STATE OF ILLINOIS COUNTY OF BOONE BEFORE THE VILLAGE BOARD OF THE VILLAGE OF POPLAR GROVE, ILLINOIS

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In the Matter of the License of:

Rt 76 Tobacco and Vape, Inc. 13553 Julie Drive Poplar Grove, IL 61065

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<u>NOTICE OF HEARING</u> <u>FOR POSSIBLE REVOCATION OR SUSPENSION OF TOBACCO RETAILERS</u> <u>LICENSE</u> 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 19th 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-Cheyanne 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 Rasberry 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

C Village Attorney By:

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.

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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