

**MINUTES OF THE COMMITTEE-OF-THE-WHOLE MEETING OF THE
PRESIDENT AND BOARD OF TRUSTEES OF THE
VILLAGE OF ARLINGTON HEIGHTS
33 S. ARLINGTON HEIGHTS ROAD - COMMUNITY ROOM
MONDAY, July 1, 2013**

Mayor Tom Hayes called the meeting to order at 7:15 PM.

BOARD MEMBERS PRESENT: Mayor Hayes, Trustees Blackwood, Farwell,
Glasgow, LaBedz, Rosenberg, Scaletta, Sidor,
Tanaglia

BOARD MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Village Manager Bill Dixon, Assistant to the
Village Manager Diana Mikula, Assistant
Village Attorney Robin Ward, Police
Investigator Bill Kirby

OTHERS PRESENT: Liquor Applicant: Ms. Song H. Han

1. **CONTINUATION OF CONSIDERATION OF RECOMMENDING
TO THE LIQUOR COMMISSIONER THE ISSUANCE OF A
CLASS "A" LIQUOR LICENSE TO MUSIC BOX CAFÉ, INC.,
DBA THE MUSIC BOX at 224 E. GOLF ROAD.
(INTERNATIONAL PLAZA)**

Mayor Hayes swore in Ms. Song H. Han, 100% owner of Music Box Café, Inc., dba The Music Box for a continuation of considering issuing a liquor license.

Ms. Mikula provided an update on materials submitted from the liquor applicant. The documentation provided by Song Han included:

- Agreement to Sell Business dated August 15, 2009
- Closing Statement dated October 1, 2009
- Bill of Sale dated October 1, 2009
- Thank you letters from the Elk Grove High School Japanese Club

Also as a follow up to a question raised by Trustee Farwell, pursuant to a 2009 Agreement to Sell the Business, the option to buy back existed for two years from the date of closing. The closing was October 1, 2009 so the buy back option term expired October 1, 2011. Song Han is currently 100% owner. Meyong Lim had retained 10% or 300 shares but that was transferred on May 1, 2012 to Song Han who now has all shares.

Trustee Sidor reported that earlier today he visited The Music Box. He felt that it was a nice establishment but he noticed a couple of alcoholic bottles behind the bar and was surprised to see them because the establishment does not have a liquor license but have been operating as a BYOB. While

onsite he contacted Ms. Mikula regarding the bottles he observed. She indicated that while operating as a BYOB the establishment is not to have exposed liquor bottles - especially not on the bar. She suggested Trustee Sidor speak to owner Song Han about the exposed liquor bottles. There were five or six random bottles that were near empty to mid-full. Ms. Han reported that the bottles were left over from a BYOB event from the previous night. When Trustee Sidor conveyed his concern to Ms. Han the bottles were removed immediately. Trustee Sidor was concerned about Ms. Han's understanding of the liquor laws and policies and procedures.

Trustee Blackwood inquired about the layout and functionality of the karaoke rooms. Ms. Han indicated that each room has its own karaoke machine with seating areas and a table. There is clear glass on the doors and she understands those rooms cannot have shades or any type of coverings. She uses two rooms for storage and one room as an office and only those spaces have coverings on the glass but those rooms are not used as karaoke rooms.

Trustee Scaletta inquired if Ms. Han has a policy for BYOB left over bottles. Ms. Han explained that some groups have become regulars as a corporate party or after golf league and these people come in weekly so she holds over what is not used. The bottles on the bar were left over from the weekend's party prior to her being able to clean up the area. She understands she cannot display bottles and will tell her staff they cannot do that.

Trustee Farwell asked various questions including questions about her massage therapy license. After hearing Ms. Han's explanations, Trustee Farwell stated that her testimony and explanations this evening are different than her previous two testimonies. He believes she has provided conflicting information in her testimonies and this along with lack of proper paperwork and the liquor displayed on the premises continues to be a big concern in considering issuing a liquor license.

Ms. Han commented that in the past she was nervous and may not have understood all questions asked of her but she is 100% owner of the Music Box.

When asked when the last time Ms. Han saw Ms. Lim, Ms. Han indicated that it was in January 2012. Ms. Lim came into the restaurant to eat but Ms. Han wouldn't talk to her and doesn't want anything to do with her. She does not have a business relationship with Ms. Lim but she is still a distant relative.

Trustee Glasgow stated that in the previous meeting he made a motion to deny a liquor license although the meeting was continued. His previous questions and statements hold true and he does not believe the situation

with Ms. Han has changed based on the testimony she has provided. Once again, he believes a liquor license is a privilege and not a right and he does not believe satisfactory answers have been provided to warrant the issuance of a liquor license. He said that there has been conflicting testimony within the liquor license proceedings which led him to question the credibility of the petitioner. The license was previously denied due to violations and incorrect paper work. As much as he wants to help a business succeed, there is a higher burden to handle liquor.

Trustee Glasgow made a motion to deny the issuance of a liquor license. Trustee Farwell seconded the motion. Trustee Farwell commented that he does not treat this decision lightly but there were three different occasions where the testimony of the petitioner was inconsistent.

Trustee Sidor commented that he wanted to recommend approval of a liquor license and help her succeed but after seeing the display of bottles on the premises today and hearing her testimony this evening he does not believe she has the controls in place to properly sell alcohol.

Trustee Tinaglia commented that it is hard for him to say no because he would like to give a business a chance to succeed and he inquired about the possibility of giving a probationary opportunity to have a license.

Trustee Rosenberg indicated he was thinking along the same lines as Trustee Tinaglia to possibly grant a liquor license conditionally and monitor the establishment monthly.

Mayor Hayes stated that his intention is to be business friendly but after hearing the testimony by the applicant he does not have a comfort level that issuing a liquor license at this time is doing the right thing for the health, safety and welfare of the community.

Trustee Thomas Glasgow moved to recommend to the Liquor Commissioner the denial of a Class A Liquor License to The Music Box. Trustee Joe Farwell Seconded the Motion. The motion passed.

Ayes: Farwell, Glasgow, Hayes, LaBedz, Scaletta, Sidor.

Nays: Blackwood, Rosenberg, Tinaglia.

In response to a question, Ms. Ward indicated that the petitioner can appeal the Village's decision to the State Liquor Commission.

Ms. Han indicated she was upset with the decision. She had a similar karaoke restaurant with a liquor license in Chicago and she never had a problem. She is not her step-sister.

The Mayor responded that in her various testimonies there has been a pattern of inconsistency and falsehoods and lack of ability to exercise control of the establishment. Also, a majority of the Board does not believe she can exercise control. Perhaps down the road if she can demonstrate the ability to responsibly operate a liquor business she could reapply.

Ms. Han stated that she is not sure how long she can keep the business open without a liquor license.

2. **OTHER BUSINESS**

Trustee Scaletta asked for a memo to the Board on BYOB with a staff recommendation on establishing a policy.

3. **ADJOURNMENT**

Meeting adjourned at 8:00 PM.

Recorded by: Diana Mikula, Assistant to the Village Manager