

MINUTES OF THE BLOOMINGTON
LIQUOR COMMISSION

November 14, 2012

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order hear the request of PSM Shell, Inc., d/b/a PSM Shell, Inc., located at 2401 E. Oakland Ave., currently holding a GPBS liquor license which allows the sale of packaged beer and wine only for consumption off the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk.

Commissioner absent: Mark Gibson.

Commissioner Stockton opened the Public Comment section of the meeting. No one came forward to address the Commission.

Commissioner Stockton opened the liquor hearing and noted that this request involved a change of corporate officers. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Commissioner Stockton added that the City Code also required a License holder to inform the City of a change in corporate officers.

Commissioner Stockton noted that Purnima Mehta formerly listed as a Director was now the President and sole stockholder.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan to accept the change in corporate officers for PSM Shell, Inc., d/b/a PSM Shell, Inc., located at 2401 E. Oakland Ave., currently holding a GPBS liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:11 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the request of Caffe Italia, LLC, d/b/a Caffe Italia, located at 511 Chancellor Dr., currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for

consumption off the premises seven (7) days a week, regarding a change of LLC members. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk.

Commissioner absent: Mark Gibson.

Commissioner Stockton opened the liquor hearing and noted that this request involved a change of LLC members. The Liquor Control Commission requires that a License holder inform the municipality and obtain a letter from same stating that the municipality had been informed and the license remains in force.

Commissioner Stockton added that the City Code also required a License holder to inform the City of a change in LLC members.

Commissioner Stockton noted that Marcello Marotta, member, transfer his rights and interest in Caffe Italia, LLC to Francesco Composto effective August 92, 2012.

Motion by Commissioner Tompkins, seconded by Commissioner Buchanan to accept the change of LLC members for Caffe Italia, LLC d/b/a Caffe Italia, located at 520 Chancellor Dr., currently holding an RAS liquor license; said license remains in force.

Motion carried, (viva voce).

Tracey Covert, City Clerk, informed the Commission that a letter had been provided to the Liquor Control Commission.

There being no further business before the Commission, the meeting recessed at 4:12 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Hearing to order to hear the application of LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., requesting an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Michael Gardner and Jonathan Pfendler, owners/operators and Applicant representatives.

Commissioner absent: Mark Gibson.

Commissioner Stockton opened the liquor hearing and requested that the Applicant address the Commission. He noted that this application involved a change of ownership and license classification. Laugh Comedy Club was currently held by LSRE, Inc. It operated under a TA, (Tavern, All types of alcohol), liquor license. He added that there had been discussion regarding a moratorium on Downtown liquor licenses by the Council. This issue would need to be resolved. He did not believe that the Council's direction had been clear.

George Boyle, Asst. Corporation Counsel, addressed the Commission. Liquor licenses were nontransferable. This application would be for the creation of a new liquor license.

Commissioner Buchanan noted that three (3) Commissioners, (Commissioners Clapp, Tompkins and himself), had attended part of the Council's retreat on Friday, November 9, 2013. At first, he believed the discussion addressed tavern liquor licenses. He acknowledged that he was uncertain where the discussion ended.

Commissioner Stockton expressed his opinion that a majority of the Council wanted the moratorium extended beyond taverns. He questioned if grandfathering to address change of ownership and/or change of location would be allowed.

Commissioner Buchanan noted that Laugh had submitted their application on November 1, 2012. It appeared that there were a number of unknowns which might impact this application. Commissioner Stockton agreed that there were issues to be resolved by the Council.

Michael Gardner, owner/operator and Applicant representative, addressed the Commission. He noted that money had been spent to reach this point. He hoped that it would be possible to reach a decision regarding this application.

Commissioner Buchanan stated that the Commission would proceed with the hearing and send its recommendation on to the Council. Commissioner Stockton added that the application had been received prior to the Council's discussion regarding a moratorium. He believed that a Text Amendment to address same would appear on the Council's November 26, 2012 meeting.

Mr. Gardner noted his understanding that there would not be any additional taverns in the Downtown. Laugh Comedy Club provided entertainment. A comedy club can be viewed as a tourist attraction. It should help the community and not be a burden. Commissioner Stockton acknowledged that there had not been any issues at Laugh. Mr. Gardner had also inquired about the Club's reputation.

Commissioner Stockton noted that it appeared that Laugh was ready to continue operations under new ownership. The Commission would make a recommendation to the Council. The Council would take final action. The Commission's role was to raise issues and address same.

Commissioner Stockton noted Mr. Gardner and Mr. Pfendler's addresses. Mr. Gardner and Mr. Pfendler both currently resided in IN. Mr. Gardner informed the Commission of his involvement with comedy in Indianapolis, IN. He had performed at Laugh. Adam Weber, current owner/operator and license holder, had informed him of his plans to close the business due to outstanding debt. He noted Laugh's downtown location and building where it is located. He believed that a comedy club could be a staple to the City. Mr. Gardner had spent considerable time here acting as a consultant and management advisor to Mr. Weber.

The majority of comedy clubs allow individuals eighteen (18) years and older. No alcohol is served to minors. He noted that currently Laugh was not open on Sundays. His business model included a younger demographic on that day. He cited dinner and an afternoon show. He noted

the local universities present and their theater departments. He cited his personal experience in Indianapolis. Sundays was the third busiest night. The goal was to provide entertainment. A comedy show is generally 110 minutes in length. The average guest consumes 2.4 drinks. A kitchen would be installed at a cost estimated at \$40,000. He did not have hard sales figures at this time. He had contacted other comedy clubs. He noted Morty's, Indianapolis, IN, which also offered a full kitchen with a limited menu. Alcohol sales represented forty-one percent (41%) of total sales.

Mr. Gardner noted that the City would not allow ticket sales to be included in the revenue projections. He estimated that nonalcoholic beverages and food sales would equal fifty-five percent (55%) of total sales. Alcohol sales would equal forty-five percent (45%). Dinner would be offered prior to a comedy show. He hoped to be full stop shop even with a simple menu. He acknowledged that food would not be a profit center. Food sales would widen the customer demographics. A comedy club provided entertainment, i.e. an alternative to alcohol consumption. Food sales were necessary to qualify for an R license classification.

Mr. Gardner stated that Sunday and Wednesday evenings would be open mic night. This would cultivate local talent. He believed that there was a market for same in the City. Sunday afternoon would offer a matinee. Comedy clubs also marketed themselves as a place for family entertainment. He hoped these changes would allow Laugh to bring in better talent. He planned to retain Mr. Weber as the Operations Manager. In the future, there might be an ownership option.

Commissioner Buchanan noted that currently Laugh was not open on Sundays. Tracey Covert, City Clerk, informed the Commission that Laugh did not apply for a Sunday license. Mr. Gardner stated his intention to keep a comedy club in the City. There were ways to address underage patrons. His plan was to identify those aged twenty-one (21) or over. He added that additional security personnel would be needed. He planned to have two (2) present. He acknowledged that it would be a challenge.

Commissioner Stockton requested additional information regarding family comedy and open mic nights. Mr. Gardner's plans included a daytime matinee which would offer live theater. He planned to work with the local colleges and universities. Open mic would be hosted during the evening. The early show would be at 6:00 p.m. The late shows would be at 8:00 and 10:00 p.m.

Commissioner Stockton noted that food sales would not be a profit center. Mr. Gardner stated that food would be provided. He was not a chef. Commissioner Stockton questioned if food sales were being included as a way to justify underage patrons. Mr. Gardner noted that currently patrons often arrived late. They have questioned if Laugh offered food for sale. He noted the working relationship with Mr. Weber. Laugh had been contacted by the McLean County Health Department. There had not been a transfer of ownership. He added that successful comedy clubs also offered food for sale.

Commissioner Stockton questioned the impact of food sales fall short of projection. Mr. Gardner expressed his willingness to take the risk. He planned to meet the challenge of fifty-one percent (51%) of total sales from nonalcoholic items. Commissioner Stockton stated sales of tangible

items which excluded ticket sales. Mr. Gardner questioned Laugh apparel sales. Commissioner Stockton affirmed that apparel sales would be tangible items. Mr. Gardner stated that he would make it work. There would be one to two, (1 - 2), shows per week without alcohol sales. Laugh also offered NA and AA, (Narcotics Anonymous and Alcoholics Anonymous), shows. The Sunday matinee would also be alcohol free.

Commissioner Stockton questioned the kitchen. Mr. Gardner had researched other comedy clubs. He cited Morty's as an example. The kitchen would be twenty feet by twenty-five feet, (20' x 25'). It would offer a deep fryer, grill, convention oven, microwave, etc. Mr. Gardner held a college degree in heating, ventilating and air conditioning, (HVAC). His family owned a HVAC business. His father had offered his assistance with the kitchen set up.

Commissioner Buchanan questioned refrigeration. Mr. Gardner added that he also held a certification for same.

Commissioner Clapp questioned the floor plan. Mr. Gardner noted that the floor plan had been provided by Mr. Weber. He planned to add ten (10) more tables. The facility could comfortably hold 220 - 250 people. The current set up held 200. The additional capacity would allow Laugh to book bigger acts. Laugh currently had tables and chairs in storage. He restated that currently he served as Laugh's as acting manager and consultant. He may also need to become the Operating Manager until one could be hired. He hoped to locate someone in the Chicago metro area. He made his living as a stand up comic.

Mr. Gardner informed the Commission that Laugh had a new web site which offered online ticket sales. He restated that the entertainment was first followed by food and drink.

Commissioner Clapp questioned if there would be a minimum order, (items/drinks). Mr. Gardner responded affirmatively. There would be a two (2) item minimum. The required items did not have to be alcohol. The minimum order policy addressed profitability.

Commissioner Buchanan addressed the floor plan. Mr. Gardner reviewed the floor plan. The stage had been moved. There currently was empty space which was used for storage. This area would be converted into an office and green room.

Commissioner Petersen questioned the Applicant's planned investment. Mr. Gardner stated \$35,000 - \$45,000. Commissioner Petersen addressed the Applicant's financial statements. Mr. Pfendler appeared to have a stronger financial. He noted that there was a business line of credit. Jonathan Pfendler, owner/operator and Applicant representative, addressed the Commission. His family owed a commercial plumbing business.

Commissioner Petersen noted that nineteen (19) year olds would be allowed entry to any comedy show. Food would also be served until 10:00 p.m. Mr. Gardner restated that the kitchen would be open. Commissioner Petersen questioned if alcohol would be served during the 10:00 p.m. show. Mr. Gardner responded affirmatively. Commissioner Petersen noted that there were two (2) entrances to the bar. Mr. Gardner noted that there would only be one (1) entrance to the bar area. Individuals under twenty-one (21) years of age would not be allowed in this area.

Commissioner Stockton compared Laugh to a bowling alley. No one under twenty-one (21) years is allowed in the tavern portion of the business. Mr. Gardner noted that in IN a separation is required. He added that there was a wall. No one under twenty-one (21) would be allowed in the bar area.

Commissioner Petersen restated that the kitchen would remain open. Laugh had requested an R liquor license. Commissioner Stockton added that the Commission could place restrictions/conditions upon the license.

Commissioner Petersen addressed the 10:00 p.m. show. Mr. Gardner believed that under the current City Code individuals under twenty-one (21) could be present. He offered to follow any conditions imposed by the Commission.

Adam Weber, current owner/operator and license holder, addressed the Commission. He stated that the kitchen would be open from a show's start to finish which was when the business closed.

Commissioner Stockton cited the Commission's general policy that if an establishment became a tavern late at night, then an age restrictions would be applied. Mr. Gardner restated that Laugh's goal was to provide entertainment. When the show was over, comedy clubs encouraged patrons to leave.

Commissioner Stockton cited the proposed "Q", Qualified, liquor license which would have allowed underage patrons with an earlier closing hour.

Mr. Gardner noted that currently Thursday night was college night. These shows were well attended.

Commissioner Petersen noted the business hours: 7:00 p.m. until midnight, Wednesday through Sunday. Mr. Gardner questioned if Laugh would need permission to open earlier. Laugh was not ready to offer matinee shows at this time. A theater production can take weeks/months to produce due to rehearsals.

Commissioner Petersen noted access to Laugh via the alley. Mr. Gardner noted that this door was not open during business hours. It was used for deliveries. Commissioner Petersen noted that there would be one (1) entrance to the business and one (1) entrance to the bar. Mr. Gardner responded affirmatively.

Mr. Boyle cited Laugh's unpaid food and beverages taxes. Mr. Gardner noted that Mr. Weber had completed the City's forms. He expressed his willingness to pay same and planned to do so tomorrow. Commissioner Stockton cited another possible contingency: no liquor license until the taxes were paid. Mr. Weber stated his intention to close Laugh by November 30, 2012. Mr. Gardner expressed his hope for a smooth transition.

Commissioner Tompkins questioned if the Applicants were familiar with the City's Alcoholic Beverage code. He also questioned if Laugh had the support of the Downtown Business Association, (DBA), the Downtown and Alderman Schmidt. He questioned if Mr. Gardner

resided in the City. Mr. Gardner had read the City Code. He believed that Laugh had Downtown support. He had not spoken with the DBA or Alderman Schmidt. He planned to reside in the City while acting as the Operating Manager.

Commissioner Petersen noted that the building had been a vaudevillian theater. Laugh had a good sound system. He noted the potential for another vacant building. Mr. Gardner informed the Commission that other locations had been considered. Laugh would partner with Bao Tchong, landlord. They hoped to enhance the building's facade. A first floor tenant was needed to allow for the second and third floors to be converted into apartments. The building's first floor was perfect for entertainment. He believed that if Laugh closed, the building would remain vacant. He restated the intention to team with the landlord by making consistent rent payments.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The Applicants had presented a good plan which included food sales. The goal was to have alcohol sales below fifty percent, (50%). He understood what Mr. Gardner and Mr. Pfendler wanted to do. They will have to live up to same.

Mr. Weber addressed the Commission. He had bankrolled someone else's dream. Mr. Gardner and Mr. Pfendler planned to keep him on at Laugh. They believed that Laugh would be successful and be something that he would take pride in.

Commissioner Tompkins recommended that this application proceed on to the Council. Mr. Gardner did not view this application as a new license. He added his belief that if Laugh closed, the building would remain vacant.

Commissioner Stockton opened the hearing to public input. He noted that the Commission needed to hear public feedback.

Tricia Stiller, 106 W. Monroe, addressed the Commission. As the DBA's Executive Director, she had not met the Applicants. She was a fan of live comedy. She has patronized Laugh Comedy Club. It was in a good location. She also had supported Mr. Weber. She believed that Laugh would be successful. The Downtown was in transition and the future seemed uncertain. She hoped to open a dialogue with the City and work together.

Commissioner Stockton questioned if the DBA had any issues with Laugh. He noted that it was a specific venue. An individual came for the comedy show. When it was over, patrons leave. He could not recall a single incident.

Commissioner Petersen understood the call for a moratorium in the Downtown. In this instance, there was a tavern license at this location. It would be changed to an R license. Ms. Stiller noted that food offerings brought a more favorable response. The Downtown was opposed to alcohol only establishments. The installation of a kitchen would be viewed as a positive. Both Downtown residents and businesses had expressed a preference for restaurants over taverns.

Commissioner Petersen questioned if the Council would be willing to approve this application. Ms. Stiller expressed her opinion that the Council wanted a better handle on night life in the

Downtown before the addition of more liquor licenses. She acknowledged that there was a liquor license at this location. There appeared to be little concern regarding this application.

Commissioner Stockton expressed his appreciation to Ms. Stiller for her comments.

Asst. Chief Wheeler questioned if Laugh would be available for private parties. Mr. Gardner expressed an interest in corporate events. Laugh was a comedy club and private rentals were not a part of the business plan.

Commissioner Stockton did not view corporate events as problematic. He cited sorority/fraternity parties and out of town promoters as problematic. Mr. Gardner responded negatively. Asst. Chief Wheeler noted that Laugh would produce the comedy shows.

Mr. Gardner noted his good faith. He pledged that the LLC would make timely payments. The second show should start no later than 10:15 p.m. This means the show should be over by 11:45 p.m. He estimated that ninety percent (90%) of the patrons would be gone by midnight.

Mr. Boyle recommended that the sale of alcohol be prohibited after midnight. Commissioner Stockton read Laugh's current conditions: 1.) that the closing hour on Monday through Thursday shall be midnight and on Saturday and Sunday shall be 1:00 a.m.; 2.) that last call shall be thirty (30) minutes prior to closing time or one (1) hour after show ends which ever is later; 3.) a cover charge (ticket) will always be applied for admission with a minimum charge of \$10; and 4.) that patrons who arrive after the comedy act starts shall be charged half the face value of the ticket price with a minimum charge of \$5. He stressed that the Applicant had affirmed that Laugh would be a comedy club.

Commissioner Buchanan cited his personal experience monitoring the Laugh Comedy Club. At closing, he had seen a limited number of patrons head north on Main St. He noted the concerns raised regarding taverns. He did not believe that Laugh contributed to Downtown issues.

Mr. Gardner restated that Laugh would be a comedy club. Patrons left the facility when the show was over. The average comedy act lasted ninety (90) minutes. The kitchen would close forty-five (45) minutes into the last show. There would be a last call for food sales. Food would be available during all shows. Commissioner Tompkins discouraged the Commission from micromanaging food sales.

Commissioner Stockton expressed the Council's interest in an inviting business atmosphere within the Downtown. Appropriate businesses would be needed to create this atmosphere. He noted the responsibility of the Downtown's residents and businesses. He recommended that the Commission place conditions upon Laugh even with an R liquor license. He noted that kitchens have been allowed an earlier closing time. Mr. Boyle recommended that a time be set. He cited 10:30 or 11:00 p.m. as examples. Commissioner Stockton recommended that the kitchen remain open until 11:00 p.m.

Motion by Commissioner Tompkins, seconded by Commissioner Clapp that the application of LCC Productions, LLC, d/b/a Laugh Comedy Club, located at 108 E. Market St., requesting a

RAS liquor license be approved with the following conditions: 1.) all outstanding food and beverage taxes be paid to the City prior to the Council's November 26, 2012 meeting; 2.) no alcohol sales permitted after 12:00 a.m. i.e. midnight; and 3.) kitchen shall remain open until 11:00 p.m.

Motion carried, (viva voce).

Commissioner Buchanan noted that Laugh would be an entertainment venue with an R liquor license. Currently, the City only offered an R or a T liquor license for sale by the glass. The Council did not adopt the proposed "E", Entertainment or Q license classifications. He expressed his hope that the Council would approve this application.

Mr. Gardner thanked the Commission for their time. He expressed his hope that Laugh would be a part of the Downtown for a long time. He expressed his willingness to become a part of the Downtown.

Commissioner Stockton noted the Commission's intention to monitor all R license holders. He noted that the Applicant had presented a business plan for a comedy club. The City would not allow Laugh to turn into a tavern. There must be substantial food service. Mr. Gardner restated that there was no intention for Laugh to become a tavern. Laugh was a comedy club.

Daniel Rolph, 1027 Maple Hill Rd., #2, Six Strings' owner/operator and license holder, addressed the Commission. He questioned the conditions. Commissioner Stockton noted the Applicants investment of time and effort. The Applicants have been encouraged to work with the DBA and speak with Alderman Schmidt. He believed that an understanding had been reached between the Commission and the Applicants.

He thanked those present for their time. This item would appear on the Council's November 26, 2012 meeting agenda. He encouraged their attendance at same.

There being no further business before the Commission, the meeting recessed at 5:46 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation hearing to order regarding Canambo LLC, d/b/a Blue Line Night Club, located at 602 N. Main St., currently holding a TAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk.

Commissioner absent: Mark Gibson.

Commissioner Stockton opened the initial liquor violation hearing for Canambo LLC, d/b/a Blue Line Night Club.

George Boyle, Asst. Corporation Counsel, addressed the Commission. He informed them that the license holder had paid the City yesterday, (November 13, 2012). This license holder had a pattern of late and/or non payment. He noted City staff time involved in enforcement.

There being no further business before the Commission, the meeting recessed at 5:47 p.m.

The Bloomington Liquor Commissioner Stephen Stockton called the Liquor Violation hearing to order regarding Fiesta Ranchera of Bloomington, Inc., d/b/a Fiesta Ranchera Mexican Restaurant, located at 2103 N. Veterans Pkwy., Unit 212 currently holding an RAS liquor license which allows the sale of all types of alcohol by the glass for consumption on the premises seven (7) days a week. Present at the hearing were Liquor Commissioners Stephen Stockton, Richard Buchanan, Marabeth Clapp, Steve Petersen, and Geoffrey Tompkins; George Boyle, Asst. Corporation Counsel, Clay Wheeler, Asst. Police Chief, and Tracey Covert; City Clerk, and Nicolas Canchola, owner/operator and License holder, and James Waller, Johnston Law Group, License holder's attorney.

Commissioner absent: Mark Gibson.

Commissioner Stockton opened the liquor violation hearing for Fiesta Ranchera of Bloomington, Inc., d/b/a Fiesta Ranchera Mexican Restaurant, located at 2103 N. Veterans Pkwy., Unit 212. The Commission had been provided with a listing of prior violations for the Fiesta Ranchera Restaurants located at 2103 N. Veterans Pkwy. and Fiesta Ranchera #3 located at 1500 E. Empire St., Suite A.

Commissioner Stockton addressed the most recent Violation 2012 - 011. The Commission had been provided with a copy of the Complaint & Citation and the Stipulation, Admission of Violation & Waiver of Hearing. He noted that the violation involved underage service of alcohol.

James Waller, License holder's attorney, addressed the Commission. He noted the Stipulation. Commissioner Stockton stated that the issue before the Commission was to resolve the sanction. The Commission would consider the prior violations. In addition, the Commission would address aggravating and/or mitigating factors.

Mr. Waller acknowledged the City's Exhibit, (listing of previous violations). He noted that one (1) of the violations listed occurred at Fiesta Ranchera #3 located at 1500 E. Empire St. Commissioner Stockton noted the interlocking ownership between the two (2) restaurants. Mr. Waller responded affirmatively.

Mr. Waller presented two (2) Exhibits: Exhibit 1. Letter from Randall McKinley, Police Chief, dated October 2, 2012; and Exhibit 2. BASSET, (Beverage Alcohol Sellers & Servers Education & Training), Certification for six (6) Fiesta Ranchera employees with an expiration date of September 17, 2014. He also noted the presence of Cynthia Canchola, Nicolas Canchola's daughter, at the hearing.

Nicolas Canchola, owner/operator and License holder's representative, addressed the Commission. He noted that Fiesta Ranchera had passed a police audit on October 2, 2012. In addition, six, (6), waiters had been BASSETT certified. He noted that the violation occurred during the summer, (July 26, 2012). The server involved was a part time seasonal employee. He was as student and not BASSETT certified. He did not request identification. The individual was terminated and paid a fine.

Mr. Waller added that the servers at Fiesta Ranchera #3 located at 1500 E. Empire St., were also BASSETT certified. He added that the City had required same.

Mr. Canchola informed the Commission that all servers at all Fiesta Ranchera restaurants were BASSETT certified. The restaurants were family owned and operated. There had not been another violation at Fiesta Ranchera #3 located at 1500 E. Empire St. At this time, there were not any part time employees in the server position. The focus was on no alcohol service to underage individuals.

Cynthia Canchola addressed the Commission. She restated that all Fiesta Ranchera servers were BASSETT certified.

Mr. Waller requested that the Commission consider the time of year when issuing its sanction. Mr. Canchola noted year end expenses, (license renewals, property taxes, etc.). Expenses were higher at this time of year. Mr. Waller added that it was the holiday party season. Mr. Canchola stated that Fiesta Ranchera had been in business for a number of years. There were a number of customers who host holiday parties with Fiesta Ranchera. He cited customer hardship. Mr. Waller expressed his concern regarding any forced closings. He noted that the violation had occurred in July 2012.

Commissioner Stockton noted the progression of violations. The situation was serious. He noted the Commission's last suspension, (Thursday). Fiesta Ranchera offered a margarita special that day of the week. The License holder moved this special to Friday. Mr. Canchola stated that the special was moved to Friday at customers' requests.

Commissioner Petersen expressed his concern that the License holder did not grasp the seriousness of the situation. He questioned the number of restaurants within the City. Mr. Canchola responded that there were three (3) restaurants.

Mr. Boyle expressed his opinion that the three (3) previous violations spoke for themselves. Fiesta operated three (3) restaurants within the City. He noted that Fiesta had operated for some time without a violation. Violations started to occur in 2010.

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins to recess to Executive Session, Deliberation of Quasi-adjudicative body, Section 2 (c) (4). Time: 6:10 p.m. Motion carried, (viva voce).

Motion by Commissioner Buchanan, seconded by Commissioner Tompkins to return to regular session. Time: 6:20 p.m.

Motion carried, (viva voce).

Commissioner Stockton noted that sanctions become progressively more severe. The Commission had set a sanction as follows: 1.) \$3,500 fine; 2.) a seven (7) day suspension to be served from December 15 - December 21, 2012; 3.) BASSETT training required for all full time servers at all three (3) Fiesta Ranchera locations; and 4.) a six (6) month, (May 14, 2013), review before the Commission to gauge progress made.

Mr. Waller thanked the Commission for their time. Commissioner Stockton admonished the License holder. He added that if this trend continued the City might revoke the liquor license. He noted the trend of violations, (there had been four of them). He questioned the License holder's ability to hold a liquor license.

There being no further business before the Commission, the meeting recessed at 6:35 p.m.

Commissioner Stockton addressed the proposed Text Amendment regarding employee server training.

Tracey Covert, City Clerk, presented information regarding BASSETT training. A BASSETT Summit would be held this evening, (Wednesday, November 14, 2012), from 7:00 until 9:00 p.m. in Bolingbrook, IL. BASSETT Training was available locally at Heartland Community College. The plan was to offer classroom training twice per year at a cost of \$39 per person. There must be ten (10) individuals registered to host the class. BASSETT Training would also be available on site at a cost of \$25 per person. Maximum class size would be twenty (20) people. She added that BMI Concessions, (US Cellular Coliseum's liquor license holder), would be hosting BASSETT Training for their employees on Thursday, November 15, 2012 from 1:00 until 5:00 p.m. and from 6:00 until 10:00 p.m.

Commissioner Stockton noted that the draft ordinance provided sixty (60) days to become BASSETT certified. There was not a single liquor license holder present at the Commission's meeting. An unresolved question was whether to require all servers and sellers of alcohol to be certified. The Commission should hold public hearing regarding the proposed text amendment. This issue was a priority with the Council.

Commissioner Clapp questioned if more cost effective training could be used.

Clay Wheeler, Asst. Police Chief, expressed support for the proposed text amendment. If adopted, there would be an increase demand for BASSETT training.

Commissioner Stockton noted that the Commission needed to schedule a separate date and time to hold a public hearing regarding this text amendment.

Commissioner Stockton noted the time. The Commission did not discuss the Downtown Entertainment Task Force report. In addition, a joint meeting with Council would not be scheduled.

There being no further business before the Commission, the meeting recessed at 6:37 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC
City Clerk