



# VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

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## VILLAGE BOARD OF TRUSTEES

**Wednesday, April 19, 2023 - 6:30 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.*

### NEW BUSINESS

- [1.](#) Hearing for possible revocation or suspension of tobacco retailers license or other penalties for Route 76 Tobacco and Vape, Inc
- [2.](#) Hearing for possible revocation or suspension of tobacco retailers license or other penalties for Poplar Grove Pacemaker, LLC Countryside Markets, Cuppa Joe

ADJOURNMENT (Voice Vote)

KJA MM/DD/YYYY

**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 ) 23 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 **19<sup>th</sup> day of April, 2023, 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 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 March 29, 2023, the Village of Poplar Grove was alerted to the fact that Rt 76 Tobacco and Vape, Inc. failed a tobacco compliance check on 3/28/2023. On 3/28/2023, Deputy Charles Schutz of the Boone County Sheriff's Department and minor G.E.S., arrived at Rt 76 Tobacco and Vape, Inc. located at 13553 Julie Drive in Poplar Grove, IL. G.E.S. and Deputy Schutz both went inside of the store and G.E.S. went to the front counter and requested a vape device. The clerk, Caitlin-Cheyenne M. Finn, asked G.E.S. for identification and appeared to look at the Illinois Drivers License presented by G.E.S. which indicated that G.E.S. was 16 years of age. Ms. Finn completed the sale of a Mr. Fog Switch Raspberry Sour Apple vape device to G.E.S. Ms. Finn accepted cash from G.E.S. and printed a receipt for the purchase of the vape device. Deputy Schutz approached Ms. Finn 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: April 12, 2023

By:

  
Village Attorney

**Affidavit of Service**

The undersigned hereby affirms that he 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 April 12, 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:	)	
	)	
Poplar Grove Pacemaker, LLC	)	
Countryside Markets, Cuppa Joe	)	
13517 Rte. 76	)	
Poplar Grove, IL 61065	)	23 AA 02
	)	

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

To: Poplar Grove Pacemaker, LLC  
Countryside Markets, Cuppa Joe  
Attn: Anthony J. Dal Pra, Registered Agent  
1901 Union Avenue  
Belvidere, IL 61008

Poplar Grove Pacemaker, LLC  
Countryside Markets, Cuppa Joe  
Attn: Anthony J. Dal Pra, Member  
1901 Union Avenue  
Belvidere, IL 61008

Poplar Grove Pacemaker, LLC  
Countryside Markets, Cuppa Joe  
Attn: Robert J. Wagner, Member  
1901 Union Avenue  
Belvidere, IL 61008

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.2022-005 from the Village of Poplar Grove, Illinois, that the undersigned shall hold a hearing on the **19<sup>th</sup> day of April, 2023, 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:**

**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 March 29, 2023, the Village of Poplar Grove was alerted to the fact that Poplar Grove Pacemaker, LLC Countryside Markets, Cuppa Joe, failed a tobacco compliance check on 3/28/2023. On 3/28/2023, Deputy Charles Schutz of the Boone County Sheriff's Department and minor H.T.C., arrived at Poplar Grove Pacemaker, LLC Countryside Markets, Cuppa Joe, located at 13517 Rte. 76 in Poplar Grove, IL. H.T.C. and Deputy Schutz both went inside of the store and H.T.C. went to the front counter and requested a pack of Marlboro Reds cigarettes. The clerk, Susan L. Vole, asked H.T.C. for identification and appeared to look at the Illinois Drivers License presented by H.T.C. which indicated that H.T.C. was 16 years of age. Ms. Vole completed the sale of a pack of Marlboro Reds cigarettes to H.T.C. Ms. Vole accepted cash from

and gave change to H.T.C. and printed a receipt for the purchase of the cigarettes. Deputy Schutz approached Ms. Vole 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.

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President Don Sattler  
Village President  
Village of Poplar Grove, Illinois

Date: April 12, 2023

By:

  
Village Attorney



**Affidavit of Service**

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Poplar Grove Pacemaker, LLC  
Countryside Markets, Cuppa Joe  
Attn: Anthony J. Dal Pra, Registered Agent  
1901 Union Avenue  
Belvidere, IL 61008

Poplar Grove Pacemaker, LLC  
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Poplar Grove Pacemaker, LLC  
Countryside Markets, Cuppa Joe  
Attn: Robert J. Wagner, Member  
1901 Union Avenue  
Belvidere, IL 61008

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 April 12, 2022.

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