husain stated that he was counsel representing Mr. Sandhu.

Chairman Strelau asked the applicant to explain what they are about.

Mr. Sandhu stated that he was buying the property along with the rights to the restaurant and banquet hall. He stated he is seeking a liquor license for the property.

Chairman Strelau asked if there was a liquor license held at this location before. Ms. Kuchynka replied yes. Mr. Husain stated that this is a transfer of ownership.

Ms. Kuchynka advised that the current owners has held a liquor license since November of 2004 and has passed every control buy done on the location. She stated that Mr. Sandhu had advised her that the entire staff will be retained.

Mr. Sandhu stated that all employees will remain. He stated that the manager running the property know will be hired as well. Mr. Husain stated that they do not expect anything to change as far as staffing.

Chairman Strelau asked for questions from the Commission

Mr. Johnson asked Mr. Sandhu about his liquor experience at Liquorama. Mr. Sandhu replied that the own a liquor store in Chicago. He stated that he has owned the store for the past 6 months. Mr. Johnson asked him if there had been any issues at that location. Mr. Sandhu replied no. Mr. Johnson asked if family was working at that location. Mr. Sandhu replied the manager who has worked there for the past 7-8 years had been retained.

Mr. Johnson stated that according to the manual they intend to review policy quarterly. He encouraged them to do that more often. Mr. Sandhu replied they can do it monthly. Mr. Husain stated that over the life of Mr. Sandhu's career he has operated 5-10 different liquor stores all without incident.

Mr. Fenton asked Mr. Sandhu if he is just taking over ownership. Mr. Sandhu replied yes.

Mr. Fenton confirmed that he will retain the entire staff. Mr. Sandhu replied yes.

Ms. Kastory had no questions.

Mr. Mehta asked Mr. Sandhu if he has taken over already. Mr. Sandhu replied no. He stated the takeover will occur at the end of the month or in April.

Mr. Mehta stated when he looks at this establishment it is two separate businesses – a banquet hall and a restaurant. He asked staff if they hold two separate licenses. Ms. Kuchynka stated no. She noted that the Village does not have a banquet license. She stated that they are classified as a Class R-1 restaurant. She stated that the facility is housed under one building. She stated that there is a restaurant in operation and a banquet facility. She stated that the facility is 37,000 square feet.

Ms. Kuchynka stated that the restaurant would be open 10 am to 8 pm and the banquet areas would vary.

Mr. Sandhu stated that there are 4-5 banquet areas. He stated that in combination, they can accommodate up to 700 guests. He stated that the banquet hours can run from 8am-1am.

Ms. Kuchynka noted that the banquets are pre-booked events. Mr. Sandhu added that there are 75-100 banquets that are already booked. Mr. Mehta advised his niece is having a baby shower there tomorrow.

Mr. Sandhu advised that Mr. Jain, the current owner, will remain for 6-8 months.

Mr. Mehta stated that he was very familiar with the property and events at the location which is an Indian focused facility.

Mr. Mehta asked Mr. Sandhu if he had banquet experience. Mr. Sandhu replied no.

Mr. Mehta stated that this facility is notorious for having bars set up in the parking lot by guests. He stated that guests bring alcohol and consume in the lot. He encouraged them to better monitor the parking lot area so that nothing impacts his license inside. Mr. Sandhu replied that they plan to put more lighting on the exterior. He noted that they may add security on the weekends. Mr. Husain added that

security cameras are also be an option. He stated that they will contact the police if they see anything unusual or violent.

Mr. Mehta noted that in the times he has been in the facility he also has not seen anyone being carded. He noted that they may be passing tests on the restaurant side, but the banquets may need some addressing. He asked that they be more cognizant.

Mr. Shah asked Mr. Sandhu if he will be working at the facility or if he will just own. Mr. Sandhu replied ownership.

Ms. Kuchynka noted that if they have problems in the parking lot to please contact the police department.

Chairman Strelau asked how many actual employees he plans to retain. Mr. Sandhu replied 30-40. She asked if they were all BASSET certified. Mr. Sandhu replied the bartenders and servers. She asked how many employees are bartenders. Mr. Sandhu replied 6-8. Ms. Kuchynka noted that busboys, cooks and anyone who does not handle liquor will need certifications.

Chairman Strelau asked Mr. Sandhu about his liquor handling experience and if it was in an ownership capacity or ownership. Mr. Sandhu replied both. She asked if it was in Illinois. Mr. Sandhu stated that he had a gas station in IL with full liquor.

Chairman Strelau stated that it is his intention to use the current owner to get them up and running and then have to hire a manager. Mr. Sandhu stated that the current manager who has been working there for the last 5 years will be hired as well. Mr. Husain stated that the owner will remain on as a managing consultant for the next 6-8 months.

Chairman Strelau stated that this is a huge facility. She stated that someone needs to be imparting the importance of liquor license. She stated that the managers need to clearly understand how important this license is as the facility is useless without a liquor license. She hopes they continue to be successful.

Chairman Strelau asked staff for recommendations or comments pertinent to this request. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of an updated to the Certificate of Occupancy, signed lease, dram shop insurance, annual fee, satisfactory background checks and employee certifications for any new hires.

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 their request for a Class R-1 liquor license.

MR. MEHTA MOVED TO FIND ASHYANA BANQETS, LLC D/B/A SHIKARA LOCATED AT 1620 75TH STREET QUALIFIED FOR A CLASS "R-1", FULL ALCOHOL, ON-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JOHNSON SECONDED.

Aye: Mr. Mehta, Mr. Johnson, Mr. Fenton, Ms. Kastory, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

7-Eleven – 5105 Fairview

Chairman Strelau stated that the next order of business was White Hen Pantry, Inc. d/b/a 7-Eleven located at 5105 Fairview Avenue. She stated that the applicant is seeking a Class “P-1”, full alcohol, off-premise consumption liquor license.

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

Ms. Krystal Smith and Ms. Tynia Thomas were sworn in by the court reporter. Ms. Thomas introduced herself as the store manager.

Ms. Thomas stated that alcohol is a majority of the sales at the site and they are seeking a license to continue to sell liquor from the location.

Chairman Strelau asked for questions from the Commission.

Mr. Shah asked Ms. Thomas to explain the change of ownership. Ms. Thomas replied that they operated under a franchise and turned back to corporate.

Mr. Shah asked Ms. Thomas to explain their carding procedures. Ms. Thomas stated that their system requires identification to be scanned for any liquor or tobacco sales. She stated that clerks have to physically look at the id and have to scan it. She stated that no alcohol can be purchased without an id.

Mr. Shah asked if the franchisee had the same system as corporate. Ms. Thomas replied yes, however, she added a few extra steps to the system.

Mr. Shah asked Ms. Thomas if she or corporate controls the system. Ms. Thomas replied she controls it locally.

Mr. Shah stated that he was concerned that the other 7-Eleven had been called back to the Commission because they failed a control buy because staff was overriding the system. He felt that stressing that overriding the system is not allowed is important. Ms. Thomas replied that staff cannot override the system.

Ms. Kuchynka stated that Ms. Smith was present for the violation hearing. She stated that they had discussed measures that corporate has taken since the violation. She stated that they have altered policy to card and scan everyone’s identification.

Ms. Kuchynka stated that the site was previously operated by a franchisee John Panicola, who operated the location since 2014 with one control failure in 2015 and all other tests passed.

Ms. Kuchynka stated that all employees will be retained, with the exception of John who was the owner/liquor manager for this location.

Ms. Kuchynka stated the previous owner Salam’s Convenience d/b/a 7-Eleven held a license from 2007-2013 and passed all tests. She added that corporate operated the store from 2006-2007 without incident.

Mr. Mehta asked what time they sell. Ms. Thomas replied 8am-1am, Monday through Friday, 8am-2 am Saturday and Sunday 9am to 1am.

Ms. Kuchynka noted that there have been no sales from this location since the franchisee left on December 15th.

Ms. Kuchynka noted that this is a 24 hour store.

Mr. Kastory asked Ms. Thomas how long she has worked at this location. Ms. Thomas replied since December.

Mr. Fenton stated that he wanted them to make sure there was no possibility for an override and based on what he heard it sounds as though that is fully in place.

Mr. Johnson asked how the company has an independent party to test the site. Ms. Smith replied that the in-store stings happens six times a year with secret shoppers.

Mr. Johnson asked what the repercussions are should a store fail one of their tests. Ms. Smith stated that if an employee is involved in a sale, they must re-take the BASSET certification and any further violations result in termination. She stated that if it is a police operation, there is immediate termination.

Mr. Johnson asked how often they hold employee meetings concerning alcohol. Ms. Thomas stated that she holds Zoom meetings every Sunday at 4pm with her team.

Mr. Johnson asked about locking coolers and asked if there are locks on the coolers. Ms. Thomas replied yes.

Mr. Johnson asked about the layout. He stated that hard alcohol is by the tobacco behind the cashier. Ms. Thomas replied yes.

Mr. Johnson stated that he in is the area and has been in the location over twenty years. He stated that sometimes there is only one cashier with a line of customers. He told them to keep in mind the security of the hard liquor.

Chairman Strelau asked Ms. Thomas about the number of employees. Ms. Thomas replied six.

Chairman Strelau asked if they all are BASSET trained. Ms. Thomas replied yes.

Chairman Strelau asked if they have locking coolers. Ms. Thomas replied yes.

Chairman Strelau asked how they handle customers that come in at 3am and try to purchase liquor. Ms. Thomas stated that it does happen and they explain to the customer the allowable hours. She noted if they have any problems they will call 911.

Chairman Strelau reminded them to reiterate the importance of proper liquor sales

Chairman Strelau asked staff for recommendations or comments pertinent to this request. Ms. Kuchynka replied that issuance of the license is contingent upon receipt of the annual fee, satisfactory background checks and certifications for any new hires.

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 their request for a Class P-1 liquor license.

MR. FENTON MOVED TO FIND WHITE HEN PANTRY, INC. D/B/A 7-ELEVEN LOCATED AT 5105 FAIRVIEW AVENUE QUALIFIED FOR A CLASS "P-1", FULL ALCOHOL, OFF-PREMISE CONSUMPTION LIQUOR LICENSE. MR. JOHNSON SECONDED.

Aye: Mr. Fenton, Mr. Johnson, Mr. Mehta, Ms. Kastory, Mr. Shah, Chairman Strelau

Nay: None

Abstain: None

MOTION CARRIED: 6:0:0

V. 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 was currently working on temporary use applications with Community Development for outdoor cafes. She stated that the season runs from March 15-November 15. She advised that some usage of the street will continue. She advised any café operating on public property requires a license agreement for use of it.

Chairman Strelau asked if the street usage will be similar to last year. Ms. Kuchynka replied yes.

Ms. Kuchynka stated that she provided a proposed draft of the café for Eleven 26. She stated that is subject to change once final calculations and store frontage is finalized. She stated that changes to the plan may be done administratively and approved by the Mayor. She stated that she wanted to get them qualified for the outdoor license to have the ability to serve outdoors. Ms. Kuchynka stated that Community Development will need to approve the official café area allowed.

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 referred to the January and February month end reports.

Ms. Kuchynka stated that temporary use application for special events such as the Rotary Fest, Summer Concert Series, Wine Walk and special events are starting to come in.

VII. COMMENTS FROM THE PUBLIC

There were none. No members of the public were present for comment.

VIII. ADJOURNMENT

Concluding business for the evening, Chairman Strelau called for a motion to adjourn. Mr. Johnson moved to adjourn the March 2, 2023 meeting. The meeting was adjourned by acclamation at 7:30 p.m.

Discussion immediately after adjournment. Chairman Strelau inquired about the potential violation the Mayor mentioned to her concerning a New Years' Eve event. Ms. Kuchynka replied that she and the Village Attorney handled the matter administratively and had the licensee come in to discuss the case, as it was determined that there was no violation.

Chairman Strelau asked if they still had the license. Ms. Kuchynka replied yes.

Ms. Kuchynka stated she wanted to be clear that she explained the special event process to the applicant concerning events, particularly if they do anything outside the norm of their day to day business and that they get a special event liquor license and/or have security when they have events.

Ms. Kuchynka stated it was determined that there was no violation; therefore; no public hearing was required and they did not operate outside the restrictions of their day to day license.

Chairman Strelau asked if there was a violation in that they advertised the event. Ms. Kuchynka replied that they did not find an advertisement. She stated that DJ that rented the facility had posted the event for his followers to attend. Mr. Shah asked if that would be false advertising. Ms. Kuchynka stated there was no violation. Chairman Strelau stated she preferred this be handled in public

Mr. Shah was unaware of the New Years' Eve event.

Mr. Mehta asked what location was it. Ms. Kuchynka replied Downers Sand Club.

Mr. Mehta asked Ms. Kuchynka if the restaurant inside the Power Mart gas station Power Mart had contacted her. Ms. Kuchynka replied not recently.

Ms. Kuchynka asked that the group reconvene the meeting officially due to the continuing discussion so as not to violate the Open Meetings Act.

Mr. Mehta stated that he spoke with the restaurant owner and was asked about on-site consumption. Ms. Kuchynka stated that the P-1 license classification held by Power Mart is off-premise consumption only. She stated that there is no BYO license for that location either. Mr. Mehta stated he may be waiting to apply as he will eventually be moving into the other building.

Ms. Kuchynka asked for another motion to adjourn.

The meeting was once again adjourned by acclamation at 7:40 p.m.