



# VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

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## VILLAGE BOARD OF TRUSTEES SPECIAL MEETING

**Wednesday, July 13, 2022 - 6:45 PM**

200 N. Hill Street, Poplar Grove, IL 61065

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### AGENDA

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF PHONE PARTICIPATION (Roll Call)**

**APPROVAL OF AGENDA (Voice Vote)**

**PUBLIC COMMENT** *Public Comment is encouraged. The Village Board will receive comments from the public, pursuant to State Statutes. Comments will be limited to five minutes on topics relating to the Village of Poplar Grove. Be further advised that matters brought up at this time may be referred to the appropriate committee or individual for further discussion or consideration.*

**DEPARTMENT REPORTS**

**NEW BUSINESS**

1. Hearing for possible revocation or suspension of liquor license or other penalties for Mortimer Enterprises, LLC
2. Hearing for possible revocation or suspension of liquor license or other penalties for Michelle Burke
3. Hearing for possible revocation or suspension of tobacco retailers license or other penalties for Route 76 Tobacco and Vape, Inc

**ADJOURNMENT (Voice Vote)**

KJA 7/11/2022

STATE OF ILLINOIS  
COUNTY OF BOONE  
BEFORE THE VILLAGE BOARD  
OF THE VILLAGE OF POPLAR GROVE, ILLINOIS

In the Matter of the License of: )  
)  
Mortimer Enterprises, LLC )  
d/b/a Mortimer’s Road House & Grill )  
105 West Grove Street )  
Poplar Grove, IL 61065 ) 22 AA 02  
)

NOTICE OF HEARING  
FOR POSSIBLE REVOCATION OR SUSPENSION OF LIQUOR LICENSE  
OR OTHER PENALTIES

To: Mortimer Enterprises, LLC  
d/b/a Mortimer’s Road House & Grill  
Attn: Milan Mortimer  
105 West Grove Street  
Poplar Grove, IL 61065

You are hereby notified, pursuant to Village of Poplar Grove Ordinances 2-2-8, 2-2-9, and 2-2-10 and as the holder of a Alcoholic Liquor Retailer’s License, No.2022-ADJ-03 from the Village of Poplar Grove, Illinois, that the undersigned shall hold a hearing on the **13<sup>th</sup> day of July, 2022, 6:45 p.m., in the Village of Poplar Grove Village Hall, 200 N. Hill Street, Poplar Grove, Illinois** to determine whether your said license should be suspended or revoked, or other penalties issued, by reason of the following:

**Village of Poplar Grove Ordinances:**

**2-2-8. - REVOCATION OF LICENSE.**

The Liquor Commissioner hereunder may revoke any license issued under the provisions of this chapter for any violation of any provision of this chapter, or for any violation of any state law pertaining to the sale of alcoholic liquor.

**2-2-9. - PENALTY.**

Any person violating any provision of this chapter shall be fined not less than \$100.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**2-2-10. - EMPLOYEES—BASSET TRAINING—REQUIREMENT AS PART OF LIQUOR LICENSE.**

A. Effective June 1, 2018, all original or renewal applications for all classes of Village of Poplar Grove liquor licenses shall be accompanied with proof of completion of a

state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on a premises licensed for alcohol sales, and anyone whose job description entails the checking of identification for the purchases of alcoholic beverages, pursuant to that license.

B. Any new owner, manager, employee, or agent who is required to have BASSET training, shall within 90 days from the beginning of their employment with that licensee, complete a BASSET approved seller/server training program and shall, until completion of the BASSET program, work under the supervision of a person who has completed BASSET training.

C. It shall be the responsibility of a licensee of a Village of Poplar Grove liquor license to provide for the BASSET training of those employees who are required to obtain such training, and the licensee shall bear all responsibility and costs for providing for the completion of such training.

D. A photo copy of certificate of completion for all owners, managers, employees, or agents required by this section to have BASSET training shall be maintained, by the licensee, in a manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities. A copy of the certificate of completion shall additionally be filed with the Local Liquor Control Commissioner, or his or her administrative designee.

E. Failure to provide a certificate of completion for all owners, managers, employees or agents, shall result in the penalty and/or revocation provisions outlines in Section 2-2-8 and Section 2-2-9 of this chapter.

On or about June 1, 2022, Milan Mortimer applied for a renewal of a Village of Poplar Grove license for the retail sale of alcoholic liquors for Mortimer Enterprises, LLC d/b/a Mortimer’s Road House & Grill. As a part of the application, Milan Mortimer swore in an affidavit that he understood and agreed to comply with all ordinances of the Village of Poplar Grove, specifically those that relate to the control and sale of alcoholic beverages within the Village of Poplar Grove. Ordinance 2-2-10 sets forth the requirements for BASSET training for all persons who sell or serve alcoholic beverages, all management personnel and anyone whose job description entails the checking identification on the premises of the license holder. The ordinance also requires the owner to maintain and display BASSET certificates for all covered employees and to provide a copy of the certificates to the Local Liquor Control Commissioner or his designee. The Village Clerk, in reviewing the list of certificate holders on the application, observed that Michell Burke provided a certification date of “Lifetime.” When Michelle Burke was asked to provide a copy of her certificate, she provided one that was issued in 2005. BASSET certificates are valid for three (3) years from the date of issuance. Michelle Burke has been allowed to serve as manager of the licensee’s establishment, a position requiring BASSET training, without valid BASSET certification in violation of Village ordinance and in violation of its liquor license. All these events occurred in the Village of Poplar Grove, County of Boone, State of Illinois.

At the above hearing, you shall be given the opportunity to appear and defend against such charges. Please take notice that at said hearing you may be represented by an attorney, and you may call witnesses on your behalf.

Don Sattler  
Liquor Commissioner  
Village of Poplar Grove, Illinois

Date: June 23, 2022

By:   
Village Attorney

**Affidavit of Service**

The undersigned hereby affirms that she served the foregoing **Notice of Hearing for Possible Revocation or Suspension of Liquor License or Other Penalties** upon:

Mortimer Enterprises, LLC  
d/b/a Mortimer's Road House & Grill  
Attn: Milan Mortimer  
105 West Grove Street  
Poplar Grove, IL 61065

by placing true and correct copies of the same via U.S. mail, postage prepaid, and by Certified Mail by depositing the same in a U.S. mailbox in Rockford, Illinois, on or about the hour of 5:00 p.m. on June 23, 2022.



David J. Kurlinkus  
Village Attorney for Village of Poplar Grove  
Sosnowski Szeto, LLP  
6735 Vistagreen Way, Suite 300  
Rockford, IL 61107  
(815) 900-7272

**STATE OF ILLINOIS  
COUNTY OF BOONE  
BEFORE THE VILLAGE BOARD  
OF THE VILLAGE OF POPLAR GROVE, ILLINOIS**

In the Matter of the BASSET )  
Certification of: )  
)  
Michelle Burke, as manager or employee of )  
Mortimer Enterprises, LLC )  
d/b/a Mortimer’s Road House & Grill )  
105 West Grove Street )  
Poplar Grove, IL 61065 ) 22 AA 03  
)

**NOTICE OF HEARING  
FOR POSSIBLE REVOCATION OR SUSPENSION OF LIQUOR LICENSE  
OR OTHER PENALTIES**

To: Michelle Burke  
c/o Mortimer Enterprises, LLC  
d/b/a Mortimer’s Road House & Grill  
105 West Grove Street  
Poplar Grove, IL 61065

You are hereby notified, pursuant to Village of Poplar Grove Ordinances 2-2-9, and 2-2-10 and as the manager or employee of the holder of a Alcoholic Liquor Retailer’s License, No.2022-ADJ-03 from the Village of Poplar Grove, Illinois, that the undersigned shall hold a hearing on the **13<sup>th</sup> day of July, 2022, 6:50 p.m., in the Village of Poplar Grove Village Hall, 200 N. Hill Street, Poplar Grove, Illinois** to determine whether your said license should be suspended or revoked, or other penalties issued, by reason of the following:

**Village of Poplar Grove Ordinances:**

**2-2-9. - PENALTY.**

Any person violating any provision of this chapter shall be fined not less than \$100.00 nor more than \$500.00 for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**2-2-10. - EMPLOYEES—BASSET TRAINING—REQUIREMENT AS PART OF LIQUOR LICENSE.**

A. Effective June 1, 2018, all original or renewal applications for all classes of Village of Poplar Grove liquor licenses shall be accompanied with proof of completion of a state certified Beverage Alcohol Sellers and Servers Education and Training (BASSET) program for all persons who sell or serve alcoholic beverages, all management personnel working on a premises licensed for alcohol sales, and anyone whose job

description entails the checking of identification for the purchases of alcoholic beverages, pursuant to that license.

B. Any new owner, manager, employee, or agent who is required to have BASSET training, shall within 90 days from the beginning of their employment with that licensee, complete a BASSET approved seller/server training program and shall, until completion of the BASSET program, work under the supervision of a person who has completed BASSET training.

C. It shall be the responsibility of a licensee of a Village of Poplar Grove liquor license to provide for the BASSET training of those employees who are required to obtain such training, and the licensee shall bear all responsibility and costs for providing for the completion of such training.

D. A photo copy of certificate of completion for all owners, managers, employees, or agents required by this section to have BASSET training shall be maintained, by the licensee, in a manner that will allow inspection, upon demand, by any designee of both the state or local liquor control authorities. A copy of the certificate of completion shall additionally be filed with the Local Liquor Control Commissioner, or his or her administrative designee.

E. Failure to provide a certificate of completion for all owners, managers, employees or agents, shall result in the penalty and/or revocation provisions outlines in Section 2-2-8 and Section 2-2-9 of this chapter.

On or about June 1, 2022, Milan Mortimer applied for a renewal of a Village of Poplar Grove license for the retail sale of alcoholic liquors for Mortimer Enterprises, LLC d/b/a Mortimer’s Road House & Grill. Ordinance 2-2-10 sets forth the requirements for BASSET training for all persons who sell or serve alcoholic beverages, all management personnel and anyone whose job description entails the checking identification on the premises of the license holder. The ordinance also requires the owner to maintain and display BASSET certificates for all covered employees and to provide a copy of the certificates to the Local Liquor Control Commissioner or his designee. The Village Clerk, in reviewing the list of certificate holders on the application, observed that Michell Burke provided a certification date of “Lifetime.” When Michelle Burke was asked to provide a copy of her certificate, she provided one that was issued in 2005. BASSET certificates are valid for three (3) years from the date of issuance. Michelle Burke has served as manager or an employee of the licensee’s establishment, a position requiring BASSET training, without valid BASSET certification in violation of Village ordinance. All these events occurred in the Village of Poplar Grove, County of Boone, State of Illinois.

At the above hearing, you shall be given the opportunity to appear and defend against such charges. Please take notice that at said hearing you may be represented by an attorney, and you may call witnesses on your behalf.

Don Sattler  
Liquor Commissioner  
Village of Poplar Grove, Illinois

Date: June 23, 2022

By:   
Village Attorney

**Affidavit of Service**

The undersigned hereby affirms that she served the foregoing **Notice of Hearing for Possible Revocation or Suspension of Liquor License or Other Penalties** upon:

Michelle Burke  
c/o Mortimer Enterprises, LLC  
d/b/a Mortimer's Road House & Grill  
105 West Grove Street  
Poplar Grove, IL 61065

by placing true and correct copies of the same via U.S. mail, postage prepaid, and by Certified Mail by depositing the same in a U.S. mailbox in Rockford, Illinois, on or about the hour of 5:00 p.m. on June 23, 2022.



David J. Kurlinkus  
Village Attorney for Village of Poplar Grove  
Sosnowski Szeto, LLP  
6735 Vistagreen Way, Suite 300  
Rockford, IL 61107  
(815) 900-7272



**STATE OF ILLINOIS  
COUNTY OF BOONE  
BEFORE THE VILLAGE BOARD  
OF THE VILLAGE OF POPLAR GROVE, ILLINOIS**

In the Matter of the License of: )  
 )  
Rt 76 Tobacco and Vape, Inc. )  
13553 Julie Drive )  
Poplar Grove, IL 61065 ) 22 AA 01  
 )

**NOTICE OF HEARING  
FOR POSSIBLE REVOCATION OR SUSPENSION OF TOBACCO RETAILERS  
LICENSE  
OR OTHER PENALTIES**

To: Rt 76 Tobacco and Vape, Inc.  
Attn: Gary Garab, Registered Agent  
520 Pearl Avenue  
Loves Park, IL 61111

Rt 76 Tobacco and Vape, Inc.  
Attn: Mageb Abbas, President  
5090 Grand Cape Road  
Rockford, IL 61109

You are hereby notified, pursuant to 720 ILCS 675/1, Sale of Tobacco to Minors Act and as a holder of a Tobacco Retailer’s License, No.2022-006 from the Village of Poplar Grove, Illinois, that the undersigned shall hold a hearing on the **13<sup>th</sup> day of July, 2022, 6:55 p.m., in the Village of Poplar Grove Village Hall, 200 N. Hill Street, Poplar Grove, Illinois** to determine whether your said license should be suspended or revoked, or other penalties issued, by reason of the following:

**Village of Poplar Grove Ordinances:**

**Title 2, Chapter 10, Sec. 2-10-18: SALES/DISTRIBUTION VIOLATION:**

The city attorney, liquor commissioner, or code enforcement officer shall initiate enforcement against any person who violates any provision of this chapter shall conduct hearings upon the license-holder’s request. The law enforcement agency shall have the authority to enforce this chapter.

Any person who shall knowingly violate, or shall knowingly cause the violation of any provision of this chapter other than the purchasing and possession sections (Sec. 2-10-6 and Sec. 2-10-16, respectively), is guilty of a petty offense for which the offender may be fined an amount as follows:

A. In the case of a first violation, any person shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) and shall be notified in writing of penalties levied for further violations.

B. In the case of a second violation within a two-year (2-year) period, any person shall be fined not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00).

C. In the case of a third violation or subsequent offense within a two-year (2-year) period, any person shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).

**Title 2, Chapter 10, Sec. 2-10-19: SUSPENSION AND REVOCATION OF LICENSE:**

A license shall be suspended or revoked for any violation of this chapter after notice and opportunity to be heard as follows:

A. In the case of a first violation, the licensee shall be fined two hundred dollars (\$200.00) and shall be notified in writing of penalties levied for further violations.

B. In the case of a second violation, the licensee shall be fined five hundred dollars (\$500.00) and the tobacco license shall be suspended for not less than thirty (30) consecutive business days nor more than three (3) months. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended.

C. In the case of a third violation, the licensee shall be fined one thousand dollars (\$1,000.00) and the tobacco license shall be suspended for not less than six (6) months nor more than eighteen (18) months from the date of suspension. Tobacco retailers must remove all tobacco merchandise from all areas accessible to the public while the license is suspended.

D. In the case of a fourth violation, the licensee shall be fined one thousand dollars (\$1,000.00) and the license shall be revoked. All tobacco merchandise must be removed from all areas accessible to the public.

Any licensee found to have violated any of the provisions of this chapter shall pay to the village costs of the hearing on such violation. Costs may include, but not be limited to: court reporter's fees, the cost of preparing and mailing notices and orders and all other miscellaneous expenses incurred by the village or such lesser sum as the city attorney may allow.

The licensee shall pay said costs to the village within thirty (30) days of notification of the costs. Failure to pay said costs within thirty (30) days of notification is a violation of this chapter and may cause the levy of an additional fine.

On June 14, 2022, the Village of Poplar Grove was alerted to the fact that Rt 76 Tobacco and Vape, Inc. failed a tobacco compliance check on 6/14/2022. On 6/14/2022, Deputy Michelle Schwartz of the Boone County Sheriff's Department and minor H.S., arrived at Rt 76 Tobacco and Vape, Inc. located at 13553 Julie Drive in Poplar Grove, IL. H. S. and Deputy Schwartz both went inside of the store and H.S. immediately went to the front counter and asked for a pack of cigarettes. The clerk, Aleigha Lucansky, failed to ask H.S. for identification, Ms. Lucansky completed the sale of a pack of Newport cigarettes to H.S. Deputy Schwartz approached Ms. Lucansky and advised her that she just sold tobacco to a minor and issued her a Boone County citation. All these events occurred in the Village of Poplar Grove, County of Boone, State of Illinois.

At the above hearing, you shall be given the opportunity to appear and defend against such charges. Please take notice that at said hearing you may be represented by an attorney, and you may call witnesses on your behalf.

President Don Sattler  
Village President  
Village of Poplar Grove, Illinois

Date: June 21, 2022

By:

  
Village Attorney

**Affidavit of Service**

The undersigned hereby affirms that she served the foregoing **Notice of Hearing for Possible Revocation or Suspension of Tobacco Retailers License or Other Penalties** upon:

Rt 76 Tobacco and Vape, Inc.  
Attn: Gary Garab, Registered Agent  
520 Pearl Avenue  
Loves Park, IL 61111

Rt 76 Tobacco and Vape, Inc.  
Attn: Mageb Abbas, President  
5090 Grand Cape Road  
Rockford, IL 61109

by placing true and correct copies of the same via U.S. mail, postage prepaid, and by Certified Mail by depositing the same in a U.S. mailbox in Rockford, Illinois, on or about the hour of 5:00 p.m. on June 21, 2022.

A handwritten signature in blue ink that reads "Megan Wright". The signature is written in a cursive style and is positioned above a horizontal line.

David J. Kurlinkus  
Village Attorney for Village of Poplar Grove  
Sosnowski Szeto, LLP  
6735 Vistagreen Way, Suite 300  
Rockford, IL 61107  
(815) 900-7272