

**MINUTES OF THE SPECIAL MEETING**  
**OF THE LIQUOR CONTROL COMMISSION**  
**VILLAGE OF WHEELING**  
**BOARD ROOM - 2 COMMUNITY BOULEVARD**  
**COOK and LAKE COUNTIES, WHEELING, IL**  
**MONDAY, APRIL 15, 2019**

**1. Call to Order**

Chairman Horcher called the Meeting to order at 6:30 p.m.

**2. Pledge of Allegiance**

**3. Roll Call - Village Clerk Elaine E. Simpson called the roll and the following Commission members were present:**

Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

**4. Approval of Minutes**

Approval of Minutes of the Special Meeting of March 4, 2019

Motion by Ray Lang, second by Mary Papantos to approve Minutes as presented.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

**5. Citizen Concerns and Comments - None**

**6. New Business**

Village Attorney James Ferolo stated that there will be three hearings before the Commission that will be introduced by Village Prosecutor Hyman Riebman.

**A. Hearing in the Matter of Prop Station, Inc. d/b/a P S Pub / B&L Liquors (767 W. Dundee Road) Docket No 19-01**

Michael Bastone, owner, was present and sworn in by the court reporter.

Village Prosecutor Hyman Riebman presented and entered the evidence; Mr. Bastone admitted the events as presented and pleaded guilty.

Commissioner Papantos asked if all employees are BASSETT trained; Mr. Bastone stated that they were.

**B. Hearing in the Matter of Jazz Café, Inc. d/b/a Jazz Café (250 McHenry Road) Docket No 19-02**

Sergei Demianchuck, owner, was present and sworn in by the court reporter.

Village Prosecutor Hyman Riebman presented and entered the evidence; Mr. Demianchuck stated he admitted the allegations as presented.

**C. Hearing in the Matter of D'Agostino's Pizzeria Wheeling, Inc. d/b/a D'Agostino's Pizzeria (241 S. Milwaukee Avenue) Docket No 19-03**

Jeffrey D'Agostino, owner, was present and sworn in by the court reporter.

Village Prosecutor Hyman Riebman presented and entered the evidence; Mr. D'Agostino admitted the allegations as presented and answered questions from the Board.

Village Attorney James Ferolo asked if they have a written policy regarding the sale of alcohol that is disseminated to employees; Mr. D'Agostino stated that they do.

**Executive Session**

Chairman Horcher asked for a Motion to recess to enter Executive Session for the purpose of Consideration of Evidence or Testimony Presented in Open Hearing.

Motion by Ray Lang, second by Dave Vogel, that the Regular Meeting recess to enter Executive Session.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel  
Final Resolution: Motion Approved, the meeting recessed at 6:49 p.m.

### **[Reconvene from Executive Session]**

Chairman Horcher asked for a Motion to reconvene into open session.

Motion by Mary Krueger, second by Mary Papantos, that the meeting reconvene.  
Motion carried by Roll Call vote, the open meeting reconvened at 7:03 p.m

### **Liquor Commission Findings**

#### **In the Matter of Prop Station, Inc. d/b/a P S Pub / B&L Liquors - Docket No 19-01**

Attorney Ferolo stated that the typical fine for a first offense is \$500; however, the Commission has determined that an appropriate fine would be \$250 because Prop Station has been in business since 1996 and this is their first violation.

Village Attorney James Ferolo asked for a Motion to impose the following penalties: a \$250 fine, plus proportionate share of court reporter fees, submission of proof of BASSET certification for all managers and employees (within 14 days) and submission of written policy regarding sale and service of alcohol to the Village Clerk (within 14 days).

Motion by Dave Vogel, second by Mary Papantos.

Final Resolution: Motion Approved  
Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

#### **In the Matter of Jazz Café, Inc. d/b/a Jazz Café - Docket No 19-02**

Village Attorney James Ferolo asked for a Motion to impose the following penalties: a \$500 fine, plus proportionate share of court reporter fees, submission of proof of BASSET training for all managers and employees (within 14 days), and submission of written policy regarding sale and service of alcohol to the Village Clerk (within 14 days).

Motion by Ray Lang, second by Mary Krueger.

Final Resolution: Motion Approved  
Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

#### **In the Matter of D'Agostino's Pizzeria Wheeling, Inc. - Docket No 19-03**

Due to this being the second violation in a short time period, Village Attorney James Ferolo asked for a Motion to impose the following penalties: a fine of \$1,500, plus proportionate share of court reporter fees, submission of proof of BASSET certification for all managers and employees (within 14 days), submission of written policy regarding sale and service of alcohol to the Village Clerk (within 14 days), and suspension of liquor service for one day which will be May 6.

Motion by Mary Papantos, second by Ray Lang.

Final Resolution: Motion Approved  
Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

Village Attorney James Ferolo stated that written orders laying out all penalties will be prepared for the Chairman's signature and will be served on all license holders.

### **D. Annual Renewal of Liquor Licenses – 2019–2020**

Village Manager Jon Sfondilis introduced the item and read the conditions for approval.

Motion to approve all liquor licenses aside from St. Joseph the Worker, conditionally on 1) compliance with all orders of the Liquor Control Commission, 2) payment of all required fees, 3) the submittal in good order of all application materials, and 4) satisfactory background check results for all responsible parties.

Motion by Ray Lang, second by Mary Krueger to approve with noted conditions.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

#### **E. Renewal of Liquor License for St. Joseph the Worker Catholic Church – 2019–2020**

Village Manager Jon Sfondilis introduced the item and read the conditions for approval.

Motion to approve the liquor license for St. Joseph the Worker, with the conditions that all materials including attachments be submitted, all associated license fees be paid, and satisfactory background checks be completed for all responsible parties.

Motion by Mary Papantos, second by Mary Krueger to approve with noted conditions.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito

Abstain: Dave Vogel

Commissioner Vogel abstained as he is Director of St. Joseph's Finance Committee.

#### **F. Consideration of a Request for a Class D-4 Liquor License from WH Spears, LLC d/b/a Spears Bourbon Burgers Beer**

Village Manager Jon Sfondilis introduced the item and read the conditions for approval.

Motion to approve conditionally on 1) passage of legislation by the Board of Trustees granting special use approval as applicable, and 2) passage of an ordinance by the Board of Trustees authorizing the creation of a new Class D-4 liquor license.

Petitioner was present and answered questions from the Board.

Motion by Mary Papantos, second by Ray Lang to approved with noted conditions.

Final Resolution: Motion Approved

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

#### **7. Adjournment**

Chairman Horcher asked for a Motion to adjourn.

Motion by Ray Lang, second by Mary Krueger.

Final Resolution: Motion Approved, the meeting adjourned at 7:14 p.m.

Yes: Pat Horcher, Mary Krueger, Ray Lang, Mary Papantos, Joe Vito, Dave Vogel

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Elaine E. Simpson, Village Clerk

Approved this 3rd day of June, 2019, by the Chairman and Commissioners