

**Local Liquor Control Commission and Regular City Council Meeting August 25, 2020
(Tuesday, August 25, 2020)**

Generated by Jennifer R Sorrell on Thursday, August 27, 2020

Commissioners present

Commissioner Lee Fronabarger, Commissioner Tom Grant, Commissioner Carolin Harvey, Commissioner Adam Loos, Commissioner Jessica Bradshaw, Commissioner Jeff Doherty, and Chair John M Henry

Meeting called to order at 6:01 PM

1. Preliminaries to the Local Liquor Control Commission Meeting

Procedural: 1.1 **Roll Call**

2. General Business of the Local Liquor Control Commission

Action: 2.1 **Approval of Minutes from the Local Liquor Control Commission Meeting of August 11, 2020**

MOTION: Approve the minutes from the Local Liquor Control Commission Meeting of August 11, 2020

Motion by Lee Fronabarger, second by Carolin Harvey.

Final Resolution: Motion Carries

Yea: Lee Fronabarger, Tom Grant, Carolin Harvey, Adam Loos, Jessica Bradshaw, Jeff Doherty, John M Henry

Action: 2.2 **Consideration of the Carbondale Liquor Control Commission's Hearing Officer's Report and Recommendation as it Relates to the Summary Suspension of Saluki Bar/Levels**

Note from Clerk: This item consisted of lengthy legal arguments for one and one half hour; the full verbatim audio is available through the City's website, and a transcript will be placed on file at the close of this matter. These minutes are a summary of the action taken during the agenda item.

Attorney Alfred Sanders was present to represent Austin Knoob d/b/a Saluki Bar/Levels and City Attorney Lenoard Snyder was present to represent the City of Carbondale.

Attorney Sanders indicated that this was the first time that he was made aware of the charges. He noted that a Commissioner had remarked on the case to the news, he identified discrepancies in the events outlined and the officer's report, and rebutted the assertions of the charges.

City Attorney Snyder offered a different interpretation of the City Code section identified by Attorney Sanders. Attorney Snyder stated that the licensee failed to close when ordered to do so. Mr. Snyder outlined the events which led to the summary suspension, itemized various incidents alleged to occur at the establishment, and read a communication from the Jackson County Health Department relating to the establishment. City Attorney Snyder suggested modifying the recommended action to instead revoke the license.

Attorney Sanders disagreed with the presentation of the additional incidents, characterizing them as new evidence instead of mitigating evidence, and urged focusing solely on the evening of June 4.

City Attorney Snyder stated that the evidence he gave was valid for presenting factors in aggravation. He noted that he had discussed this matter with Attorney Sanders prior to the hearing. Attorney Snyder commented on the Commission's authority and further remarked on the actions of the licensee.

Commissioners shared their views regarding the recommendations, actions taken thus far, and whether the recommended action was appropriate at this time; there were inquiries as to whether the summary suspension can be appealed, about the future hearing for the failure of the licensee to close in compliance with the summary closure, clarification of the Hearing Officer's findings both regarding the initial violation and the Liquor Chair's decision to take summary action. Mr. Sanders was asked if the business had closed for seven days following the summary suspension; Attorney Sanders indicated he was not sure that the licensee received service and that they did not close. City Attorney Snyder stated that a copy of the order was served on Danielle Stiles, an acting manager at the establishment. Mayor Henry explained his rationale for issuing the order as Liquor Chair. There was a dispute as to whether this constitutes proper service when the business is a sole proprietorship. Attorney Sanders noted the lawsuit referenced during this discussion had to do with the closing time during the Executive Order which the establishment followed for three or four days before returning to the standard closing time. The Commission reviewed specific points in the Hearing Officer's report. There was a question as to when this would take effect and if it was appealable.

MOTION: Modify the Carbondale Liquor Control Commission's Hearing Officer's Report and Recommendation as it Relates to the Summary Suspension of Saluki Bar/Levels AND revoke the license of Saluki Bar/Levels. The Report was modified to say that there was sufficient evidence in the finding of fact, the recommendation was modified to revoke the license.

Motion by Adam Loos, second by Jessica Bradshaw.

Final Resolution: Motion Carries

Yea: Tom Grant, Adam Loos, Jessica Bradshaw, John M Henry

Nay: Lee Fronabarger, Carolin Harvey, Jeff Doherty

3. Citizens' Comments for the Local Liquor Control Commission

4. Adjournment of the Local Liquor Control Commission

Procedural: 4.1 Time of Adjournment for Local Liquor Control Commission

There being no further business to come before the public body, the meeting was declared adjourned at 7:31 p.m.

Jennifer R. Sorrell, City Clerk

Date