

EXECUTIVE SESSION

January 13, 2014

Reason for Executive Session: Deliberation of Liquor Control Commission

Motion by Abernathy, seconded by Sullivan to convene an Executive Session on January 13, 2014 at 1000 North Midlothian Road, Mundelein to discuss a penalty for violation of the liquor control ordinance pursuant to 5 ILCS 120, Section 2(C)(4). Upon roll call vote, the vote was as follows: Ayes: Abernathy, Sullivan, Semple, Voss, Kim and Meier; nays: none; absent and not voting: none. Motion carried.

Meeting Convened

Liquor Commissioner Lentz called the Executive Session to order at 7:49PM.

Call to Order

Clerk Timmerman took the roll. It indicated these members present: Commissioners Voss, Sullivan, Semple, Meier, Kim and Abernathy. Also present were Village Administrator Lobaito, Assistant Village Administrator Flynn and Attorney Marino.

Attendance

Liquor Commissioner Lentz stated that the purpose of the Executive Session was to discuss the proposed \$1000 fine and 2-day suspension of the Class B liquor license of Jay's Liquors, Inc.

Jay's Liquors, Inc.

Commissioner Abernathy stated that a 2-day suspension is not long enough given that this is their 4th violation in a couple of years. She reminded the board of their stern warning of more severe consequences the last time Ms. Yi had a violation and does not feel this is following through on that warning. She also stressed that Jay's Liquors could now have a reputation among teenagers as an easy place to purchase alcohol, and mentioned the moral cost if there were ever to be a death as a result of the sale of alcohol to minors. She would favor either revocation of their license or at least a week-long suspension.

Commissioner Sullivan stated that he does not feel a 7-day suspension would be much more effective than a 2-day suspension with this business.

Attorney Marino cautioned the board that while revocation may sound favorable, the state commission will want to see a suspension before that step is taken. He also stated that a revocation would almost certainly result in an appeal. If another violation occurs, then revocation would be logical. He stated that a suspension would be prudent at this point.

Liquor Commissioner Lentz commented that short of revocation, the goal is to get the attention of the owners and hope that they learn and make changes.

Jay's Liquors, Inc.
(continued)

Commissioner Semple wondered when, not if, Jay's next violation will occur and what course of action the board will take then. He would favor a "3 strike" policy and revocation.

Commissioner Voss recommends a 7-day suspension to get their attention and make it clear that another violation will mean the end of their business.

Commissioner Kim asked if there is a timeframe for future violations and Village Administrator Lobaito replied that while there is no official village policy, a previous recommendation was for a "clean slate" policy after three years with no violations.

Commissioner Semple stressed that this business has had an exceptional number of violations and that other liquor license holders are watching the board's reaction.

Attorney Marino stated that getting an agreement is the best practice since that guarantees there won't be an appeal.

Attorney Marino left to discuss the proposed agreement of a \$1000 fine and a suspension of seven (7) consecutive days with Ms. Yi and her attorney.

Attorney Marino returned to report that Ms. Yi and her attorney have agreed to the proposed agreement of a \$1000 fine and a suspension of seven (7) consecutive days from January 23-January 30, 2014.

Adjournment

Motion by Voss, seconded by Abernathy to adjourn the Executive Session. Upon roll call vote, the vote was as follows: Ayes: Voss, Abernathy, Semple, Meier, Sullivan and Kim; nays: none; absent and not voting: none. Motion carried.

The Executive Session was adjourned at 8:09PM.



Village Clerk