

Village of Rapids City

Committee of the Whole Meeting as a Liquor Control Commission to hold a hearing to discuss possible suspension or revocation of alcohol license for GiLanella's in accordance to Title II, Chapter 6 to the Rapids City Code of Ordinances for violation of State Statute requirements of licensing - Article 2, Chapter 235 ILCS 5/2-1
January 31st, 2018

President Mire called the meeting of the Committee of the Whole to order at 6:30pm. At this time Mire called roll and appointed Rankin, Clark, Fowler, Robertson and Schieder as a Liquor Control Commission.

Mire noted others present included: Attorney Nick Mason, Chief Terry Engle, Kristin VanDuyne – Owner of GiLanella's, Konni Stapf – Court Reporter and Clerk Missy Housenga. Sean Macoby entered the hearing at approximately 6:40pm.

Absent: Fiems

Mire briefed the Board once again about the investigation by the State of Illinois Liquor Control Commission of GiLanella's concerning an expired liquor license.

Mire turned the meeting over to Attorney Mason for briefing and questioning.

Mason had Mire swear in Ms. VanDuyne.

Mason questioned Ms. VanDuyne verifying ownership and goods sold at the business.

Ms. VanDuyne confirmed food sales starting in 2010 with alcohol sales began in 2016. Ms.

VanDuyne verified having an Illinois State Liquor Licenses in 2016 through April 30th, 2017.

Mason questioned why renewal was not done.

Ms. VanDuyne explained she sent in reapplication paperwork to the State of Illinois, she believes in April, she called and was informed by the State a hold was put on the paperwork.

Ms. VanDuyne states she called again in April, at that time she was told about a \$500.00 fee for being late she believed, although she does not feel she turned in any of her paperwork late.

While waiting for a call back she states she got sick and forgot about the renewal issues. Ms. VanDuyne claims she was not aware she could not sell beer; she thought it was a liquor thing, thinking it was a liquor thing you had to do through the State.

Mason questioned Ms. VanDuyne to clarify; she thought there was a difference between hard alcohol and beer which Ms. VanDuyne confirmed.

Ms. VanDuyne stated a Liquor Control Representative never visited her establishment when setting up her initial liquor license the only time she had seen a State Representative was in January.

Mason questioned where Ms. VanDuyne was purchasing alcohol for her business.

Ms. VanDuyne responded purchases were through her distributors until April of 2017, stating she thought if she purchased her alcohol through a distributor she could purchase in bulk adding she thought she didn't have to purchase from the distributor.

Mason asked if Ms. VanDuyne found out why there was a hold on the account.

Ms. VanDuyne informed she still did not know why there was a hold. She also inquired again with the State after the investigation had started but was informed no information could be given now. Ms. VanDuyne verified after questioned there have been no alcohol sales. Ms. VanDuyne acknowledged she understands she needs a local and state liquor license.

Mason confirmed with Ms. VanDuyne that she understands the Village will need to suspend or revoke local liquor license since she currently does not hold a valid State of Illinois Liquor License.

Ms. VanDuyne informed she was told by the State that they will not be making any determinations until the local level does first.

Mason asked Ms. VanDuyne what or if she would like to inform the Board any additional items for her defense.

Ms. VanDuyne inquired about the fate of her liquor license.

Mason confirmed the purpose of this hearing is for this Commissioner to determine whether to suspend or revoke the license therefore determining State licensing. Mason confirmed code and statutes state the word state may suspend or revoke a license.

Mire asked the Court Reporter to read back the portion of Ms. VanDuyne's statement that admitted she admitted she didn't know she needed a state license to sell beer.

Konni, Court Reporter, read her dictation for President Mire.

Mire clarified with Ms. VanDuyne his understanding that she thought she could sell beer without a State license, in which she confirmed.

Mire asked Ms. VanDuyne if she sold anything other than beer from April 30th, 2017 to the time the state investigator arrived, in which she admitted she did.

Ms. VanDuyne acknowledges she understood she was violating state law, but she thought she could sell beer.

Mire asked the Commission and the Attorney if they had any additional questions.

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Mire addressed Sean Macoby having sworn in and having Macoby identify himself as Investigator for the Illinois Liquor Control Commission.
Mason had Macoby verify work histories.
Mason verified Macoby investigated GiLanella's Pizza on January 4th, 2018 in which he confirmed.
Macoby explained the investigation and findings.
Mason asked why an investigation took place.
Macoby explained a complaint was received that GiLanella's was selling liquor without a license therefore triggering the investigation.
Macoby verified the complainant was unidentified.
Mire asked Ms. VanDuyne if she had any further questions in which she stated she did not.
Mire noted items in the original investigation report that he brought to the attention of Ms. VanDuyne, first being signs were to be posted indicating no alcohol was not to be sold at the business until further notice asking Ms. VanDuyne if she had posted them.
Ms. VanDuyne indicated she didn't know she had post a notice, they were just telling people no alcohol was being sold at this time.
Mire advised her to post the signs.
Mire also noted beer special brochures were still on the tables as of this morning and beer pregnancy sign that was not displayed.
Ms. VanDuyne states the pregnancy sign is now posted.
Mire advised she comply with investigators recommendations in posting no sales notice.
Mire elaborated that this was a fact finding hearing and he as the finder of fact under law in this matter explaining his duties included suspension or revocation options for the village liquor license; his decision would be provide within five days of this hearing to Ms. VanDuyne.
Mire asked the board had any additional questions for Ms. VanDuyne. With nothing further Mire thanked Ms. VanDuyne, Investigator Macoby and the Chief of Police of attending and their input.
Mire closed this meeting at 6:48pm as to go into executive session.

Clerk