

May 11, 2023

Immediately Following the Local Liquor Control Commission Meeting

In-Person & Virtual

Wheaton City Hall Council Chambers

The meeting will also be live streamed and recorded.

Join by phone: (312) 626-6799, Meeting ID: 870 7075 5433 Passcode: 107190

- You will be automatically muted. If you would like to speak, you need to press *9 to raise your hand and let the meeting administrator know you would like to speak. Once it is your turn to speak, you will receive a notification asking you to press *6 to unmute yourself. Please announce your name and address before commenting and ensure that you are in a quiet place.

Join by computer/smartphone: Join Zoom Meeting: <https://us02web.zoom.us/j/87070755433>

You will be automatically muted. If you would like to speak, click on the "Raise Hand" button to let the meeting administrator know you would like to speak. When it is your turn to speak, you will receive a notification that the meeting administrator is asking you to press "unmute." Please announce your name and address before commenting and ensure you are in a quiet place.

Public comments can be made by:

- In-person at 7:00 p.m. on Thursday, May 11, 2023, during the Public Comment portion of each Public Hearing.
- Virtually at 7:00 p.m. on Thursday, May 11, 2023, during the Public Comment portion of each Public Hearing.
- Email the Local Tobacco Control Commission at jkozik@wheaton.il.us before 12:00 p.m. on Thursday, May 11, 2023.

AGENDA

1. June 9, 2022

Documents:

[JUNE 9, 2022.PDF](#)

1.i. Violation Hearing - Emma's Groceries, Inc. D/B/A/ Wheaton Food Mart - 728 S. Lorraine Road

Documents:

[EMMAS VIOLATION.PDF](#)

1.i.i. Violation Hearing - Marley's Smoke & Vape - 1277 E. Butterfield Road

Documents:

[MARLEYS SMOKE SHOP VIOLATION.PDF](#)



WHEATON LOCAL TOBACCO CONTROL COMMISSION MEETING MINUTES

WHEATON CITY HALL, 303 W WESLEY STREET, WHEATON, ILLINOIS 60187

June 9, 2022

I. CALL TO ORDER AND ROLL CALL VOTE

Chair Taylor called the May 12, 2022 meeting of the Local Tobacco Control Commission to order at 7:07 P.M. in the City Council Chambers of the Wheaton City Hall, 303 West Wesley Street.

Upon roll call, the following were present: Commissioner Pearse, Commissioner Sender, Chair Taylor and Commissioner Whitmer. Absent: Commissioner Brown. City Staff Present: James P. Kozik, Director of Planning and Economic Development.

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES – May 12, 2022

Hearing no questions or comments, Commissioner Pearse moved and Commissioner Whittmer seconded a motion to recommend approval of the minutes of the May 12, 2022 Local Tobacco Control Commission meeting as submitted. On a voice vote, all voted aye.

IV. OLD BUSINESS

Violation Hearing – South Main Marathon, 325 S. Main Street

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by South Main Marathon, 325 S. Main Street whereby tobacco products was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the tobacco sale, the Wheaton Police observed that the sales clerk asked the decoy for identification.

Chair Taylor stated that South Main Marathon, 325 S. Main Street has entered a plea of guilty to the allegations and that this is South Main Marathon, 325 S. Main Street 4th violation of the Tobacco Control Ordinance, the 1st occurring in 2007 with a fine imposed of \$300; the 2nd occurring in 2012 with a fine imposed of \$500 and the 3rd occurring in 2018 with a fine imposed of \$500.

Attorney Harry Smith and business owner Warren Hunter were present and discussed the circumstances relating to the violation. Commissioner Sender then moved and Commissioner Pearse seconded the motion to close the public hearing. On a voice vote, all voted aye.

Violation Hearing – Pharaoh’s Smoke Inc., 105 W. Geneva Road

Chair Taylor called the public hearing to order. Chair Taylor stated that the public hearing is to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Pharaoh’s Smoke Inc., 105 W. Geneva Road whereby tobacco products was sold to a person under the age of 21.

Chair Taylor stated that in their witness of the tobacco sale, the Wheaton Police observed that the sales clerk asked the decoy for identification.

Chair Taylor stated that Pharaoh’s Smoke Inc., 105 W. Geneva Road entered a plea of guilty to the allegations.

Chair Taylor stated that this is Pharaoh’s Smoke Inc., 105 W. Geneva Road 1st violation of the Tobacco Control Ordinance.

Mr. Kozik stated that as no one representing Pharaoh’s Smoke Inc. is present, the City Attorney has advised that the Tobacco Commission to enter an order of default with respect to this matter.

Commissioner Sender then moved and Commissioner Whittmer seconded the motion to cclose the public hearing. On a voice vote, all voted aye.

Commissioner Whittmer then moved and Commissioner Sender seconded the motion to go into Executive Session pursuant to the Illinois Compiled Statutes 5ILCS 120/2 (c) (4) at 7:15 P.M. On a voice vote, all voted aye. At approximately 7:24 P.M. the Commission returned to open session.

Following an admonishment of the licensees, Chair Taylor stated the Commission will be recommending a \$600 fine for South Main Marathon and \$500 for Pharaoh’s Smoke, Inc. to the Tobacco Commissioner.

V. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

VI. ADJOURNMENT

The meeting was adjourned at 7:27 P.M.

Respectfully submitted,

James P. Kozik, AICP
Director of Planning and Economic Development

MEMORANDUM

TO: Chair Pearse and Members of the Wheaton Tobacco Commission

FROM: James P. Kozik, AICP Director of Planning and Economic Development

DATE: May 2, 2023

SUBJECT: Violation Hearing – Emma's Groceries, Inc., d/b/a Wheaton Food Mart - 728 S Lorraine Road

The Tobacco Control Commission will convene a public hearing on May 11, 2023 to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Emma's Groceries, Inc., d/b/a Wheaton Food Mart, 728 S Lorraine Road whereby tobacco products was sold to a person under the age of 21.

In their witness of the tobacco sale, the Wheaton Police observed that the sales clerk did not ask the minor for identification.

Emma's Groceries, Inc., d/b/a Wheaton Food Mart, 728 S Lorraine Road has entered a plea of guilty to the allegations.

This is Emma's Groceries, Inc., d/b/a Wheaton Food Mart, 728 S Lorraine Road 1st violation of the Tobacco Control Ordinance.

Attachment

c: Emma Santos-Salazar

MEMORANDUM

TO: Chair Pearse and Members of the Wheaton Tobacco Commission
FROM: James P. Kozik, AICP Director of Planning and Economic Development
DATE: May 2, 2023
SUBJECT: Violation Hearing – Marley's Smoke & Vape, 1277 E. Butterfield Road

The Tobacco Control Commission will convene a public hearing on May 11, 2023 to review evidence relating to allegations of a violation of the Tobacco Control Ordinance by Marley's Smoke & Vape, 1277 E. Butterfield Road whereby tobacco products was sold to a person under the age of 21.

The Wheaton Police observed that the salesclerk did not ask the minor for identification prior to the tobacco sale.

Marley's Smoke & Vape, 1277 E. Butterfield Road has entered a plea of guilty to the allegations.

This is Marley's Smoke & Vape, 1277 E. Butterfield Road 2nd violation of the Tobacco Control Ordinance; the 1st occurring in 2022 with a fine imposed of \$500.

Attachment

c: Mohammed Abuarra
Peter Limperis