

Wheeler, Asst. Police Chief, and Tracey Covert, City Clerk, Ron Nurceski, owner/operator and License holder and Robert Lenz, License holder's attorney .

Commissioner Renner opened the liquor violation hearing and noted that there were two (2) items listed on the Commission's meeting agenda: 1.) setting sanctions regarding November 2013 violation, (Liquor Violation No. 2013 – 23); and 2.) liquor violation from calendar year 2014, (Liquor Violation No. 2014 – 07).

George Boyle, Asst. Corporation Counsel, addressed the Commission. He noted that in 2013 Chasers had two (2) violations which were addressed by the Commission. Liquor Violation No. 2013 – 13 was settled by the following: \$14,000 fine; installation of a camera system approved by the Police Department, license suspension for two (2) days, (November 30 and December 1, 2013); and all employees BASSET, (Beverage Alcohol Sellers and Servers Education and Training), certified. Violation No. 2013 – 13 was considered settled.

A subsequent violation occurred on November 8, 2013, (Liquor Violation No. 2013 – 23). This incident involved underage sales. Mr. Boyle referenced Chapter 6. Alcoholic Beverages, Section 26A. No Sale, Gift or Delivery to or by a Person Under the Age of 21 Years or an Incompetent – Illegal Purchase or Procurement – Illegal Possession – Parents' Responsibility. He referenced the police report and noted that information had been redacted. The License holder had stipulated to the facts. Mr. Boyle cited Section 37. Same – Powers and Duties Generally, (i.e. sanctions).

Bob Lenz, License holder's attorney, addressed the Commission. He made two (2) points: 1.) no one regretted this incident more than his client, (i.e. November 8, 2013). Chaser's had just opened for business. Customers were not anticipated until after 10:00 p.m. The business had not been open for five (5) minutes. There was a single bartender on duty who was not BASSET certified. The individual made a serious mistake and was terminated. The suggested fine was \$1,250. This subsequent event was not the same type of violation. The employee was not sharp. This was an unfortunate event. He hoped that the City's policy was one that wanted to see the license holder's succeed. This was a minor violation. There were no other customers present as Chaser's had just opened.

Mr. Lenz noted that his client was struggling to pay the existing fine. He respectfully requested that the fine be lowered. His client had acknowledged the second offense and Mr. Lenz believed that \$1,000 fine would be adequate.

Commissioner Renner noted that the Commission had just given Lucky Garden located at 706 S. Eldorado Rd., a \$1,200 fine for a second offense. He added that the License holder had not terminated the individual involved in the violation.

Mr. Lenz restated that his client terminated the individual the moment he was notified by the police that the violation had occurred.

Commissioner Jordan understood the burden and added his interest in a fair decision. A mistake had been made. The first mistake made by the License holder was an unmanned front door. A

doorman should be posted prior to the business opening. This policy would protect the License holder. He added that he would not support a sanction that was for less than what had been offered. The issue was creditability.

Commissioner Renner noted the range for second violations was from \$1,000 to \$1,200. Mr. Boyle added that the offer was \$1,200.

Commissioner Tompkins expressed his opinion that there had not been a technical violation. The law had been broken. He believed that the City's offer was favorable. The Council and community had placed pressure on the Commission to be firm. He questioned where the BASSET certified person was that night. He added that there had been a number of incidents at this establishment.

Commissioner Renner encouraged the Commission to look at the big picture. The previous violation involved a number of individuals. It was a high profile liquor violation. He added that Ron Nurceski, owner/operator and License holder, had not turned the lights on. He asked the Commission to consider the following: 1.) the employee was terminated immediately and 2.) cameras have been installed.

Commissioner Jordan addressed a doorman policy, i.e. that a doorman be on duty prior to opening.

Ron Nurceski, owner/operator and License holder, addressed the Commission. Chaser's opened its doors at 9:30 p.m. Bouncers were scheduled to start working at 10:00 p.m. During the first thirty (30) minutes, there was a lone bartender on duty.

Commissioner Jordan noted that Mr. Nurceski relied on his employees. Mr. Nurceski informed the Commission that he employed college students to work at his restaurant and/or tavern. He added that a bouncer could be scheduled to start work at 9:30 p.m.

Commissioner Jordan expressed his opinion that a doorman's number one job was to insure that no one underage was admitted into the establishment.

Mr. Nurceski restated that at the time of the violation there were not any customers present. The bartender was still setting up. The doorman had other responsibilities such as stocking the bar.

Commissioner Jordan restated that he had made a suggestion which he believed was reasonable.

Mr. Lenz's noted Commissioner Jordan's feedback which had been offered in his client's best interest. Mr. Nurceski would take same seriously.

Commissioner Tompkins added that if Chaser's was not ready to accept/serve customers then it should not open its doors. A liquor license holder needed to protect one's self.

Motion by Commissioner Tompkins, seconded by Commissioner Jordan that the sanction for Europe, Inc., d/b/a Chasers, located at 110 W. Washington St., currently holding a TAS liquor

license which allows the sale of all types of alcohol by the glass seven (7) days a week be as follows: \$1,200 fine for Liquor Violation No. 2013 – 023 to be included in the monthly payments for Liquor Violation No. 2013 – 013 in \$100 per month installments.

Motion carried, (viva voce).

Mr. Boyle noted that the Commission considered like liquor violations when determining liquor violation sanctions.

Commissioner Renner added that Chaser's had been given the largest liquor violation fine in the City's history. In addition, Mr. Nurceski had terminated the employee involved in this liquor violation.

Commissioner Renner noted that Liquor Violation No. 2014 – 007 would be continued to a later date.

There being no further business before the Commission, the meeting recessed at 5:27 p.m.

Commissioner Renner recommended that the discussion regarding liquor license fees be held over until the Commission's May 13, 2014 meeting. Liquor license fees had a role to play in the City's budget. The City Manager had started working on same. The Commission could take additional action beyond the City Manager's recommendation.

Commissioner Renner cited recent issues with new liquor license holders. He also noted a recent death. Questions had been raised regarding over serving. The City needed to be more aggressive in its BASSET, (Beverage Alcohol Seller and Servers Education and Training), enforcement.

Clay Wheeler, Asst. Police Chief, addressed the Commission. The recent incident was under investigation and he would not address same. He acknowledged that the recent tragedy involved DUI (Driving Under the Influence). The vehicular crash involved a loss of life. He did not want to impact the investigation and/or prosecution. The Commission would be fully informed at a later date.

Asst. Police Chief Wheeler addressed server expectations. Questions had been raised regarding negligent servers and determining when someone is under the legal limit. He noted efforts regarding designated drivers and alternative transportation programs, (i.e. vehicle for hire). It was difficult to recognize a BAC (Blood Alcohol Content) less than .08. BASSET training addressed not serving someone who was obviously intoxicated. He recommended that the Commission take action after the adjudication of this case.

Commissioner Renner expressed his concerns regarding underage service/situations and when over serving occurs which can result in a potentially dangerous situation.

There being no further business before the Commission, the meeting adjourned at 5:34 p.m.

Respectfully,

Tracey Covert, CRM, CMC, RMC  
City Clerk