

1. Agenda

Documents:

[JUNE 9 2015 LC AGENDA .PDF](#)

1.I. Review Of Third Quarter Reports

Documents:

[LC ITEM 3 3RD QTR REPORTS .PDF](#)

1.II. Request To Transfer

Documents:

[LC ITEM 4 TRANSFER APPLICATION REQUEST .PDF](#)

1.III. Application For Carbondale Main Street

Documents:

[LC ITEM 5 MAIN STREET LICENSE REQUEST .PDF](#)

1.IV. Application For B3 License

Documents:

[LC ITEM 6 UFFLEMAN LICENSE REQUEST .PDF](#)

1.V. Review Of Commission Case

Documents:

[LC ITEM 7 CURBSIDE LICENSE RENEWAL REQUEST .PDF](#)

1.VI. Consideration Of Liquor License Renewal

Documents:

[LC ITEM 8 2015 LICENSE RENEWAL REQUEST .PDF](#)



**CITY OF CARBONDALE, ILLINOIS
LOCAL LIQUOR CONTROL COMMISSION**

Tuesday, June 9, 2015 - 7:00 p.m.
City Council Chambers, Room 108
Carbondale Civic Center, 200 S. Illinois Avenue

AGENDA

1. Roll Call
2. Approval of Minutes from May 19, 2015
3. Review of Third Quarter Reports from Police, Fire, and Building & Neighborhood Services
4. Application to transfer a Class A2 license (Restaurant – all alcoholic liquors) from La Fogata Taqueria Inc. d/b/a La Fogata Taqueria to Hacienda la Amistad Restaurant, Inc. d/b/a Hacienda la Amistad at 519 South Illinois Avenue
5. Application from Carbondale Main Street for one-time approval of the issuance of up to ten (10) Class F1 and/or F2 liquor licenses during license year 2015-2016
6. Application for a Class B3 license (Video gaming establishment- on premises consumption of all alcoholic liquors) from Uffelman Corporation d/b/a Reel Lucky at 1110 West Main Street
7. Review of Local Liquor Control Commission Case No. 2015-01, the matter of Curbside Corporation d/b/a Curbside, 227 West Main Street
8. Consideration of Liquor License Renewal Applications for License Year 2015-2016
9. Citizens' Comments and Questions
10. Adjournment

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: June 9, 2015

ITEM NO. 3 - Consideration of Third Quarter Reports (January – March) from Building and Neighborhood Services, Fire Department, and Police Department for Liquor License Year 2014-2015

Attached are Third Quarter Reports for liquor license year 2014-2015 from the Police Department, Fire Department, and Building and Neighborhood Services. The Liquor Advisory Board reviewed and accepted the reports May 21, 2015.

Recommended Action:

It is recommended that the Local Liquor Control Commission accept the third quarter reports for License Year 2014-2015 from Building and Neighborhood Services, Fire Department, and Police Department, and place them on file.

Motion by _____ Second by _____ To _____

QUARTERLY INSPECTION REPORT*
3rd Quarter License Year '14-'15
BUILDING & NEIGHBORHOOD SERVICES

Business Name	No. of violations	type of violation(s)*	date inspected	No. of reinspections	ticket issue
ABC Liquors		No violation at yearly safety insp.	3/25/15		
Aldi's	3	EM/ER/HK	3/27/15		
Applebee's					
Arnold's Market	1	EX	3/13/15		
Bandannas					
Blue Fish Liquors	2	TR/FE	3/11/15		
Buffalo Wild Wings					
The Cellar					
Chili's		No viol/yearly insp	3/27/15		
Copper Dragon	3	ER/FE/BD	3/18/15		
Curbside					
Delish		New License	3/04/15		
Eagles					
Elks					
Fat Bottom Betty's					
Fat Patties					
Flame					
Fujiyama					
Garden Grove Event	6	EX-2/HK/ER-2/BD	3/26/15		
Gourmet Global					
Hanger 9					

*types of violations

BD=damage to the building needs repair

EM=emergency lights need repair

ER=electrical repairs are needed

EX=exit signs need repair

FA=fire alarm system to be verified operative

FE=fire extinguishers need annual service or repair

FS=flammable material improperly stored

HK=housekeeping

HS=hood suppression system needs service

KE=kitchen exhaust hoods need cleaning or repair

OC=occupancy check

PR=plumbing repairs are needed

PT=pressurized tanks to be secured in upright position

SS=Sprinkler system needs annual service or repair

GL=Gambling license not displayed, or other issue

TP=toilet paper, soap, or towels needed

TR=trash dumpster

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QUARTERLY INSPECTION REPORT *
3rd Quarter License Year '14-'15
BUILDING & NEIGHBORHOOD SERVICES

Business Name	No. of violations	type of violation(s)*	date inspected	No. of reinspections	ticket issue
Hickory Ridge Golf	4	EX/ER/HK-2	3/12/15		
Hunan, Inc.		No viol/yearly insp	3/20/15		
Italian Village	2	EM/EX	3/25/15		
Kaya Restaurant					
Key West	7	PR/BD-2/HK/ER/EX/GL	3/17/15		
Kroger					
La Fogata					
Larry's House of Cakes	2	EM/ER	3/12/15		
LoneStar Steakhouse					
Lucky 13					
Melange					
Moe's Southwest					
Monte Allegre Vinyards	1	FE	3/27/15		
Neighborhood Co-op	1	EM	3/12/15		
New Kahala					
Newell House					
Noah's					
Old Town Liquors		No viol/yearly insp	3/11/15		
Pagliai's Pizza					
Pick's Liquors		No viol/yearly insp	3/11/15		
Pinch Penny Liquors		No viol/yearly insp	3/11/15		
Pinch Penny Pub	6	EX-2/GL/FE/PT/ER	3/18/15		
Pine Manor B & B					

*types of violations:

BD=damage to the building needs repair
 EM=emergency lights need repair
 ER=electrical repairs are needed
 EX=Exit Signs Need Repair
 FA=fire alarm system to be verified operative position
 FE=fire extinguishers need annual service or repair
 FS=flammable material improperly stored
 HK=housekeeping

HS=hood suppression system needs service
 KE=kitchen exhaust hoods need cleaning/repair
 OC=occupancy check
 PR=plumbing repairs are needed
 PT=pressurized tanks to be secured in upright
 GL=Gambling license not displayed, or other issue
 SS=Sprinkler system needs annual service or repair
 TP=toilet paper, soap, or towels needed
 TR=trash dumpster

3
QUARTERLY INSPECTION REPORT *
 3rd Quarter License Year '14-'15
BUILDING & NEIGHBORHOOD SERVICES

Business Name	No. of violations	type of violation(s)*	date inspected	no. of reinspections	ticket issue
Pita Alley	3	PR/HK/EM	3/12/15		
Pizza King					
Quatro's					
Roll-n-Up		No viol/yearly insp	3/26/15		
Royal Plaza Hotel					
S&B's Burger Joint					
Saluki Bar/ Levels					
Schnucks					
Show Me's					
Side Track's	4	HK/BD/ER/GL	3/25/15		
Social House					
Stix Bar & Billiards	8	BD-2/PR-2/HK-2/ER-2	3/17/15		
Tequilas	1	PR	3/17/15		
Thai Taste					
The Pony					
Tres Hombres	4	PR/EX-2/ER	3/25/15		
Underground Barrel Room & Grill		No viol/yearly insp	3/25/15		
Varsity Center for Arts					
Walmart					
Warehouse Liquors	2	EX/ER	3/11/15		
Westroads Liquor		No viol/yearly insp	3/12/15		

*types of violations:

BD=damage to the building needs repair

EM=emergency lights need repair repair

ER=electrical repairs are needed

EX=Exit Signs Need Repair

FA=fire alarm system to be verified operative

FE=fire extinguishers need annual service or repair

FS=flammable material improperly stored

HK=housekeeping

HS=hood suppression system needs service

KE=kitchen exhaust hoods need cleaning or

GL=Gambling license not displayed, or other issue

OC=occupancy check

PR=plumbing repairs are needed

PT=pressurized tanks to be secured in upright position

SS=Sprinkler system needs annual service or repair

TP=toilet paper, soap, or towels needed

TR=trash dumpster

Name of Business	No. of Violations	Type of Violation(s)*	Date Corrected	Number of Reinspections	Tickets Issued	Full Inspection	Spot Checks
Newell House							
Noah's Lounge							
Old Town Liquors	0					03/11/2015	1
Pagliai's Pizza							
Pick's Liquors	0					03/11/2015	1
Pinch Penny Liquor	0					03/11/2015	1
Pinch Penny Pub	6	ER, EX, FE, Post gaming license				03/18/2015	6
Pine Manor							
Pita Alley	3	EM, FE, Connect water hose for Pizza Oven				03/12/2015	1
Pizza King							
Rollnup #7	0					03/25/2015	1
Royal Plaza Inn							
Quatro's							
S & B Burger							
Schnucks							
Show Me							
Sidetracks	4	BD, ER, HK, Display State/City Gaming Lic.				03/25/2015	4
Social House							
Stix Bar & Billiards	8	BD, ER, HK, PR, Citation: Exit Light 1/31/2015				03/17/2015	6
Tequilas	2	ER, PR				03/17/2015	2
Thai Taste of Carbondale							
The Pony							4
Tres Hombres	4	ER, EX, PR				03/25/2015	1
Underground Barrel Room	0					03/25/2015	1
Varsity Center for the Arts							
Walmart							
Warehouse Liquor Mart	2	ER, EX				03/11/2015	1
Westroads Liquor	0					03/12/2015	1

*Types of Violations:

BD = Damage to building needs repaired
BF = Backflow Preventer needs Serviced
CC = Complete construction
DE = Dumpster Enclosure needs Built / Repaired
ED = Exit doors locked
EM = Emergency lights need repaired
ER = Electrical repairs are needed
EX = Exit signs need repaired
FA = Fire alarm

FE = Fire extinguishers need serviced
FS = Flammable materials improperly stored
HS = Hood Suppression system needs inspection / re-adjusted
HK = Housekeeping
KE = Kitchen exhaust hoods need cleaning or repaired
OO = Over occupancy
PR = Plumbing repairs are needed
SS = Sprinkler system needs inspection / repaired
TP = Toilet paper, soap, and/or towels need

Carbondale Illinois Police
Quarterly Alcohol Arrest Summary
From the beginning of Thursday, January 1, 2015 to then end of Tuesday, 31 March, 2015

<u>Case Number</u>	<u>Address</u>	<u>UCR</u>	<u>Statute</u>	<u>Charge</u>	<u>Statute Descriptio</u>	<u>Name Last</u>	<u>Age</u>	<u>NTA#</u>	<u>Officer</u>
101 W College - Sidetracks									
February 2015									
C20150207017	101 W College - Sidetracks	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	GAGNON	18	80807	C3163
March 2015									
C20150318009	101 W College - Sidetracks	2240	CRC 14-4-6	Misrepresentation of Age by Minor	USE OF FALSE ID/MISREPRESENT AGE	VILLEGAS	19	82540	C3125
C20150318009	101 W College - Sidetracks	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	VILLEGAS	19	82541	C3125
C20150321006	101 W College - Sidetracks	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	MULLIGAN	18	80817	C3113
C20150321006	101 W College - Sidetracks	2250	CRC 2-5-10 C	Under 19 Remaining	LIQUOR ACCESS VIOLATIONS/RESTRICTIONS TO PERSONS	MULLIGAN	18	80818	C3113
C20150321009	101 W College - Sidetracks	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	TAYLOR	19	81883	2982
C20150321011	101 W College - Sidetracks	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Washington	20	80819	C3113
C20150322007	101 W College - Sidetracks	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Hayes	19	80195	C3163
C20150322007	101 W College - Sidetracks	2250	CRC 2-5-10 C	Illegal Liquor Access	LIQUOR ACCESS VIOLATIONS/RESTRICTIONS TO PERSONS	HAYES	18	82358	C3114

<u>Case Number</u>	<u>Address</u>	<u>UCR</u>	<u>Statute</u>	<u>Charge</u>	<u>Statute Descriptio</u>	<u>Name Last</u>	<u>Age</u>	<u>NTA#</u>	<u>Officer</u>
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Summary for: 101 W College - Sidetracks

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	6
Use of False ID -	1
Liquor Access Violations -	2

Total Number of Cases for: 101 W College - Sidetracks **9**

511 S Illinois - Hangar 9

March 2015

C20150306005	511 S Illinois - Hangar 9	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Haugse	20	80968	C3015
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Summary for: 511 S Illinois - Hangar 9

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	1
Use of False ID -	0
Liquor Access Violations -	0

Total Number of Cases for: 511 S Illinois - Hangar 9 **1**

517 S Illinois - Stix

February 2015

C20150212002	517 S Illinois - Stix	2240	CRC 14-4-6	Misrepresentation of Age by Minor	USE OF FALSE ID/MISREPRESENT AGE	ROEDING	18	81783	C3195
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March 2015

C20150306008	517 S Illinois - Stix	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	CRAIG	18	81787	C3195
C20150306006	517 S Illinois - Stix	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Cvitkovich	19	80969	C3015

<u>Case Number</u>	<u>Address</u>	<u>UCR</u>	<u>Statute</u>	<u>Charge</u>	<u>Statute Descriptio</u>	<u>Name Last</u>	<u>Age</u>	<u>NTA#</u>	<u>Officer</u>
C20150321012	517 S Illinois - Stix	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	SANTILLAN	20	808201	C3163
C20150328035	517 S Illinois - Stix	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Sanchez	19	80975	C3015
C20150328035	517 S Illinois - Stix	2240	CRC 14-4-6	Misrepresentation of Age by Minor	USE OF FALSE ID/MISREPRESENT AGE	Sanchez	19	82151	C3015

Summary for: 517 S Illinois - Stix

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	4
Use of False ID -	2
Liquor Access Violations -	0

Total Number of Cases for: 517 S Illinois - Stix **6**

720 E Grand - Copper Dragon

January 2015

C20150131076	720 E Grand - Copper Dragon	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Ross	19	80962	C3015
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February 2015

C20150201004	720 E Grand - Copper Dragon	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Musgrave	19	80963	C3015
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March 2015

C20150322006	720 E Grand - Copper Dragon	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Lindberg	19	82303	C3076
C20150328003	720 E Grand - Copper Dragon	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	McGinnis	19	80624	C3113

<u>Case Number</u>	<u>Address</u>	<u>UCR</u>	<u>Statute</u>	<u>Charge</u>	<u>Statute Descriptio</u>	<u>Name Last</u>	<u>Age</u>	<u>NTA#</u>	<u>Officer</u>
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Summary for: 720 E Grand - Copper Dragon

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	4
Use of False ID -	0
Liquor Access Violations -	0

Total Number of Cases for: 720 E Grand - Copper Dragon **4**

750 E Grand - Pick's Liquors

February 2015									
C20150217001	750 E Grand - Pick's Liquors	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	CLARKE	19	82352	C3114

Summary for: 750 E Grand - Pick's Liquors

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	1
Use of False ID -	0
Liquor Access Violations -	0

Total Number of Cases for: 750 E Grand - Pick's Liquors **1**

760 E Grand - Levels

January 2015									
C20150130003	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	MINOR BUY LIQUOR W/FALSE ID	Barrett	20	81012	C3195
C20150130005	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	PELOSO	19	81778	C3195
C20150131071	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Williams	19	81878	2982

February 2015

<u>Case Number</u>	<u>Address</u>	<u>UCR</u>	<u>Statute</u>	<u>Charge</u>	<u>Statute Descriptio</u>	<u>Name Last</u>	<u>Age</u>	<u>NTA#</u>	<u>Officer</u>
C20150227003	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	CODA	20	80812	C3163
March 2015									
C20150321005	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	INMAN	20	81882	2982
C20150321005	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	NELSON	20	71896	C2903
C20150321043	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	DAWES	20	82078	2976
C20150328004	760 E Grand - Levels	2240	CRC 14-4-6	Misrepresentation of Age by Minor	FALSE REPR BY MINOR/BUY LIQUOR	GODDARD	19	78474	C3113
C20150328004	760 E Grand - Levels	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	MINOR BUY LIQUOR W/FALSE ID	GODDARD	19	80625	C3113

Summary for: 760 E Grand - Levels

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	8
Use of False ID -	1
Liquor Access Violations -	0

Total Number of Cases for: 760 E Grand - Levels 9

760 E GRAND - Saluki Bar

January 2015

C20150131068	760 E GRAND - Saluki Bar	2220	CRC 2-5-10	Illegal Possession of Alcohol by Minor	UNDERAGE POSSESSION/CONSUMPTION ALCOHOL	Toennies	19	80088	C3127
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<u>Case Number</u>	<u>Address</u>	<u>UCR</u>	<u>Statute</u>	<u>Charge</u>	<u>Statute Descriptio</u>	<u>Name Last</u>	<u>Age</u>	<u>NTA#</u>	<u>Officer</u>
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Summary for: 760 E GRAND - Saluki Bar

Sales to Minors / Provide Alcohol to Minors -	0
Illegal Possession / Illegal Consumption of Alcohol -	1
Use of False ID -	0
Liquor Access Violations -	0
Total Number of Cases for: 760 E GRAND - Saluki Bar	1

Total number of Cases: 31

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: June 9, 2015

ITEM NO. 4 – Application to transfer a Class A2 license (Restaurant – all alcoholic liquors) from La Fogata Taqueria Inc. d/b/a La Fogata Taqueria to Hacienda la Amistad Restaurant, Inc. d/b/a Hacienda la Amistad at 519 South Illinois Avenue

Attached is an application from Hacienda la Amistad Restaurant, Inc. for the transfer of an existing Class A2 liquor license held by La Fogata Taqueria, Inc. at 519 South Illinois Avenue. A letter from the current shareholders of La Fogata Taqueria, Inc. authorizing the transfer has been provided.

Liquor Code Provisions: There is not a cap on Class A2 liquor licenses. During the hours when the kitchen facilities are fully operational and full menu service is available, there is not a legal entry age requirement for Class A2 businesses. If the kitchen is not fully operational or if the menu offerings are limited, the nineteen year old legal entry age does apply. A Class A2 license shall not be issued to the applicant unless at least fifty-one percent (51%) of its gross retail sales revenue is collected from the sales of nonalcoholic beverages and food.

Transfers Of Licenses:

A. Not Transferable By Holder: A license shall be a purely personal privilege and shall not constitute property. Nothing in this title shall be construed to grant a right to transfer or accept the transfer of any license. Applicants for the transfer of an existing liquor license shall follow the procedures for issuance of a new liquor license as contained in this chapter.

B. Commission Discretion: Notwithstanding subsection A of this section, the local liquor control commission, upon receipt of written application and a transfer fee in the amount of one hundred dollars (\$100.00), may authorize the transfer of any license issued under this chapter.

C. Relocation Of Business: If the applicant seeks to transfer the license to a new location, the proposed location must comply with all rules, regulations, city ordinances and state statutes applicable to the operation and maintenance of a licensed premises.

D. New Ownership: The transfer of a license issued hereunder from one person to another may only be made in the case of a bona fide sale or transfer for valuable consideration of the business, and upon the determination by the local liquor control commission that the purchaser possesses the qualifications as required of an applicant for the original license.

E. Old License Returned To City: No transfer shall be effective and no new license shall be issued until the former license is submitted to the office of the city clerk and all monies due the city have been paid. (Ord. 2007-38)

Liquor Advisory Board Review: The Liquor Advisory Board reviewed this request on May 19, 2015, and unanimously recommended approval of the transfer application subject to the applicant providing to the Local Liquor Control Commission full responses to those questions which were not completely answered on the application, submission of a copy of the menu, and contingent upon receipt of all outstanding items.

Outstanding Items: The \$100 transfer fee has been paid and the certificate of good standing has been submitted. The criminal history investigation did not reveal anything which would expressly preclude the applicant from holding a liquor license. Other items outstanding include: certificate of insurance, copy of the lease, retailer's occupation tax certificate, affidavit of server training, and approvals from the Building and Neighborhood Services Division and the Fire Department.

Recommended Action: The Local Liquor Control Commission may:

- (1) Approve the transfer of the Class A2 liquor license from La Fogata Taqueria, Inc. to Hacienda la Amistad, Inc., contingent upon receipt of all outstanding items; or
- (2) Deny the transfer of the Class A2 liquor license from La Fogata Taqueria, Inc. to Hacienda la Amistad, Inc., based on one or more of the provisions of the *Liquor Code*.

M_____2_____ to _____

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: June 9, 2015

ITEM NO. 5 - Application from Carbondale Main Street for the one-time approval of the issuance of up to ten (10) Class F1 and/or F2 liquor licenses during license year 2015-2016

Attached is an annual application from Carbondale Main Street for the one-time approval of up to ten (10) Class F1 and/or F2 liquor licenses during liquor license year 2015-2016. This is the first time that the newly-created approval process will be utilized. This one-time approval is only available to qualified non-profit organizations that have a minimum two-year history of holding F1 and/or F2 licenses with no notable disruptions to the public or violations of the City Code.

The individual events will be approved by the submission of the attached Event Detail form at least 15 days prior to the event to the City Clerk's Office who will then immediately forward copies to the Local Liquor Control Chair and City Manager. The City Manager will have Staff members review the event details and the Local Liquor Control Chairman will provide a response within 10 days of the event.

Liquor Code: Temporary liquor licenses are limited to charitable and/or not-for-profit organizations. Carbondale Main Street has provided documentation of its not-for-profit status. There is nothing else in the Liquor Code which would expressly preclude the approval of this process.

Liquor Advisory Board Review: The Liquor Advisory Board reviewed this request on May 19, 2015, and unanimously recommended the issuance of up to ten (10) Class F1 and/or F2 liquor licenses during license year 2015-2016, contingent upon receipt of all outstanding items.

Outstanding items: There was no fee required to submit the application for the one-time approval of the issuance of the licenses, but each individual Event Detail application will be considered as a separate license application having a \$100 fee. Should the applicant request waiver of the fees, good cause must be shown and considered by the Liquor Control Chairman prior to the waiver being granted. Proof of dram shop insurance will be required for each event.

Recommended Action: The Local Liquor Control Commission may:

- (1) Approve the issuance of up to ten (10) Class F1 and/or F2 liquor licenses to Carbondale Main Street, Inc. during the 2015-2016 liquor license year, upon submission of the Event Detail form, outstanding items, and with the Local Liquor Control Chairman's final authorization of each individual license; or
- (2) Deny the issuance of up to ten (10) Class F1 and/or F2 liquor licenses with one-time approval to Carbondale Main Street, Inc. during the 2015-2016 liquor license year, and instead require the review and approval of individual applications for individual events by the Liquor Advisory Board and Local Liquor Control Commission.

LOCAL LIQUOR CONTROL COMMISSION REQUEST FOR ACTION

DATE: June 9, 2015

ITEM NO. 6 - Application for a Class B3 liquor license (Video Gaming Establishment with On-Premises Consumption) for Uffelman Corporation d/b/a Reel Lucky at 1110 West Main Street

Attached is an application and business questionnaire for a Class B3 liquor license from Uffelman Corporation at 1110 West Main Street.

Liquor Code Provisions: Class B3 licenses shall authorize the retail sale of all alcoholic liquors, by the drink, for on premises consumption only. The license shall only be issued to a business which operates primarily for the purpose of video gaming with at least fifty-one (51%) of its gross revenue from video gaming.

The number of Class B3 licenses issued by the local liquor control commission will not exceed five (5). Two B3 licenses have been issued and one has been approved pending receipt of outstanding items. A license shall not be issued for any location within the City that is within five hundred feet of any other Class B3 liquor license establishment. Other distance restrictions which apply to all Class B licenses, including B3, are detailed in the provisions of Section 2-4-5 of the Revised Code.

Liquor Advisory Board Review: The Liquor Advisory Board reviewed the application on May 19, 2015. There was one abstention and the remaining Board members voted in favor of approving the license, contingent upon receipt of all outstanding items. Excerpts from the unapproved L.A.B. meeting minutes are attached.

Outstanding Items: The \$100 application fee has been paid. The criminal history check did not reveal anything which would preclude the applicant from holding a liquor license. Other items outstanding include: balance of the liquor license fee, certificate of insurance, Retailer's Occupation tax certificate, Jackson County Health permit, certificate of good standing, affidavit of server training, lease or deed for the property, and approvals from Building and Neighborhood Services and the Fire Department.

Recommended Action: The Local Liquor Control Commission may:

- (1) Approve the Class B3 liquor license for Uffelman Corporation at 1110 West Main Street, contingent upon receipt of all outstanding items; or
- (2) Deny the Class B3 Liquor License for Uffelman Corporation, based on one or more provisions of the *Liquor Code*.

M_____ 2 _____ to _____

LOCAL LIQUOR CONTROL COMMISSION REQUEST FOR ACTION

DATE: June 9, 2015

ITEM NO. 7- Review of Local Liquor Control Commission Case No. 2015-01, Curbside Corporation, d/b/a Curbside, 227 W. Main Street

Attached is the Report and Recommendation of the Hearing Officer in the matter of Curbside Corporation, d/b/a Curbside, 227 W. Main Street, Case No. 2015-01, regarding the fourteen violations listed in the attached Citation and Notice of Hearing document. Out of the fourteen violations, ten were met with the burden of proof.

Liquor Code Provision: The local liquor control commission shall consider the hearing officer's report and recommendation at a public meeting. The city and the licensee shall have the opportunity to present any evidence in aggravation or mitigation of the recommended penalty. However, no new or additional evidence regarding the charges shall be presented to the local liquor control commission. After reviewing the report and recommendation and any objections, the local liquor control commission may by majority vote impose a penalty against the licensee as provided in section [2-5-2](#) of this title.

Determination Criteria: In making the determination regarding the appropriate penalty, the hearing officer and local liquor control commission may consider the nature of the violation, past violations of the licensee, and the facts and circumstances surrounding the violation as presented at the evidentiary hearing.

2-5-2 A. Imposed By Local Liquor Control Commission: Any licensee violating any provision of this title or any applicable provision of this code or the state statute may be ordered to pay all costs of the city in holding the hearing and shall be subject to any or all of the following penalties by the local liquor control commission unless otherwise provided pursuant to the provisions of this title:

1. A letter of reprimand;
2. A fine of not more than one thousand dollars (\$1,000.00) for a first violation within a twelve (12) month period;
3. A fine of not more than one thousand five hundred dollars (\$1,500.00) for a second violation within a twelve (12) month period;
4. A fine of not more than two thousand five hundred dollars (\$2,500.00) for a third or subsequent violation within a twelve (12) month period; and/or
5. Suspension of license;
6. Revocation of license.

Recommended Actions: The Local Liquor Control Commission may:

Approve, Deny, or Modify the Report and Recommendation of the Hearing Officer in the matter of Curbside Corporation d/b/a Curbside, 227 W. Main Street, Case No. 2015-01.

**BEFORE THE
LOCAL LIQUOR CONTROL COMMISSION
CITY OF CARBONDALE, ILLINOIS**

IN THE MATTER OF:
Curbside Corpoaration
d/b/a Curbside
227 W. Main St.
Carbondale, Illinois 62901

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NO. 2015-01
License No. A2-1

CITATION AND NOTICE OF HEARING

YOU ARE HEREBY CITED AND NOTIFIED, pursuant to Section 2-2-3 of the Carbondale Revised Code, to appear before the Chairman of the Carbondale Liquor Control Commission, for a hearing on **May 21, 2015 at 1:30 p.m. at the Carbondale City Hall 2nd floor, Mayor's Conference Room**; to show cause why your liquor license should not be reprimanded, fined, suspended, or revoked for violations of the Carbondale Liquor Code, in the following manner:

1. That on June 10, 2014 the Carbondale Liquor Control Commission issued to the above a class A2 liquor license, No. A2-1.
2. That on or about October 1, 2014 the State liquor license for the establishment expired without renewal.
3. That from November 1, 2014 through January 15, 2015 the business continued to operate with patrons consuming alcoholic beverages inside the establishment while the State license was expired.
4. That on or about January 27, 2015 through current the business has been operated with a manager who is not listed on the application and has not undergone the necessary background check in accordance with 2-4-3(D) of the Carbondale Revised Code .
5. That on or about January 27, 2015 through current the business has been operated by a manager who was convicted of conspiracy to distribute and posses with the intent to distribute cocaine and 100 kilograms or more of marijuana, in violation of 21 USC 846, and as such is ineligible to serve as a manager pursuant to 2-4-4(A) of the Carbondale Revised Code.
6. That on February 28, 2015 the licensee did permit alcohol to be served without the simultaneous sale of any item listed in the entree section of its menu, in violation of 2-4-9-A)(2)(f)(1) of the Carbondale Revised code.
7. That on March 1, 2015 the licensee did permit alcohol to be served without the simultaneous sale of any item listed in the entree section of its menu, in violation of 2-4-9-A)(2)(f)(1) of the Carbondale Revised code.

8. That on March 14, 2015 the licensee did permit or allow the establishment to exceed the posted occupancy of 144, in violation of the International Fire Code as adopted by the Carbondale Revised Code.

9. That on March 29, 2015 the licensee did permit or allow a person under the age of twenty one to possess and consume alcohol within the licensed premises, in violation of 2-5-10(A) of the Carbondale Revised Code.

10. That on March 29, 2015 the licensee did permit or allow the establishment to exceed the posted occupancy of 144, in violation of the International Fire Code as adopted by the Carbondale Revised Code.

11. That on April 4, 2015 the licensee did permit or allow the establishment to exceed the posted occupancy of 144, in violation of the International Fire Code as adopted by the Carbondale Revised Code.

12. That on April 4, 2015 the licensee did sell a 750 ml bottle of Ciroc Vodka to a single patron in violation of 2-5-13 (B)(1) of the Carbondale Revised Code.

13. That on April 5, 2015 the licensee failed to control the patron within the licensed premises and a physical altercation ensued, in violation of 2-5-3(D) of the Carbondale Revised Code.

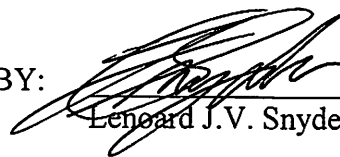
14. That on or about April 13, 2015 Agent Ruffino with the Illinois Liquor Control Commission did an inspection of the premises and found that the licensee did not have documentation of purchases of liquor/alcohol for Curbside from a licensed liquor distributor, in violation of the Illinois Liquor Code and Regulations.

You may, if you choose, be represented at your own expense by legal counsel at the evidentiary hearing. The hearing shall be informal and strict rules of evidence shall not apply. Upon the conclusion of the hearing the Chairman of the Carbondale Liquor Control Commission may accept the charges or dismiss the charges. If the charges are accepted and you are found to have committed the above violations the Chairman may issue a reprimand or levy a fine for the violation. The Commissioner may recommend to the full Commission that your license be suspended or revoked.

You must appear at the hearing, your failure to appear will result in a judgment against your license and may result in revocation. All motions must be filed with the Chairman of the Local Liquor Control Commission at least three days prior to the hearing.

ENTERED on May 13, 2015.

BY:


Leonard J.V. Snyder, Assistant City Attorney

**BEFORE THE
LOCAL LIQUOR CONTROL COMMISSION
CITY OF CARBONDALE, ILLINOIS**

IN THE MATTER OF:
Curbside Corpoaration
d/b/a Curbside
227 W. Main St.
Carbondale, Illinois 62901

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NO. 2015-01
License No. A2-1

NOTICE OF HEARING

TO: Jamie Snyder, Assistant City Attorney
200 South Illinois Avenue
P. O. Box 2047
Carbondale, Illinois 62901

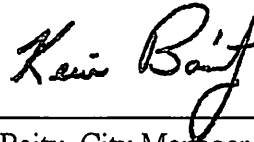
Curbside Corporation
d/b/a Curbside
227 W. Main St.
Carbondale, IL 62901

You are hereby notified, pursuant to Section 5/7-5 of the Illinois Liquor Control Act, Section 2-2-3 of the Carbondale City Code. As the holder of a liquor license of the City of Carbondale, Illinois, that the above-entitled cause of action has been set for SENTENCING HEARING, before the Carbondale Liquor Control Commission, on Tuesday June 9, 2015 at 7:00 p.m. in the City Council Room at the Carbondale Civic Center, 200 S. Illinois Avenue, Carbondale, Illinois.

At said Hearing, the Carbondale Liquor Control Commission shall determine whether to accept, reject or modify the Hearing Officer's Report and Recommendation. Please take notice that at said hearing, you may be represented by an attorney, however, no new evidence will be taken at this hearing.

Dated this the 2nd day of June, 2015.

BY: _____



Kevin Baity, City Manager
Carbondale Local Liquor Control Commission Hearing
Officer

**BEFORE THE
LOCAL LIQUOR CONTROL COMMISSION
CITY OF CARBONDALE, ILLINOIS**

IN THE MATTER OF:
Curbside Corporation
d/b/a Curbside
227 W. Main St.
Carbondale, Illinois 62901

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NO. 2015-01
License No. A2-1

**HEARING OFFICER'S
REPORT AND RECOMMENDATION**

RECITAL OF EVIDENTIARY HEARING: The hearing was called to order at 1:30 p.m. on May 21, 2015 in the City Manager's conference room. Those present were Hearing Officer Kevin Baity, Sgt. Jarin Dunigan, Sgt. Cory Kemp, Asst. City Attorney Jamie Snyder, Martha Ikner (Licensee) and Van Ikner.

The City presented evidence through Sgt Dunigan and Sgt. Kemp concerning the activities at the Curbside Corporation at 227 W. Main St., Carbondale, IL. The City alleged that the Licensee's State License was expired from October 1, 2014 through January 15, 2015 when it was renewed. The Licensee admitted this allegation. The City also alleged and the Licensee admitted that they sold alcohol during that time period.

The City presented evidence in the form of a certified conviction that Van Ikner had been convicted of conspiracy to distribute and posses with the intent to distribute cocaine and 100 kilograms or more of marijuana, in violation of 21 USC 846. The City also presented that Mr. Ikner has presented himself and the Licensee has presented him as the manager. Under 2-4-4(A), the manager must possess the same qualifications as the licensee. The licensee presented evidence that Mr. Ikner was the Kitchen manager and that he only acts as a loving husband to assist the police, as the other staff doesn't feel comfortable speaking with the police.

The City moved to dismiss paragraphs six and seven of the complaint and therefore there is no need to discuss the evidence as it relates to these matters.

The material facts that relates to paragraph's eight, nine, ten and eleven were presented through Sgt. Dunigan. The City alleged that the Licensee exceeded their fire capacity on March 14, 2015; March 29, 2015 and April 4, 2015. The Licensee admitted the violations from March 14 and April 4, 2015 as they had previously plead guilty to those offenses before Judge Grace in

Jackson County case numbers 15-OV-431 and 15-OV-470. Sgt. Dunigan was then questioned concerning the March 29, 2015 event. He testified that the Licensee's business appeared to be open after the required closing time, upon inspection patrons were still dancing and the lights were dimmed. Patrons were in possession of alcohol. Prior to entering the establishment Sgt. Dunigan positioned his in car camera at the rear entry door of the licensed establishment. Sgt. Dunigan made contact with staff that began to order people out of the establishment. Sgt. Dunigan positioned himself inside the establishment where he could observe the people exiting. While patrons exited he observed a Demarkus Jones, a person known to Sgt. Dunigan to be under the age of 21. Mr. Jones was in possession of an alcoholic beverage and was stopped outside by another officer. After the business was cleared Sgt. Dunigan reviewed his video and counted the individuals leaving the establishment. He counted approximately 170 people not including staff leave the establishment, the stated occupancy of the establishment is 144 persons. The Licensee presented testimony through statements that the stated occupancy is incorrect.

The City presented evidence in relation to paragraph twelve that patrons were being served full bottles of vodka, City code provides for the sale of alcohol by the glass only, except beer by the pitcher and wine by the bottle or carafe. The City presented a photo of a bottle of vodka which Sgt. Dunigan took from a patron. The Licensee presented testimonial evidence that the individual brought the bottles of vodka into the establishment. Officer Dunigan then remained at the licensed premises for the remainder of the evening. Officer Dunigan then reported observing people run from the establishment. He entered the location and saw several individuals engaged in a physical altercation. Other officers entered the location and attempted to disperse the combatants who were not listening to the Licensee's employees to disperse. One officer dispersed his OC spray and the combatants fled from the location. The Licensee presented evidence through Mr. Ikner that it was merely an argument and no physical altercation occurred and that it was the actions of the police officers that caused the situation to get out of hand.

As the evidence relates to the allegation of paragraph fourteen not having proper documentation showing the purchase of alcoholic beverages, in violation of Illinois Liquor Code Regulations. The Licensee admitted to these allegations.

FINDINGS: As it relates to Paragraphs two, three, eight, eleven and fourteen, I find there to be sufficient factual basis based upon the Licensee verbal admission and the presentation of a

factual basis that the Licensee did commit the violations in these paragraphs. As it relates to paragraph four and five, I find that Curbside Corporation knowingly allowed Mr. Van Ikner a convicted felon to be the manager of a liquor establishment based upon the Licensee's permitting Mr. Ikner to appear before the Liquor Commission on its behalf as the manager.

As it relates to paragraph nine and ten, I find that the City has met its burden that the Licensee permitted a person under 21 to obtain an alcoholic beverage and remain within the establishment with it. I also find that the Licensee exceeded its determined occupancy level of 140 persons on March 29, 2015.

As to paragraph twelve I find that the City failed to meet its burden beyond a preponderance of the evidence that the Licensee sold alcoholic liquor by the bottle.

As to paragraph thirteen I find that the licensee failed to control the licensed premises by allowing or permitting individuals to engage in a physical altercation within the licensed establishment.

RECOMMENDATION: Considering the record as it appears before this Hearing Officer, I find it both necessary and appropriate given the nature and severity of the offenses and the determination and finding of GUILT by the licensee in all allegations except those contained in paragraph twelve as contained in the Complaint. It is this Hearing Officer's determination that the appropriate level of penalty should be as follows:

Paragraph two and three – operating without a State liquor license, I recommend a fine of \$500.00 plus cost of proceedings.

Paragraph four and five – Permitting a convicted felon to manage and failure to properly designate a manager, I recommend a one week suspension of the liquor license on each count to run concurrent plus cost of proceedings.

Paragraphs eight, ten and eleven – Exceeding the operating occupancy of the licensed premises, I recommend a one week suspension the liquor license on each of these paragraphs to run concurrent, however it shall run consecutive with the suspension in Paragraphs four and five plus cost of proceedings.

Paragraph ten – Permitting or allowing a person under the age of 21 to possess or consume alcoholic beverage within the licensed establishment, I recommend that the Licensee have a letter of Reprimand placed upon their

record plus cost of proceedings.

Paragraph thirteen – Failure to maintain control of the licensed premises, I recommend that the Licensee have a letter of Reprimand placed upon their record plus cost of proceedings.

Paragraph fourteen – Failure to maintain records as required by the Illinois Liquor Code regulations, I recommend a \$500.00 fine plus cost of proceedings plus cost of proceedings.

If the recommendation of suspension is accepted the Licensee may remain open as a restaurant, but shall not sell alcoholic beverages or allow patrons to possess or consume alcoholic beverages within the licensed establishment and may not have activities which would require the issuance of an Entertainment Club license. The cost of proceedings for this matter are \$1,054.20.

DATED this the 2nd day of June, 2015.

Respectfully Submitted,



Kevin Baity, City Manager
Hearing Officer for the Carbondale Local Liquor
Control Commission

REQUEST FOR LOCAL LIQUOR CONTROL COMMISSION ACTION

DATE: June 9, 2014

ITEM NO. 8 - Consideration of Liquor License Renewal Applications for the 2015-2016 License Year

There are currently 67 liquor licenses issued in the City of Carbondale with one 180-day permit issued. One establishment, Kaya, did not submit a renewal application. Attached is a list of the establishments, grouped by classification of license, for which a liquor license renewal application has been submitted. Listed next to each individual establishment are the items that remain outstanding. The applications and all documentation were due in the City Clerk's office by May 4, 2015. This list is current as of June 2, 2015, but required items are still being submitted by the license holders and the safety re-inspections are continuing.

Copies of the individual renewal applications have not been provided to Commission members, however, the renewal applications and supplemental documents will be made available if any Commissioners would like to review specific records.

Liquor Advisory Board: The Liquor Advisory Board considered the liquor license renewal applications on May 21, 2015. They recommended the following:

- In the event that the transfer of an A2 license from La Fogata Taqueria, Inc. to Hacienda La Amistad is not approved, that the renewal application from La Fogata Taqueria be approved;
- No recommendation, pro or con, was made for The Pony Steakhouse & Cabaret or for Curbside; and
- That all other renewal applications be approved, contingent upon receipt of outstanding items.

180-day permits:

Lacey's Place does not currently have a liquor license. Once all outstanding items are received, the license will be issued for the 2015-2016 license year. If the license is not issued prior to the expiration of the 180-day permit (September 21, 2015), the holder will not be entitled to a liquor license and will have to reapply and seek approval from the Liquor Advisory Board and Local Liquor Control Commission.

Recommended Action:

The Commission may approve the renewal of the liquor licenses, as listed on the attached sheets, pending receipt of all outstanding items;

OR

Should the Commission wish to deny the renewal of any current liquor license, denial should be based on one or more of the provisions of the *Liquor Code*.

M_____2_____to_____