



VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

SPECIAL VILLAGE BOARD OF TRUSTEES

Wednesday, April 10, 2024 - 6:30 PM

200 N. Hill Street, Poplar Grove, IL 61065

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.*

NEW BUSINESS

1. Hearing for possible revocation or suspension of tobacco retailers license or other penalties for J & D Oil, Inc.
2. Motion to discuss/approve stipulation for J & D Oil, Inc.

ADJOURNMENT (Voice Vote)

KJ 04/08/2024

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

In the Matter of the License of:)
)
J & D Oil, Inc.)
d/b/a J & D Countryside Marathon) 24 AA 01
13615 IL 76)
Poplar Grove, IL 61065)
)

**NOTICE OF HEARING
FOR POSSIBLE REVOCATION OR SUSPENSION OF TOBACCO RETAILER'S
LICENSE
OR OTHER PENALTIES**

To: J & D Oil, Inc.
d/b/a J & D Countryside Marathon
Attn: Lisa Jo Vance, President
8740 Marengo Rd,
Garden Prairie, Il 61038

Donald L. Shriver
Registered Agent for J & D Oil, Inc.
515 N. Court St.
Rockford, IL 61103

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.2023-003 from the Village of Poplar Grove, Illinois, that the undersigned shall hold a hearing on the **10th day of April, 2024, 6:30 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 Village Attorney, Liquor Commissioner, or Code Enforcement Officer shall initiate enforcement against any person who violates any provision of this chapter, and 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 sections (Section 2-10-6), is guilty of a petty offense for which the offender may be fined an amount as follows:

- A. For the first offense in a 24-month period, the person shall be fined \$200.00 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws and shall be notified in writing of penalties levied for further violations.
- B. For the second offense in a 24-month period, the person shall be fined \$400.00 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws.
- C. For the third offense in a 24-month period, the person shall be fined \$600.00 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws.
- D. For the fourth or subsequent offense in a 24-month period, the person shall be fined \$800.00 if his or her employer has a training program that facilitates compliance with minimum-age tobacco laws.

For the purposes of this subsection, the 24-month period shall begin with the person's first violation of the Act. The penalties in this subsection are in addition to any other penalties prescribed under the Cigarette Tax Act (35 ILCS 130/1 et seq.) and the Tobacco Products Tax Act of 1995 (5 ILCS 143/3-5 et seq.).

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

Any licensee who violates this chapter is guilty of a petty offense. For the purposes of this subsection, the 24-month period shall begin with the person's first violation of the Act. The penalties in this subsection are in addition to any other penalties prescribed under the Cigarette Tax Act and the Tobacco Products Tax Act of 1995.

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

- A. For the first offense in a 24-month period, the retailer shall be fined \$200 if it does not have a training program that facilitates compliance with minimum-age tobacco laws and shall be notified in writing of penalties levied for further violations.
- B. For the second offense in a 24-month period, the retailer shall be fined \$400.00 if it does not have a training program that facilitates compliance with minimum-age tobacco laws and the tobacco license shall be suspended for not less than 30 consecutive business days nor more than three months. Tobacco retailers must remove all tobacco merchandise, tobacco products, alternative nicotine products and/or electronic cigarettes from all areas accessible to the public while the license is suspended.

C. For the third offense within a 24-month period, the retailer shall be fined \$600.00 if it does not have a training program that facilitates compliance with minimum-age tobacco laws and the tobacco license shall be suspended for not less than six months nor more than 18 months from the date of suspension. Tobacco retailers must remove all tobacco merchandise, tobacco products, alternative nicotine products and/or electronic cigarettes from all areas accessible to the public while the license is suspended.

D. For the fourth or subsequent offense in a 24-month period, the retailer shall be fined \$800.00 if it does not have a training program that facilitates compliance with minimum-age tobacco laws and the license shall be revoked. All tobacco merchandise, tobacco products, alternative nicotine products and/or electronic cigarettes 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 Village Attorney may allow.

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

Narrative

On March 11, 2024, the Village of Poplar Grove was alerted to the fact that J & D Oil, Inc., d/b/a J & D Countryside Marathon, failed a tobacco compliance check on 3/8/2024. On 3/8/2024, Deputy Koelker of the Boone County Sheriff's Department, Deputy Shockey of the Boone County Sheriff's Department and an individual under the age of 21 years, hereinafter referred to as "u/c" arrived at J & D Oil, Inc., d/b/a J & D Countryside Marathon, located at 13615 Il 76 in Poplar Grove, IL. u/c and Deputy Shockey both went inside of the store and u/c walked to the clerk, Graciela Gonzalez and asked for a pack of cigarettes. The clerk accepted cash from u/c and provided u/c one pack of cigarettes. After the sale, Deputy Shockey witnessed the sale and approached Gonzalez and advised her that she just sold tobacco to an underaged person. 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
Village President
Village of Poplar Grove, Illinois

Date: March 18, 2024

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:

J & D Oil, Inc.
d/b/a J & D Countryside Marathon
Attn: Lisa Jo Vance, President
8740 Marengo Rd,
Garden Prairie, Il 61038

Donald L. Shriver
Registered Agent for J & D Oil, Inc.
515 N. Court St.
Rockford, IL 61103

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 March 18, 2024.



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

Item 1.



SOSNOWSKI | SZETO LLP

6735 Vistagreen Way | Suite 300
Rockford, IL 61107



9589 0710 5270 0586 1774 21

CERTIFIED MAIL

Donald L. Shriver
Registered Agent for J & D Oil, Inc.
515 N. Court St.
Rockford, IL 61103

PITNEY BOWES
US POSTAGE
FIRST-CLASS
028W0002310186
2000367709
ZIP 61107
MAR 18 2024



SOSNOWSKI | SZETO LLP

6735 Vistagreen Way | Suite 300
Rockford, IL 61107

Donald L. Shriver
Registered Agent for J & D Oil, Inc.
515 N. Court St.
Rockford, IL 61103

PITNEY BOWES
US POSTAGE
FIRST-CLASS
028W0002310943
2000367709
ZIP 61107
MAR 18 2024



9589 0710 5270 0586 1774 21

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OFFICIAL USE

Certified Mail Fee \$ **8.09 PG**

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postmark Here
Sent 3/18/24

Postage \$

Total \$

Sent \$

Street

City, State

Donald L. Shriver
Registered Agent for J & D Oil, Inc.
515 N. Court St.
Rockford, IL 61103

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

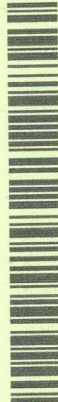
PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Donald L. Shriver
Registered Agent for J & D Oil, Inc.
515 N. Court St.
Rockford, IL 61103



9590 9402 8447 3156 2384 10

2. Article Number (Transfer from service label)

9589 0710 5270 0586 1774 21

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below.

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Restricted Delivery

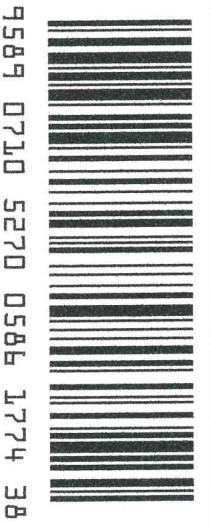
Domestic Return Receipt

Item 1.



SOSNOWSKI | SZETO LLP

6735 Vistagreen Way | Suite 300
Rockford, IL 61107



9589 0710 5270 0586 1774 38

J & D Oil, Inc.
d/b/a J & D Countryside Marathon
Attn: Lisa Jo Vance, President
8740 Marengo Rd.
Garden Prairie, IL 61038

PITNEY BOWES
US POSTAGE
\$8.69
FIRST-CLASS
028W0002310943
2000367709
ZIP 61107
MAR 18 2024



SOSNOWSKI | SZETO LLP

6735 Vistagreen Way | Suite 300
Rockford, IL 61107

J & D Oil, Inc.
d/b/a J & D Countryside Marathon
Attn: Lisa Jo Vance, President
8740 Marengo Rd.
Garden Prairie, IL 61038

PITNEY BOWES
US POSTAGE
\$0.64
FIRST-CLASS
028W0002311246
2000367709
ZIP 61107
MAR 18 2024



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Certified Mail Fee	\$ 8.69
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

PG1
Postmark Here
Sent 3/18/24

Postage	\$
Total Postage	\$
Sent To	
Street and /	
City, State,	

J & D Oil, Inc.
d/b/a J & D Countryside Marathon
Attn: Lisa Jo Vance, President
8740 Marengo Rd,
Garden Prairie, IL 61038

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9E 422T 9850 0225 0120 6856

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

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J & D Oil, Inc.
d/b/a J & D Countryside Marathon
Attn: Lisa Jo Vance, President
8740 Marengo Rd,
Garden Prairie, IL 61038



9590 9402 8447 3156 2385 64

2. Article Number (Transfer from service label) 9589 0710 5270 0586 1774 38

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input type="checkbox"/> Agent
<input checked="" type="checkbox"/> B. Received by (Printed Name)	<input type="checkbox"/> Addressee
C. Date of Delivery	
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery (Domestic Mail)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery

Domestic Return Receipt