

June 9, 2022

7:00 P.M.

(IMMEDIATELY FOLLOWING THE LOCAL LIQUOR CONTROL COMMISSION MEETING)

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. May 12, 2022

Documents:

[MAY 12, 2022.PDF](#)

1.1. Violation Hearing - South Main Marathon, 325 S. Main Street

Documents:

[MARATHON CONTINUED.PDF](#)

1.1.i. Violation Hearing - Pharaoh's Smoke Inc., 105 W. Geneva Road

Documents:

[PAROAH'S VIOLATION CONTINUED HEARING.PDF](#)



WHEATON LOCAL TOBACCO 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 Tobacco Control Commission to order at 8:08P.M. in the City Council Chambers of the Wheaton City Hall, 303 West Wesley Street.

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 – June 14, 2018

Hearing no questions or comments, Commissioner Brown moved and Commissioner Whittmer seconded a motion to recommend approval of the minutes of the June 14, 2018 Local Tobacco Control Commission meeting as submitted. On a voice vote, all voted aye.

IV. NEW BUSINESS

Violation Hearing – Aadesh Corporation USA d/b/a Cigars & Cigarettes, 628 W. Roosevelt Road – 1801 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 Tobacco Control Ordinance by Aadesh Corporation USA d/b/a Cigars & Cigarettes whereby tobacco products were sold to a person under the age of 21.

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

Chair Taylor stated that Aadesh Corporation USA d/b/a Cigars & Cigarettes 628 W. Roosevelt Road has entered a plea of guilty to the allegations and that this is Aadesh Corporation USA d/b/a Cigars & Cigarettes 628 W. Roosevelt Road 4th violation of the Tobacco Control Ordinance, the 1st occurring in 2004 with a fine imposed of \$100; the 2nd occurring in 2005 with a fine imposed of \$250 and the 3rd occurring again in 2005 with a fine imposed of \$1,250 and a 5-day suspension.

Mr. Pratik Patel, the son of the owner was present to explain the circumstances surrounding the violation, stating human error was to blame. Mr. Patel then provided the Commission with the additional measures his father has implemented to ensure that such a violation will not occur again.

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

Violation Hearing – Circle K, 2025 S. Naperville 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 Tobacco Control Ordinance by Circle K, 2025 S. Naperville Road whereby tobacco products was sold to a person under the age of 21.

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

Chair Taylor stated that Circle K, 2025 S. Naperville Road has entered a plea of guilty to the allegations and that this is Circle K, 2025 S. Naperville Road 1st violation of the Tobacco Control Ordinance.

Mr. Riley Delano, a District Manager, was present to explain the circumstances surrounding the violation. Mr. Delano stated that in spite of training and store policy, the sales clerk failed to recognize an underage ID. Mr. Riley stated that Circle K has a zero tolerance policy and the employee was terminated.

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

Violation Hearing – South Main Marathon, 325 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 Tobacco Control Ordinance by South Main Marathon, 325 S. Main Street whereby tobacco products was sold to a person under the age of 21.

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

Chair Taylor stated that South Main Marathon, 325 S. Main Street has entered a plea of guilty to the allegations and that this is South Main Marathon, 325 S. Main Street 4th violation of the Tobacco Control Ordinance, the 1st occurring in 2007 with a fine imposed of \$300; the 2nd occurring in 2012 with a fine imposed of \$500 and the 3rd occurring in 2018 with a fine imposed of \$500.

Attorney Harry Smith was present and asked for a continuance to have time to speak with his client regarding the circumstances relating to the violation. 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 – Marley's Smoke & Vape, 1277 E. Butterfield 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 Tobacco Control Ordinance by Marley's Smoke & Vape, 1277 E. Butterfield Road whereby tobacco products was sold to a person under the age of 21.

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

Chair Taylor stated that Marley's Smoke & Vape, 1277 E. Butterfield Road has entered a plea of guilty to the allegations and that this is Marley's Smoke & Vape, 1277 E. Butterfield Road 1st violation of the Tobacco Control Ordinance.

Owner Mohammed Abualra was present to explain the circumstances surrounding the violation.

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

Violation Hearing – Pharaoh’s Smoke Inc., 105 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 Tobacco Control Ordinance by Pharaoh’s Smoke Inc., 105 W. Geneva Road whereby tobacco products was sold to a person under the age of 21.

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

Chair Taylor stated that Pharaoh’s Smoke Inc., 105 W. Geneva Road did not enter a plea to the allegations and the City Attorney has advised that the Tobacco Commission enter an order of default with respect to this matter.

Chair Taylor stated that this is Pharaoh’s Smoke Inc., 105 W. Geneva Road 1st violation of the Tobacco Control Ordinance.

Mr. Kozik stated that Pharaoh’s Smoke Inc. did submit a notification of election to plead not guilty. Mr. Kozik stated that in this case, the matter needs to be set this for trial.

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 – Wake N Bake Smoke Shop, 946 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 Tobacco Control Ordinance by Wake N Bake Smoke Shop, 946 E. Roosevelt Road whereby tobacco products was sold to a person under the age of 21.

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

Chair Taylor stated that Wake N Bake Smoke Shop, 946 E. Roosevelt Road has entered a plea of guilty to the allegations and that this is Wake N Bake Smoke Shop, 946 E. Roosevelt Road 1st violation of the Tobacco Control Ordinance.

Attorney Peter Ciesielski and owners Gabriel Ziyad and Joudeh Joudeh were present to explain the circumstances surrounding the violation. They stated that an employee, Mr. Kwak, who sold the tobacco products was a newer employee. They stated that he did undergo various training procedures in order to prevent such a future violation from occurring.

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

Violation Hearing – Wheaton Tobacco & Vape, Inc., 1801 E. Roosevelt Rd, Ste C

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 Tobacco Control Ordinance by Wheaton Tobacco & Vape, Inc., 1801 E. Roosevelt Rd, Ste C whereby tobacco products was sold to a person under the age of 21.

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

Chair Taylor stated Wheaton Tobacco & Vape, Inc., 1801 E. Roosevelt Rd, Ste C has entered a plea of guilty to the allegations and that this is Wheaton Tobacco & Vape, Inc., 1801 E. Roosevelt Rd, Ste C 1st violation of the Tobacco Control Ordinance.

Owner is Gamil Alzofri was present to explain the circumstances surrounding the violation. Mr. Alzofri stated his employee made a mistake and explained the additional measures he has taken to ensure that a future violation will not occur.

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

Commissioner Whittmer then moved and Commissioner Sender seconded the motion to go into Executive Session pursuant to the Illinois Compiled Statutes 5ILCS 120/2 (c) (4) at 8:28 P.M. On a voice vote, all voted aye. At approximately 8:39 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 to the Tobacco Commissioner.

V. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

VI. ADJOURNMENT

The meeting was adjourned at 8:41 P.M.

Respectfully submitted,

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

MEMORANDUM

TO: Chair Taylor and Members of the Wheaton Tobacco Commission
FROM: James P. Kozik, AICP Director of Planning and Economic Development
DATE: June 2, 2022
SUBJECT: Violation Hearing – South Main Marathon, 325 S. Main Street

The Tobacco Control Commission will convene a continued public hearing on June 9, 2022 to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by South Main Marathon, 325 S. Main Street whereby tobacco products was sold to a person under the age of 21.

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

South Main Marathon, 325 S. Main Street has entered a plea of guilty to the allegations.

This is South Main Marathon, 325 S. Main Street 4th violation of the Tobacco Control Ordinance, the 1st occurring in 2007 with a fine imposed of \$300; the 2nd occurring in 2012 with a fine imposed of \$500 and the 3rd occurring in 2018 with a fine imposed of \$500.

At the May 12th hearing, Attorney Harry Smith was present and asked for a continuance to have time to speak with his client regarding the circumstances relating to the violation.

Attachment

c: Warren Hunter

MEMORANDUM

TO: Chair Taylor and Members of the Wheaton Tobacco Commission
FROM: James P. Kozik, AICP Director of Planning and Economic Development
DATE: June 2, 2022
SUBJECT: Violation Hearing – Pharaoh’s Smoke Inc., 105 W. Geneva Road

The Tobacco Control Commission will convene a continued public hearing on June 9, 2022 to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Pharaoh’s Smoke Inc., 105 W. Geneva Road whereby tobacco products was sold to a person under the age of 21.

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

Although The City has not yet received their Notice of Election, Pharaoh’s Smoke Inc., 105 W. Geneva Road indicated to staff that they will enter a plea of guilty to the allegations.

This is Pharaoh’s Smoke Inc., 105 W. Geneva Road 1st violation of the Tobacco Control Ordinance.

Attachment

c: Abdallah Abuasheesh