

June 9, 2022

7:00 P.M.

COUNCIL CHAMBERS

WHEATON CITY HALL

303 WEST WESLEY STREET

or

Join Zoom Meeting

<https://us02web.zoom.us/j/89620698028>

Meeting ID: 896 2069 8028

Passcode: 336159

1. Call To Order And Roll Call

2. Public Comment

3. Approval Of Minutes

3.I. May 12, 2022

Documents:

[MAY 12, 2022.PDF](#)

4. Old Business

4.I. Violation Hearing - Whole Foods - 89 Danada Square East

Documents:

[WHOLE FOODS VIOLATION CONTINUED.PDF](#)

5. New Business

5.I. Application For An Outdoor Special Event Liquor License - Downtown Wheaton Association - Summer Wine Walk

Documents:

[DWA WINEWALK.PDF](#)

5.1.i. Application For An Outdoor Special Event Liquor License - DuPage County Fair Association - DuPage County Fair

Documents:

[DUPAGE COUNTY FAIR.PDF](#)

6. Adjournment



WHEATON LOCAL LIQUOR CONTROL COMMISSION MEETING MINUTES

WHEATON CITY HALL, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

May 12, 2022

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Taylor called the May 12, 2022 meeting of the Local Liquor Control Commission to order at 7:00 P.M. in the City Council Chambers of the Wheaton City Hall, 303 West Wesley Street and via Zoom.

Upon roll call, the following were present: Commissioner Brown, Commissioner Sender, Chair Taylor and Commissioner Whitmer. Absent: Commissioner Pearse. City Staff Present: James P. Kozik, Director of Planning and Economic Development.

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES – April 14, 2022

Hearing no questions or comments, Commissioner Brown moved and Commissioner Whitmer seconded a motion to recommend approval of the minutes of the April 14, 2022 Local Liquor Control Commission meeting as submitted. On a voice vote, all voted aye.

IV. NEW BUSINESS

The court reporter sworn in all those who will be speaking tonight.

Violation Hearing – Hashimi Enterprise, Inc. d/b/a 7-Eleven Express 625 W. Roosevelt Road

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Hashimi Enterprise, Inc. d/b/a 7-Eleven Express whereby liquor was sold to a person under the age of 21.

In their witness of the liquor sale, Chair Taylor stated that the Wheaton Police observed that the sales clerk did not ask the decoy for identification.

Chair Taylor stated that Hashimi Enterprise, Inc. d/b/a 7-Eleven Express has entered a plea of guilty to the allegations and that this is their 1st violation of the Liquor Control Ordinance.

Mr. Pramod Patel, Store manager apologized for the incident and stated that there were many people in line at the store when the violation occurred and the clerk mistakenly hit the manual button to approve the liquor sale.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – 302 Wheaton LLC d/b/a 302 South 401 Town Square

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by 302 Wheaton LLC d/b/a 302 South whereby liquor was sold to a person under the age of 21.

In their witness of the liquor sale, Chair Taylor stated that the Wheaton Police observed that the sales clerk did not ask the decoy for identification.

Chair Taylor stated that 302 Wheaton LLC d/b/a 302 South has entered a plea of guilty to the allegations and that this is their 1st violation of the Liquor Control Ordinance.

Mr. Eric Schlickman, owner, apologized for the incident and stated a recent hire was working with a manager on-site when the violation occurred.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Aldi, Inc. d/b/a Aldi – 20 W. Loop Road

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Aldi, Inc. d/b/a Aldi whereby liquor was sold to a person under the age of 21.

In their witness of the liquor sale, Chair Taylor stated that the Wheaton Police observed that the sales clerk asked the decoy for identification.

Chair Taylor stated that Aldi, Inc. d/b/a Aldi has entered a plea of guilty to the allegations and that this is Aldi, Inc. d/b/a Aldi 3rd violation of the Liquor Control Ordinance; the first occurring in 2014 with a fine imposed of \$500 and the second occurring in 2019 with a fine imposed of \$750.

Tom Weiler, counsel for ALDI, Store Manager Kathy Major and the district manager Meghan Griffin were present to explain the circumstances surrounding the violation. Ms. Major explained the alcohol sales training that is required of all associates involved with the sale of alcohol.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Honey Jam Café II LLC d/b/a Butterfields 351 Rice Lake Square

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Honey Jam Café II LLC d/b/a Butterfields whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the server did not ask the decoy for identification.

Chair Taylor stated that Honey Jam Café II LLC d/b/a Butterfields has entered a plea of guilty to the allegations and that this is Honey Jam Café II LLC d/b/a Butterfields 1st violation of the Liquor Control Ordinance.

Mr. Jeff Stajduhar, General Manager was present to explain the circumstances surrounding the violation. Mr. Stajduhar then explained his restaurants training and alcohol sales policies.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Buchanan Energy (S) LLC d/b/a Casey's #6540 1000 E. Roosevelt Road

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Buchanan Energy (S) LLC d/b/a Casey's #6540 whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the sales clerk did not ask the decoy for identification.

Chair Taylor stated that Buchanan Energy (S) LLC d/b/a Casey's #6540 has entered a plea of guilty to the allegations and that this is Buchanan Energy (S) LLC d/b/a Casey's #6540 1st violation of the Liquor Control Ordinance.

Mr. Brian Miller, a District Manager for Casey's was present to explain the circumstances surrounding the violation. Mr. Miller stated that it is store policy to card everybody, but the employee failed to do so in this instance.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – RDK Ventures LLC d/b/a Circle K #6709 100 W. Geneva Road

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by RDK Ventures LLC d/b/a Circle K #6709 whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the sales clerk did not ask the decoy for identification.

Chair Taylor stated that RDK Ventures LLC d/b/a Circle K #6709 has entered a plea of guilty to the allegations and this is RDK Ventures LLC d/b/a Circle K #6709 1st violation of the Liquor Control Ordinance.

Area Manager Mr. Riley Delano was present to explain the circumstances surrounding the violation. Mr. Delano stated that it is store policy to card anybody that appears under 40 years of age. In addition, the store's registers are equipped with technology that captures the date of birth either by scanning it and/or by manually entering it. Mr. Delano stated that they regularly conduct voluntary compliance checks too, using a company called the BARS Program to evaluate processes and see if policies are being followed. Mr. Delano stated that in accordance with their zero tolerance policy, the associate was terminated immediately.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Roundy's Illinois Co d/b/a Mariano's #8513, 625 S. Main Street

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Roundy's Illinois Co d/b/a Mariano's #8513 whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the sales clerk asked the decoy for identification.

Chair Taylor stated that Roundy's Illinois Co d/b/a Mariano's #8513 has entered a plea of guilty to the allegations and that this is Roundy's Illinois Co d/b/a Mariano's #8513 2nd violation of the Liquor Control Ordinance; the first occurring in 2015 with a fine imposed of \$300.

Attorney William O'Donaghue and Store Director Peter Lynch were present to explain the circumstances surrounding the violation. Mr. Lynch explained Roundy's training and stated that pursuant to store policy, the employee was terminated.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Royale Liquors LLC d/b/a Pete's Fresh Market, 151 Rice Lake Square

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Royale Liquors LLC d/b/a Pete's Fresh Market, 151 Rice Lake Square whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the sales clerk did not ask the decoy for identification.

Chair Taylor stated that Royale Liquors LLC d/b/a Pete's Fresh Market, 151 Rice Lake Square has entered a plea of guilty to the allegations and that this is Royale Liquors LLC d/b/a Pete's Fresh Market, 151 Rice Lake Square 1st violation of the Liquor Control Ordinance.

Risk Manager Armando Alcazar was present to explain the circumstances surrounding the violation. Mr. Alcazar stated the employee violated store policy and resigned their position.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Le Donne, LLC, d/b/a Sogno, 100 N. Hale Street, Suite 200

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Le Donne, LLC, d/b/a Sogno, 100 N. Hale Street, Suite 200 whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that In their witness of the liquor sale, the Wheaton Police observed that the server did not ask the decoy for identification.

Cahir Taylor stated that Le Donne, LLC, d/b/a Sogno, 100 N. Hale Street, Suite 200 has entered a plea of guilty to the allegations and that this is Le Donne, LLC, d/b/a Sogno, 100 N. Hale Street, Suite 200 2nd violation of the Liquor Control Ordinance; the first occurring in 2016 with a fine imposed of \$500.

General Manager John Holder was present to explain the circumstances surrounding the violation. Mr. Holder stated the sale was human error on behalf of the bartender, but nevertheless retrained all staff involved with the sale and service of alcoholic beverages as well as instituted other alcohol related policies.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Sushi Ukai III, Inc., d/b/a Sushi Ukai, 281 Rice Lake Square

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Sushi Ukai III, Inc., d/b/a Sushi Ukai, 281 Rice Lake Square whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the server asked the decoy for identification.

Chair Stated that Sushi Ukai III, Inc., d/b/a Sushi Ukai, 281 Rice Lake Square has entered a plea of guilty to the allegations and that this is Sushi Ukai III, Inc., d/b/a Sushi Ukai, 281 Rice Lake Square 1st violation of the Liquor Control Ordinance.

No one came forward representing Sushi Ukai III. The public hearing was closed.

Violation Hearing – Suzette’s Creperie, 211 W. Front Street

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Suzette’s Creperie, 211 W. Front Street whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the server asked the decoy for identification.

Chair Taylor stated that Suzette’s Creperie, 211 W. Front Street has entered a plea of guilty to the allegations and that this is Suzette’s Creperie, 211 W. Front Street 2nd violation of the Liquor Control Ordinance; the first occurring in 2016 with a fine imposed of \$500.

Bar Manager Sheila Luxon was present to explain the circumstances surrounding the violation. Ms. Luxon stated the sale was human error on behalf of herself, but nevertheless all staff involved with the sale and service of alcoholic beverages were retrained as well as other alcohol related policies were instituted at the restaurant.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – EMC Eatery, Inc. d/b/a Wheaton House, 133 W. Front Street

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by EMC Eatery, Inc. d/b/a Wheaton House, 133 W. Front Street whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the server did not ask the decoy for identification.

Chair Taylor stated that EMC Eatery, Inc. d/b/a Wheaton House, 133 W. Front Street has entered a plea of guilty to the allegations and that this is EMC Eatery, Inc. d/b/a Wheaton House, 133 W. Front Street 1st violation of the Liquor Control Ordinance.

Owner John Minginas, was present to explain the circumstances surrounding the violation. Mr. Minginas stated that a temporarily unsupervised trainee was responsible for the sale. Mr. Minginas assured the Commission that such a transgression will not occur again.

Hearing no further questions or comments the public hearing was closed.

Violation Hearing – Whole Foods Market, 89 Danada Square East

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Whole Foods Market, 89 Danada Square East whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the sales clerk asked the decoy for identification.

Chair Taylor stated that Whole Foods Market, 89 Danada Square East has entered a plea of guilty to the allegations and that this is Whole Foods Market, 89 Danada Square East 2nd violation of the Liquor Control Ordinance; the first occurring in 2005 with a fine imposed of \$1,250.

Chair Taylor stated that the attorney representing Whole Foods has asked for a continuance. Commissioner Sender then moved and Commissioner Brown seconded the motion to continue this matter until June 9, 2022. On a voice vote, all voted aye.

Violation Hearing – Wok N Fire Wheaton LLC d/b/a Wok N Fire, 120 E. Liberty Drive, Suite 190

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Wok N Fire Wheaton LLC d/b/a Wok N Fire, 120 E. Liberty Drive, Suite 190 whereby liquor was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the liquor sale, the Wheaton Police observed that the server did not ask the decoy for identification.

Chair Taylor stated that Wok N Fire Wheaton LLC d/b/a Wok N Fire, 120 E. Liberty Drive, Suite 190 has entered a plea of guilty to the allegations and that this is Wok N Fire Wheaton LLC d/b/a Wok N Fire, 120 E. Liberty Drive, Suite 190 1st violation of the Liquor Control Ordinance.

Owner Mark Bartlett was present to explain the circumstances surrounding the violation. Mr. Bartlett stated the sale was human error on behalf of his long-time bartender, but nevertheless retrained all staff involved with the sale and service of alcoholic beverages all staff involved with the sale and service of alcoholic beverages were retrained as well as other alcohol related policies were instituted at the restaurant.

Hearing no further questions or comments the public hearing was closed.

Commissioner Sender then moved and Commissioner Brown seconded the motion to go into Executive Session pursuant to the Illinois Compiled Statutes 5ILCS 120/2 (c) (4) at 7:45 P.M. On a voice vote, all voted aye. At approximately 7:59 P.M. the Commission returned to open session.

Following an admonishment of the licensees, Chair Taylor stated the Commission will be recommending a \$500 fine for all licensees except Aldi whom the Commission will be recommending a fine of \$1,250 to the Liquor Commissioner.

V. MISCELLANEOUS BUSINESS

Boards and Commissions

The Commission deferred discussion on this matter to their next meeting when more time permits.

VI. ADJOURNMENT

The meeting was adjourned at 8:08 P.M.

Respectfully submitted,

James P. Kozik, AICP
Director of Planning and Economic Development

MEMORANDUM

TO: Chair Taylor and Members of the Wheaton Liquor Commission
FROM: James P. Kozik, AICP Director of Planning and Economic Development
DATE: June 2, 2022
SUBJECT: Violation Hearing – Whole Foods Market, 89 Danada Square East

The Liquor Control Commission will convene a continued public hearing on June 9, 2022 to review evidence relating to allegations of a violation of the Liquor Control Ordinance by Whole Foods Market, 89 Danada Square East whereby liquor was sold to a person under the age of 21.

In their witness of the liquor sale, the Wheaton Police observed that the sales clerk asked the decoy for identification.

Whole Foods Market, 89 Danada Square East has entered a plea of guilty to the allegations.

This is Whole Foods Market, 89 Danada Square East 2nd violation of the Liquor Control Ordinance; the first occurring in 2005 with a fine imposed of \$1,250.

Attachment

c: Robert B. Anderson

MEMORANDUM

To: Chair Taylor and Members of the Wheaton Liquor Control Commission

From: James P. Kozik AICP, Director of Planning & Economic Development

Date: June 2, 2022

Subject: Application for an Outdoor Special Event Liquor License - Downtown Wheaton Association - Summer Wine Walk

Proposal

The Downtown Wheaton Association (DWA) has submitted an application for an Outdoor Special Event Liquor License in connection with their Summer Wine Walk, to be held on August 11th from 5pm to 8:30 pm.

Background Information

This DWA fundraising event is planned as a ticketed wine tasting event. The tasting locations will be inside participating restaurants and selected retailers. The DWA will be purchasing the wine and distributing it to the tasting locations. Each location will have one to two wines offered for tastings.

Free Tuk Tuk service and/or a school bus/trolley will circulate in the Downtown area to provide transportation from the north side of the Downtown to the tasting locations on the south side of Downtown. Live music and glass rinsing stations will be provided at various locations throughout the Downtown.

Liquor Sales Procedures

The DWA will sell tickets to the event on-line. All ticket holders will check in at The Moment on Main to be carded and receive a wristband (must be 21 years or older); receive their tasting tickets, souvenir wine glass, and a walking map of all the tasting locations.

Each location will have a Basset trained person (21 years or older) as the server. A special wine stopper that only allows for 1-ounce pours will be in each opened bottle. The server will be responsible for marking off each tasting on the participant's tasting ticket.

All tastings must be consumed inside the business premises. Signs will be posted inside the doorways noting that all tastings must be finished inside - no alcohol is to be allowed outside

Recommendation

Staff has no outstanding issues or concerns with regards to this application and foresees no problems with recommending approval of the Outdoor Special Event Liquor License to the Downtown Wheaton Association for this event.

If the Local Liquor Commission recommends approval of the Outdoor Special Event Liquor License, the application will be placed on the June 20th City Council Agenda.

Attachment

c: Allison Orr

MEMORANDUM

To: Chair Taylor and Members of the Liquor Commission
From: James P. Kozik AICP, Director of Planning & Economic Development
Date: June 2, 2022
Subject: Application for an Outdoor Special Event Liquor License – DuPage County Fair Association - DuPage County Fair

Proposal

The DuPage County Fair Association has submitted Outdoor Special Event Liquor License application in connection with the DuPage County Fair, an event to be held on the south end of the County Fairgrounds on July 29-31, from 10 A.M. to 11 P.M.

Background Information

This year, the Fair Association is planning a smaller, three-day event for the County Fair.

Liquor Sales Procedures

The Fair Association indicates that beer, wine and seltzer single serving products will be only sold in Building 2. Wheaton Police and BASSET/Wheaton Police-trained volunteers will be on duty at the entrance to the beer tent to check ID's and "band" attendees wishing to purchase alcohol. All servers at the event will receive alcohol training pursuant to the Liquor Ordinance requirements.

Recommendation

Staff has no outstanding issues or concerns with regard to this application and foresees no problems with recommending approval of the Outdoor Special Event Liquor Licenses to the DuPage County Fair Association in connection with the DuPage County Fair.

If the Local Liquor Commission recommends approval of the Outdoor Special Event Liquor License, this matter will be placed on the June 20th City Council Agenda.

Attachments

c: Jim McGuire