I. CALL TO ORDER AND ROLL CALL VOTE

Chair Pearse called the May 11, 2023 meeting of the Local Tobacco Control Commission to order at 7:51 P.M. in the City Council Chambers of the Wheaton City Hall, 303 West Wesley Street.

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

II. PUBLIC COMMENT

There was no public comment.

III. APPROVAL OF MINUTES – June 9, 2022

Hearing no questions or comments, Commissioner Taylor moved and Commissioner Whitmer seconded a motion to recommend approval of the minutes of the June 9, 2022 Local Tobacco Control Commission meeting as submitted. On a voice vote, all voted aye.

IV. NEW BUSINESS

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

Chair Pearse called the public hearing to order. Chair Pearse stated that the public hearing is 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.

Chair Pearse stated that in their witness of the tobacco sale, the Wheaton Police observed that the salesclerk did not ask the decoy for identification.

Chair Pearse stated that Emma’s Groceries, Inc., d/b/a Wheaton Food Mart has entered a plea of guilty to the allegations and that this is their first violation of the Tobacco Control Ordinance.

Ms. Emma Santos-Salazar, owner, was present to explain the circumstances surrounding the violation.

Hearing no further questions or comments the public hearing was closed.
Violation Hearing – Marley's Smoke & Vape, 1277 E. Butterfield Road

Chair Pearse called the public hearing to order. Chair Pearse stated that the public hearing is 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.

Chair Pearse stated that in their witness of the tobacco sale, the Wheaton Police observed that the salesclerk did not ask the decoy for identification.

Chair Pearse stated that Marley's Smoke & Vape has entered a plea of guilty to the allegations and that 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.

Attorney Peter Limperis and owner Mohammed Abuarra was present to explain the circumstances surrounding the violation.

Hearing no further questions or comments the public hearing was closed.

Commissioner Whitmer then moved and Commissioner brown seconded the motion to go into Executive Session pursuant to the Illinois Compiled Statutes 5ILCS 120/2 (c) (4) at 8:02 P.M. On a voice vote, all voted aye. At approximately 8:10 P.M. the Commission returned to open session.

Following an admonishment of the licensees, Chair Pearse stated the Commission will be recommending a $200 fine for Emma’s and $1,000 for Marley’s to the Tobacco Commissioner. In addition, both businesses, within the next 30 days, will be required to take an online Safe Tobacco Sales Training Course and submit verification of passing such a course to the City.

V. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

VI. ADJOURNMENT

The meeting was adjourned at 8:16 P.M.

Respectfully submitted,

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