



AGENDA

Liquor Control Commission

January 20, 2015

Room 404

Government Center

115 E. Washington Street

Bloomington, IL 61702

9:30 a.m. or immediately following the  
County Board Meeting

1. Call to Order.
2. Chairman's Approval of Minutes from the October 21, 2014 meeting.
3. Items to be Presented for Action:
  - a) Hearing on the County vs Danvers Y Entertainment - LV-15-01
4. Other Business and Communication.
5. Adjournment

## Minutes of the Liquor Control Commission

The Liquor Control Commission of the McLean County Board met on Tuesday, October 21, 2014 at 9:45 a.m. in Room 404, Government Center, 115 E. Washington Street, Bloomington, Illinois.

Members Present:	Chairman Sorensen, Members Cavallini, Metsker and Brandt
Members Absent:	Wendt
Staff Present:	Mr. Mark Messman, Assistant State's Attorney, Civil Division, Ms. Diana Hospelhorn, Recording Secretary, County Administrator's Office
Department Heads/ Elected Officials:	None
Others Present:	None

Chairman Sorensen called the meeting to order 9:45 a.m. He noted that the first item for action is approval of the minutes from the September 16, 2014 Liquor Control Commission Meeting. Chairman Sorensen asked if there were any additions or corrections to the minutes. Hearing none, he approved the September 16, 2014 Liquor Control Minutes as presented without objection.

Chairman Sorensen continued with the Request for Approval of the Application by Suketu Trivedi, INC dba Bloomington Fast Stop for a Class A Annual Liquor License 2014-2015.

Mr. Messman advised that the Fast Stop is a gas station located on south Main Street. The Fast Stop currently has a Class C carry out license. He stated that the applicant wants to add alcoholic consumption on the premises in connection with video gaming.

Chairman Sorensen stated that Mr. Suketu Trivedi, the applicant is present to answer any questions the Commission may have.

Mr. Brandt stated that most existing Class A Liquor License venues are bars or country clubs. She asked what type of changes Mr. Trivedi was making to the building. Mr. Trivedi responded that he intends to apply for the Video Gaming license. To qualify for the license as an official truck stop, the business must be located on three acres of land and have a monthly required percentage of sales from diesel fuel. He advised that the business meets the diesel fuel requirement; however Fast Stop is located on only 2 acres of land. Mr. Trivedi stated that his only other option to qualify for Video Gaming is to have a Class A liquor license. Mr. Trivedi has no interest in converting Fast Stop to a bar. His only interest is to qualify for the Video Gaming License.

Mr. Cavallini stated that it appears Mr. Trivedi is in an unusual position. It is highly unusual for a convenient store to allow consumption on site. He understands now why Mr. Trivedi is requesting the Class A liquor license.

Ms. Metsker stated that if Mr. Trivedi prefers not to have consumption on site, what safeguards he is taking to discourage consumption on site and not interfere with the operation of the business. Mr. Trivedi responded that he plans to keep the state required separate cooler behind the counter and his prices will be higher to discourage potential consumption. He does not plan to advertise that consumption on site is available. His only interest is to qualify for the Video Gaming License.

Ms. Metsker asked if the County has any restrictions on the facilities with the Gaming License. Chairman Sorensen responded that the County did not opt out and not allow Gaming Licenses. There is no County fees structure other than the Liquor License fee. There are no additional restrictions on the facilities with the Video Gaming License.

Mr. Cavallini asked if approved, will this establish a precedent for others in Mr. Trivedi's situation or is he unique. Chairman Sorensen responded that it is possible; however there are not many facilities in the unincorporated area of McLean County that do not already have their Gaming License by meeting the land area requirement.

Mr. Trivedi noted that he has gas stations in other Counties in the State of Illinois with the Gaming License under the same situation. Chairman Sorensen asked Mr. Trivedi if other Counties have stipulations or parameters for the Gaming License. Mr. Trivedi is not aware of any special stipulations.

Chairman Sorensen asked counsel if the County is allowed to place stipulations on the facility. Mr. Messman responded that there is no provision in the Liquor Ordinance for placing stipulations on the facility.

Ms. Metsker asked if Fast Stop could meet the acreage requirement by the purchase of addition property. Mr. Trivedi responded that there is no available property to purchase. Leasing is not an option.

Ms. Metsker asked if there have been any issues with other truck stop facilities with Video Gaming Licenses and Class A Liquor License. Chairman Sorensen stated that the County is not aware of those with Gaming Licenses. He noted that Mr. Trivedi is the only Liquor License holder in McLean County that is not eligible for a Gaming License.

Ms. Brandt asked if having the separate cooler is required. Mr. Trivedi responded that it is required.

Ms. Brandt asked if there is a separate room for gaming or is it separated in any way. Mr. Trivedi responded that separation is not allowed with the Video Gaming License.

Ms. Metsker asked if it is the responsibility of the County or the State of Illinois to see that things are as they are required to be. Chairman Sorensen noted that the State of Illinois has authority over the Video Gaming License. The County Sheriff has authority over the Liquor License holders.

Ms. Metsker advised that she does not see how Mr. Trivedi's facility differs from Freedom Oil on Towanda Barnes other than he lacks the required acreage. She could not reject his request. Mr. Trivedi meets what he is required to meet for the Class A License. There have been no issues with the facility. Ms. Brandt agreed.

Chairman Sorensen advised that last month he was not in favor of the application. He thanked Mr. Trivedi for sharing with the Commission. He now understands more clearly. He reminded the Commission that when a license is issued it is for the remainder of the year. There is no history of any problems with Fast Stop. He stated that this would be an 8 month experiment. He is inclined to approve the application.

Mr. Messman noted that Freedom Oil has a Class C license. There is really not a facility with the same situation as we see at Fast Stop, having on site consumption.

Mr. Cavallini stated that the Commission is setting a precedent.

Motion by Brandt/Metsker to recommend approval of the Request for Approval of the Application by Suketu Trivedi, INC dba Bloomington Fast Stop for a Class A Annual Liquor License 2014-2015.  
Motion carried with Member Cavallini voting no.

Chairman Sorensen asked if there was any further business to come before the Liquor Control Commission. Hearing none he adjourned the Liquor Control Commission Meeting at 10:17 a.m.

Respectfully submitted,

Diana Hospelhorn  
Recording Secretary

State of Illinois )  
County of McLean )

Before the Liquor  
Control Commission  
of the County of McLean

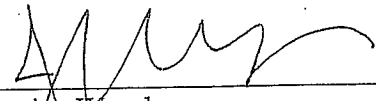
COUNTY OF McLEAN, ILLINOIS )  
 )  
vs. )  
 )  
IRWIN ENTERTAINMENT, INC, )  
d/b/a DANVERS Y, ENTERTAINMENT. )  
 )  
Defendant. )

No. LV-15-1

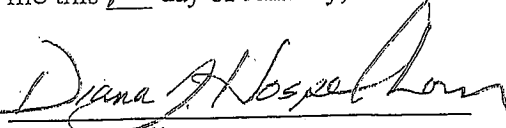
COMPLAINT

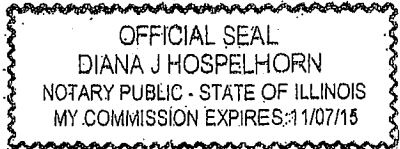
COUNT 1. The undersigned complainant states that IRWIN ENTERTAINMENT, INC., d/b/a DANVERS Y ENTERTAINMENT and/or their agent or employee on or about the 2<sup>nd</sup> day of November, 2014, at Danvers Y Entertainment, 4602 E. 1625 North Road, Danvers, in the County of McLean, State of Illinois, committed the offense of Allowing the Consumption of Alcoholic Beverages Outside of Operating Hours in violation of the provisions of the McLean County Liquor Control Ordinance in that the DANVERS Y ENTERTAINMENT did remain open and allowing consumption of alcoholic beverages past 1:00 am on November 2, 2014 in violation of Section 31.32 of the McLean County Liquor Control Ordinance of 1980 as amended.

The undersigned complainant, on oath, states that the facts set forth in the foregoing Complaint are true in substance and matter of fact, to the best of her knowledge, information, and belief.

  
\_\_\_\_\_  
Jessica Woods  
Assistant State's Attorney

Subscribed and sworn to before  
me this 9<sup>th</sup> day of January, 2015.

  
\_\_\_\_\_  
Notary Public



State of Illinois )  
County of McLean )

Before the Liquor  
Control Commission  
of the County of McLean

COUNTY OF McLEAN, ILLINOIS )

vs. )

IRWIN ENTERTAINMENT, INC, )  
d/b/a DANVERS Y, ENTERTAINMENT. )

Defendant. )

No. LV-15-1

STIPULATION OF FACTS

Now comes Irwin Entertainment, Inc, d/b/a Danvers Y Entertainment, by Drake Irwin, its president, and the County of McLean by Assistant State's Attorney, Jessica Woods, and in reference to the above-captioned proceedings agree to the following facts:

1. That Danvers Y, Inc. was the licensee of a 2014-2015 McLean County Liquor License on July 1, 2014.
2. That on November 2, 2014 Danvers Y Entertainment remained open past 1:00 am in violation of Section 31.32 of the McLean County Liquor Control Ordinance of 1980 as amended.
3. That such acts done at Danvers Y Entertainment were made at the actual implied knowledge or approval of the licensee.
4. That as a result of the facts and circumstances herein stipulated, the parties respectfully request that the Liquor Control Commission find Danvers Y Entertainment guilty of violating Section 31.32 of the McLean County Liquor Control Ordinance of 1980 as amended and impose a penalty of a \$150 fine and order Danvers Y Entertainment to close two hours early on Thursday, January 22, 2015. The closing time on January 22, 2015 shall be 11:00 p.m.

IRWIN ENTERTAINMENT  
d/b/a DANVERS Y ENTERTAINMENT

COUNTY OF McLEAN

By: \_\_\_\_\_  
Drake Irwin  
President, Irwin Entertainment

By: \_\_\_\_\_  
Jessica Woods  
Assistant State's Attorney

State of Illinois )  
County of McLean )

Before the Liquor  
Control Commission  
of the County of McLean

COUNTY OF McLEAN, ILLINOIS )  
)  
vs. )  
)  
IRWIN ENTERTAINMENT, INC, )  
d/b/a DANVERS Y, ENTERTAINMENT. )  
)  
Defendant. )

No. LV-15-1

ORDER

A final hearing having been held in the above-captioned matter on January 20, 2015, regarding charges stating that on November 2, 2014, at the premises known as Irwin Entertainment, Inc., d/b/a Danvers Y Entertainment, 4602 E.1625 North Road, Danvers, in the County of McLean, State of Illinois, said establishment remained open and allowing the consumption of alcoholic beverages past 1:00 am and that said operation and allowed consumption were in violation of Section 31.32 of the McLean County Liquor Control Ordinance of 1980 as amended; and the Defendant being present at the hearing, the County of McLean being represented by Assistant State's Attorney Jessica Woods and evidence having been presented and received by written stipulation; the McLean County Liquor Control Commission finds as follows:

1. Drake Irwin as President of Irwin Entertainment, Inc., d/b/a Danvers Y Entertainment was served with a copy of the Complaint in this case and was notified of the hearing in this matter in the manner provided by law and is currently, and at the time in question, a holder of a 2014-2015 McLean County Liquor License.
2. At the time in question at Danvers Y Entertainment, 4602 E.1625 North Road, Danvers, stayed open past 1:00 am in violation of Section 31.32 of the McLean County Liquor Ordinance of 1980 as amended.
4. In reaching a decision herein, the Stipulation of Facts and the disposition recommended by all parties has been carefully considered by this Commission.

WHEREFORE, on the basis of the foregoing facts and considering the applicable law in this case, the McLean County Liquor Control Commission finds IRWIN ENTERTAINMENT, INC., d/b/a DANVERS Y, ENTERTAINMENT., to be guilty of violating Section 31.32 of the McLean County Liquor Control Ordinance as heretofore stated and considering all of the evidence in aggravation and mitigation of the violation and of the possible penalty associated therewith, the McLean County Liquor Control Commission hereby orders the licensee to be penalized with a \$150

fine to be paid instanter and further orders Danvers Y Entertainment to close two hours early on January 22, 2015. Closing time on January 22, 2015 shall be 11:00 p.m.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Chairman, McLean County  
Liquor Control Commission  
McLean County, Illinois