

**VILLAGE OF HUNTLEY
LIQUOR COMMISSION HEARING
April 22, 2021
MEETING MINUTES**

CALL TO ORDER:

A meeting of the Huntley Liquor Commission was called to order on Thursday, April 22, 2021 at 7:35 p.m. in the Municipal Complex, Village Board Room, 10987 Main Street, Huntley, Illinois 60142.

ATTENDANCE:

PRESENT: Chairman Charles H. Sass; Commissioners: Ronda Goldman, Timothy Hoeft, Niko Kanakaris, Harry Leopold, John Piwko, and JR Westberg.

ABSENT: None

IN ATTENDANCE: Village Manager David Johnson, Deputy Village Manager Lisa Armour, Management Assistant Barbara Read, Chief Robert Porter, Deputy Chief Todd Fulton, Director of Public Works and Engineering Timothy Farrell, Special Counsel Betsy Gates-Alford, and Village Attorney John Cowlin.

Mayor Sass asked Special Counsel Betsy Gates-Alford to explain public comments.

Special Counsel Gates-Alford stated that public comments should be limited to non-agenda items and explained that the agenda item relating to a Notice of Violations to Topsy's Bar and Pizza will be a formal hearing similar to a court proceeding, during which the Commission will hear evidence from both sides about alleged violations relating to the business's Village liquor license. The public is welcome to listen to the hearing proceedings, but it will not be an opportunity for general public comment. Anyone wishing to address the Liquor Commission about other matters of public business may do so but not regarding Topsy's Bar and Pizza.

PUBLIC COMMENTS:

Michelle Reyes, 10755 Cape Cod Lane, stated that she didn't understand about making a public comment during the Village Board Meeting and asked to make a comment. She then made a comment about Topsy's Bar and Pizza.

Chairman Sass asked for a motion to call to order the Hearing on Notice of Violations for Topsy's Bar & Pizza; 10753 Dundee Road.

A MOTION was made at 7:39 p.m. to Open the Hearing on Notice of Violations for Topsy's Bar & Pizza at 10753 Dundee Road.

MOTION: Commissioner Leopold

SECOND: Commissioner Piwko

AYES: Commissioners: Goldman, Hoeft, Kanakaris, Leopold, Piwko, and Westberg

NAYS: None

ABSENT: None
The motion carried: 6-0-0

Chairman Sass called the parties involved with the matter of Tippy's Bar & Pizza to please step up to the podium and state their name for the record.

Mr. Gino DeFrancisco and Mr. Taras Lun stepped up to the podium and stated their names.

Chairman Sass asked Village Manager David Johnson to read the charges and explain the hearing process.

Village Manager David Johnson read the following: On April 16, 2021 licensee Tippy's Bar & Pizza LLC was served the following notice of charges related to alleged violations of the Huntley Village Code and the Illinois Liquor Control Act:

1. Tippy's Bar and Pizza, LLC ("Licensee") has been issued and currently maintains a Class "A" Village of Huntley Liquor License (the "License") to sell alcoholic liquor at retail at the Licensed Premises.
2. In according to police reports filed by the Huntley Police Department, the following conduct in violation of the Huntley Village Code was observed upon the Licensed Premises in connection with operation of the Licensee's business:
 - i. On February 28, 2021 at 12:06 a.m.: Huntley police were called to the Licensed Premises to respond to an altercation and aggravated assault involving a firearm in the parking lot of the Licensed Premises. Fights and disorderly conduct at the Licensed Premises are a violation of the Village Code, Section 1 10.52(B), entitled "Gambling, Disorderly Conduct, Sale to Minor"
 - ii. March 3, 2021 at 12:52 a.m.: A Huntley police officer observed amplified music being played at the Licensed Premises at a volume and/or in a manner that violated the Village Code, Section 130.09, entitled "Noise." The officer advised the owner/operator of the Licensed Premises, Gino DeFrancisco, to turn down the music and provided him with information on the requirements of Section 130.09.
 - iii. March 12, 2021 at 2:29 a.m.: A Huntley police officer observed amplified music being played at the Licensed Premises at a volume and/or in a manner that violated the Village Code, Section 130.09, entitled "Noise." DeFrancisco was issued a citation for violation of Section 130.09.
 - iv. March 14, 2021 12:19 a.m.: Huntley police were called to the Licensed Premises to respond to a bar patron who was vomiting and passing out in the parking lot of the Licensed Premises. It is a violation of the Village Code, Section 110.07, entitled "Sales Prohibited to Intoxicated Persons, Habitual Drunkards, and Others" for the Licensee to sell alcoholic liquor to any intoxicated person or to permit an intoxicated person to loiter on the Licensed Premises.

- v. March 20, 2021 at 2:47 a.m.: A Huntley police officer observed amplified music being played from a vehicle parked behind the building on the Licensed Premises at a volume and/or in a manner that violated the Huntley Village Code, Section 130.09, entitled "Noise." DeFrancisco advised the officer that the car belonged to DE Francisco's nephew, who was inside the Licensed Premises. DeFrancisco refused to allow the officer to enter the Licensed Premises or speak to the vehicle owner/operator. DeFrancisco was issued a citation for violation of Section 130.09.
 - vi. March 26, 2021 at 11:47 p.m.: A Huntley police officer observed amplified music being played at the Licensed Premises at a volume and/or in a manner that violated the Village Code, Section 130.09, entitled "Noise." DeFrancisco was issued a citation for violation of Section 130.09.
 - vii. April 9, 2021 at 11:04 p.m.: A Huntley police officer observed amplified music being played at the Licensed Premises at a volume and/or in a manner that violated the Village Code, Section 130.09, entitled "Noise." DeFrancisco was issued a citation for violation of Section 130.09.
3. According to a sworn Liquor Compliance Field Inspection Report provided to the Huntley Liquor Control Commission by the Illinois Liquor Control Commission, a copy of which is attached to this notice, an agent of the Illinois Liquor Control Commission conducted an inspection of the Licensed Premises on March 29, 2021 at 11:45 a.m., at which time the following violations of state laws, regulations, or permit conditions relating to the sale of alcoholic liquor were observed at the Licensed Premises:
 - i) State liquor license not displayed (warning issued).
 - ii) Pregnancy warning sign not displayed (warning issued).
 - iii) Draught beer taps not properly cleaned; no tap cleaning record. See 1 1 Ill. Adm. Code 100.160B.
 - iv) Retail purchasing of alcoholic liquor in violation of State law.
 - v) Contaminated liquor bottle; spills and broken glass observed in coolers. See 11 111. Adm. Code 100.160.
 4. Under Section 10-3 of the Act, violations of law at the Licensed Premise by an officer, director, manager, agent, or employee of the Licensee are deemed to be violations by the Licensee for purposes of license suspension, revocation, or other penalties pursuant to the Village Code and the Act. According to the 2021 liquor license application filed by Licensee, DeFrancisco is the registered agent of, and a member having a 50% individual or beneficial interest in, the Licensee.
 5. Under Section 4-4 of Act, Section 7-5 of the Act, Sections 110.50-110.52 of the Village Code, and other applicable authority, the Local Liquor Control Commission may revoke or suspend the License or levy fines against the Licensee for cause. Cause supporting such actions may include any violation(s) of the liquor control ordinances of the Village of Huntley, the Act or any other state law pertaining to the sale of alcoholic liquor, any other ordinance or resolution enacted by the Village of Huntley, and/or any other applicable rule or regulation.

Further Topsy's Bar & Pizza located at 10753 Dundee Road was approved for a Class A Liquor License and Video Gaming License in May of 2020; they opened for business on February 1, 2021. It is our understanding that the Video Gaming License is still pending before the Gaming Board.

Chairman Sass asked if the owners of Topsy's Bar & Pizza acknowledge receipt of a copy of the Notice of Violations and Hearing; Mr. DeFrancisco stated yes.

Chairman Sass asked what is the plea for Topsy's Bar & Pizza: Guilty or Not-Guilty?

Mr. DeFrancisco stated not guilty.

Chairman Sass stated that based upon the not guilty plea, the matter will be continued for a hearing of prosecution and defense to May 3, 2021 at 6:00 p.m. and asked Mr. DeFrancisco and Mr. Lun if the date worked for them. Mr. DeFrancisco stated that the date will work for them.

Chairman Sass asked for a motion and second to continue the hearing to May 3, 2021 at 6:00 p.m.

A MOTION was made to continue the hearing to May 3, 2021 at 6:00 p.m.

MOTION: Commissioner Leopold

SECOND: Commissioner Kanakaris

AYES: Commissioners: Goldman, Hoeft, Kanakaris, Leopold, Piwko, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

A MOTION was made at 7:48 p.m. to close the Liquor Commission Hearing.

MOTION: Commissioner Piwko

SECOND: Commissioner Leopold

AYES: Commissioners: Goldman, Hoeft, Kanakaris, Leopold, Piwko, and Westberg

NAYS: None

ABSENT: None

The motion carried: 6-0-0

Respectfully submitted,

Barbara Read
Recording Secretary