

1 STATE OF ILLINOIS)

08:49:05AI

2 COUNTY OF L A K E)

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4

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BEFORE THE

6

LAKE COUNTY LIQUOR CONTROL COMMISSION

7

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IN RE:

9

CAPTAINS QUARTERS, INC.)

10

38283 N. BOLTON PLACE)

11

ANTIOCH, IL 60002)

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OVERSERVING AND PERMITTING A BATTERY ON THE PREMISES

16

17

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Record of proceedings

19

BEFORE CHAIRPERSON SUZI SCHMIDT

20

OCTOBER 11, 2010

21

22

23

Court reporter:

24

Lynn Buchmeyer, CSR, RPR CPE

08:59:55AI

1 MR. WYSOCKI: This is in the matter of 08:59:55AI
2 Captain' s Quarters doing business as Captains Quarters 08:59:58AI
3 Inc. 09:00:01AI

4 This matter comes on for complaint and 09:00:02AI
5 notice of hearing. 09:00:05AI

6 Did you receive a copy of the complaint? 09:00:10AI

7 MR. PHILLIPS: I did, Yes. 09:00:12AI

8 MR. WYSOCKI: I think I explained that to you last 09:00:12AI
9 time. 09:00:16AI

10 And you understand that you are being charged 09:00:16AI
11 with overserving and permitting a battery on the premises. 09:00:19AI

12 I understand that you are pleading not guilty 09:00:24AI
13 to the charge? 09:00:26AI

14 MR. PHILLIPS: Yes. 09:00:27AI

15 MR. WYSOCKI: And what will happen is Officer Klatka 09:00:27AI
16 will testify first. You can ask him any questions after. 09:00:32AI
17 And then you can make any statements that you want 09:00:35AI
18 concerning the incident. All right. 09:00:37AI

19 All those that are going to be testifying, 09:00:40AI
20 please raise your right hand. 09:00:42AI

21 OFFICER KLATKA, 09:00:47AI

22 LARRY PHILLIPS,

23 having been first duly sworn, were examined and
24 testified as follows:

1 EXAMINATION BY

2 MR. WYSOCKI:

3 Q. Officer Klatka, would you state your
4 name? 09:00:48AI
09:00:48AI

5 A. My name is Jakub Klatka, K-L-A-T-K-A. 09:00:55AI

6 Q. Officer Klatka, you were a sheriff's deputy
7 on July 31st at approximately 10:15 p.m., correct? 09:00:55AI
09:01:00AI

8 A. Yes. 09:01:04AI

9 Q. And you had the opportunity to be on routine
10 patrol, is that right? 09:01:04AI
09:01:09AI

11 A. Yes. 09:01:10AI

12 Q. Did you receive a call concerning a
13 disturbance at Captain' s Quarters? 09:01:10AI
09:01:14AI

14 A. Yes. 09:01:18AI

15 Q. At that time what were you told as far as
16 what to do? 09:01:18AI
09:01:23AI

17 A. There was several marine unit deputies out
18 there having lunch or dinner. And as they were sitting at
19 the bar or dinner table there there was a fight that broke
20 out in the back portion of the bar next to the beach area. 09:01:25AI
09:01:29AI
09:01:33AI
09:01:35AI

21 Q. And what happened when you arrived there?
22 What did you notice? 09:01:41AI
09:01:43AI

23 A. When I arrived there there was two subjects
24 they had separated already. Standing next to each other, 09:01:44AI
09:01:46AI

1 arguing with each other. When I arrived both subjects 09:01:50AI
2 had blood on their facial area and hand area. And they 09:01:53AI
3 just had gotten into a fight over something petty. 09:01:58AI
4 Q. Over what? 09:02:03AI
5 A. Something petty. Just bumped each other 09:02:04AI
6 next to the bar; had a difference of opinion. 09:02:07AI
7 Q. And did you speak with either one of them? 09:02:09AI
8 A. I spoke to both of them. 09:02:13AI
9 Q. Who was the first one you spoke to? 09:02:14AI
10 A. I believe it was Andrew. 09:02:16AI
11 Q. And what did you say to Andrew and what did 09:02:22AI
12 he say to you? 09:02:25AI
13 A. I asked Andrew what happened. Andrew said he 09:02:25AI
14 was standing in the bar area along next to this Ryan 09:02:30AI
15 individual. And they were sitting there drinking. Andrew 09:02:33AI
16 stated that Ryan bumped into him. So he told him to stop 09:02:36AI
17 bumping into me, what's your problem. And then that's 09:02:41AI
18 where it started getting worse: You bumped me. I didn't 09:02:44AI
19 bump you. You bumped me. I didn't bump you. Then is 09:02:44AI
20 escalated until they eventually started throwing punches 09:02:52AI
21 at each other. 09:02:55AI
22 Q. Could you determine the sobriety of Andrew? 09:02:56AI
23 A. Yes. I could smell a strong alcoholic odor 09:02:59AI
24 coming from his mouth. He had a hard time standing still. 09:03:04AI

1 Swaying back and forth. 09:03:09AI

2 Q. Did he say how much he had to drink? 09:03:10AI

3 A. He said he had had quite a few beers and 09:03:12AI

4 several shots with several friends that were on the 09:03:15AI

5 premises. He says he had been there since about nine 09:03:18AI

6 o'clock drinking shot after shot because it was one of his 09:03:21AI

7 friend's birthday and they came out to have a good time. 09:03:25AI

8 But quite heavily, that's what he said. 09:03:29AI

9 Q. Did you have an opportunity then to talk to 09:03:31AI

10 Ryan? 09:03:33AI

11 A. I did speak to Ryan as well. 09:03:33AI

12 Q. What if anything did he say have to say to 09:03:35AI

13 you about it? 09:03:37AI

14 A. Ryan stated he was standing at the bar next 09:03:37AI

15 to a friend, and Andrew was too close to him. So he 09:03:39AI

16 advised him, you are standing too close to me, step away 09:03:44AI

17 from my area. Andrew looked at him and said, I don't know 09:03:48AI

18 what you are talking about. Ryan started getting angry 09:03:53AI

19 and said, get out of my circle; get out of my area. Step 09:03:53AI

20 back away from me. Andrew wasn't moving. From there it 09:04:00AI

21 got to push and shove and that's when it got into a fight. 09:04:00AI

22 Q. Did they know each other before this? 09:04:05AI

23 A. They didn't know each other. 09:04:08AI

24 Q. Could you determine the sobriety of Ryan? 09:04:10AI

1 A. Yes. Ryan was drunk as well. He had an
2 extremely strong odor of alcohol emanating from his
3 breath, red, bloodshot, glassy eyes, also swaying, had a
4 hard time balancing, wasn't making any sense when he was
5 speaking to me.

6 Q. Did he say how much he had had to drink?

7 A. Same thing. He said he was drinking ever
8 since he got there about nine o'clock, and they were out
9 there celebrating a birthday as well.

10 Q. Did you speak to anyone else regarding this
11 incident?

12 A. There was a third individual who was related
13 to Andrew. I believe an individual, if I remember,
14 Steven. Steven was a friend of Andrew's.

15 Q. And what if anything did he say?

16 A. Steven said that he was standing on the side
17 also drinking. He was out there partying. After he saw
18 Ryan and Andrew getting into a fight, at first he thought
19 they were joking around, messing around. But when he saw
20 they started actually throwing punches, kicking each other
21 and biting each other, that is when he decided to take it
22 upon himself to step in and break up the fight.

23 As -- I believe it was Andrew was on the
24 ground and Ryan had him around the neck. Steven walked up

1 to him and started punching Ryan in the face until 09:05:33AI
2 eventually Ryan let go. And then the remaining deputies 09:05:36AI
3 stepped in and broke up the fight. 09:05:40AI

4 Q. And did you have an opportunity to speak with 09:05:41AI
5 anyone in the bar as far as bartenders or owner or 09:05:45AI
6 anything like that? 09:05:49AI

7 A. I spoke to -- I didn't speak to the 09:05:50AI
8 bartenders because the fight started progressing in the 09:05:52AI
9 outside. I spoke to the people surrounding the area 09:05:56AI
10 where the fight was taking place. And they were all 09:05:59AI
11 uncooperative. Each person decided to pick somebody on 09:06:02AI
12 their side, you know. Just one of those. 09:06:06AI

13 Q. Was Mr. Phillips there? 09:06:09AI

14 A. I believe he was there. He came out towards 09:06:14AI
15 later on. 09:06:17AI

16 Q. Did you speak with him? 09:06:17AI

17 A. I did speak with him, yes. 09:06:19AI

18 Q. What if anything did he say? 09:06:21AI

19 A. I believe he said he didn't see any of the 09:06:22AI
20 fight and wasn't aware of the fight taking place. I 09:06:24AI
21 believe. I can't remember exactly. 09:06:27AI

22 MR. WYSOCKI: Mr. Philips, do you have any questions of 09:06:30AI
23 the officer? 09:06:32AI

24 MR. PHILIPS: No. 09:06:33AI

1 MR. WYSOCKI: Would you like to make your statement at
2 this time?

3 MR. PHILIPS: Sure.

4 I was --

5 MR. WYSOCKI: Just for the record, state your name.

6 MR. PHILLIPS: Larry Phillips junior.

7 I was at my inside bar at Captain Quarters.

8 This whole misunderstanding took place out in
9 the picnic area. We have a big tent out there. There are
10 about 50 picnic tables, a couple of swing sets.

11 When people were having the birthday party
12 there was going to be about 60 people with the birthday
13 party. That started at four o'clock. But there was
14 different -- not everybody got there at four o'clock.
15 Some came at four, some came at six, some came at seven.

16 The party was going along just fine. This
17 other particular individual I don't know who the off duty
18 police officer was, one guy came in and he had a Gold's
19 Gym shirt on. And he walked in with a little bit of an
20 attitude. I remember saying to myself, you know, I better
21 keep an eye on this guy, that it looks like he could be
22 potential trouble.

23 We were very busy that night. There were
24 people everywhere. And nine point nine times out of ten,

1 we never have any altercations, everything is fine. We 09:07:30AI
2 go so far as we don't even have security because we don't 09:07:33AI
3 need it. Bartenders check ID's; we wrist band our big 09:07:37AI
4 parties. 09:07:38AI

5 One of my friends came and got me, said Larry 09:07:39AI
6 we got a fight out in the tent area. Before I could even 09:07:41AI
7 get out there, the waterway police were in there having a 09:07:44AI
8 hamburger like he said and proceeded to break it up. 09:07:49AI

9 Now I didn't think it was that out of control 09:07:51AI
10 that they needed to call the land unit. For whatever 09:07:53AI
11 reason they thought they were -- I mean both guys, it's 09:07:57AI
12 adrenaline, they were both fishing around. But I don't 09:07:57AI
13 know what they were arguing about. I couldn't tell you 09:08:03AI
14 what they were arguing about. 09:08:06AI

15 I just feel that I got wronged on everything. 09:08:07AI
16 These people are having a party and everything is fine and 09:08:07AI
17 then this off duty officer from whatever town he's from 09:08:11AI
18 coming in, these guys should know better. Walk away. 09:08:13AI
19 Take the high road. I got heckled at another bar last 09:08:17AI
20 week into getting into a fight. I took the high road. 09:08:17AI
21 I've got three liquor licenses at stake; I'm going the 09:08:21AI
22 other way. He can tell me anything he wants. That's 09:08:24AI
23 just the way it is. 09:08:26AI

24 I do know that as a bar owner that if we were 09:08:27AI

1 to continue to have problems, we would have security. But 09:08:30AI
2 it's not -- since then -- it was just an isolated 09:08:32AI
3 incident. I don't know what they were arguing about. 09:08:35AI

4 As far as them being overserved. That could 09:08:38AI
5 be your judgment against our judgment. It was a hot day. 09:08:41AI
6 It was 80 degrees. I'm sure some people were on boats, 09:08:43AI
7 some came in. And if they were overserved, I don't know 09:08:46AI
8 why neither of them got arrested at that time if they were 09:08:48AI
9 overserved. Somebody should have been taken away in 09:08:52AI
10 handcuffs. And if there was a battery charge how come 09:08:54AI
11 neither one of these two have battery charges against each 09:08:57AI
12 other. 09:09:00AI

13 So I wasn't even aware that I was going to be 09:09:01AI
14 coming here for any kind of a hearing. Prior to that, I 09:09:04AI
15 thought no charges against them, none against me. 09:09:07AI
16 Everybody shaking hands and going their own way. Other 09:09:11AI
17 than that, that's all I can really tell you about the 09:09:15AI
18 situation. 09:09:16AI

19 MR. WYSOCKI: Part of the problem is that where someone 09:09:16AI
20 has had to call for police, and there is a report that is 09:09:22AI
21 made, then the Liquor Commission is advised of it. And it 09:09:30AI
22 has to have an investigation of it. 09:09:34AI

23 MR. PHILLIPS: I'm aware of it now. I'm aware of it 09:09:37AI
24 now. 09:09:40AI

1 MR. WYSOCKI: Anything else? 09:09:41AI

2 MR. PHILLIPS: Not -- no. 09:09:44AI

3 COMMISSIONER SCHMIDT: I don't have anything. 09:09:46AI

4 MR. WYSOCKI: This will be taken under advisement. You
5 will receive a decision in seven days. 09:09:47AI
09:09:50AI

6 Thank you. 09:09:51AI

7 (Whereupon Mr. Phillips left the hearing
8 room. Deliberations as follows:) 09:09:51AI
09:11:46AI

9 MR. WYSOCKI: He has had the license since June of
10 '08. This is his first. 09:11:46AI
09:11:50AI

11 COMMISSIONER SCHMIDT: I think they are going to have
12 to have security. So since they haven't had any
13 violations, and everybody was shaking hands and only those
14 two goons got hurt and one was a cop, and he should have
15 known better. Right? 09:12:50AI
09:13:05AI
09:13:09AI
09:13:12AI
09:13:16AI

16 So we want to make sure that they do have
17 security on -- 09:13:19AI
09:13:42AI

18 MR. WYSOCKI: Weekends. 09:13:48AI

19 COMMISSIONER SCHMIDT: So make sure they do have
20 security on. It's a very busy place. There was a fight.
21 They didn't have security. 09:13:48AI
09:14:07AI
09:14:11AI

22 I am going to give them a fine of \$150. And
23 especially in the summers -- it's warm. 09:14:11AI
09:14:18AI

24 On weekends, they should have security. 09:14:20AI

1 STATE OF ILLINOIS.)

2) SS:

3 COUNTY OF L A K E)

4
5 I, Lynn Buchmeyer, C.S.R., R.P.R., do hereby
6 certify that I am a certified shorthand reporter doing
7 business in the State of Illinois; that I reported in
8 shorthand the testimony given before the Liquor Commission
9 on October 11, 2010, and that the foregoing is a true and
10 correct transcript of my shorthand notes so taken as
11 aforesaid.

12
13 _____
14 Lynn Buchmeyer, C.S.R., R.P.R

15 Department of Professional

16 Regulation,

17 License No. 084-002180

18
19 Registered Professional Reporter

20 National Court Reporters Assoc.

21 No. 005666
22
23
24

1 STATE OF ILLINOIS)

2 COUNTY OF L A K E)

3

4

5 BEFORE THE
6 LAKE COUNTY LIQUOR CONTROL COMMISSION

7

8 IN RE:

9 R. W. SKIP SMITH, INC.)

10 D/b/a JESSE OAKS)

11 18490 W. OLD GAGES LAKE ROAD)

12 GAGES LAKE, IL 60030)

13

14 OVERSERVING

15

16

17 Record of Proceedings
18 BEFORE CHAIRPERSON SUZI SCHMIDT
19 October 11, 2010

20

21

22

23 Court reporter:

24 Lynn Buchmeyer, CSR, RPR CPE

1 MR. WYSOCKI: This matter is coming on for
2 overserving. The owner is present. The officer Kambasso
3 is not present. The owner has indicated a plea of not
4 guilty. And the State is unable to proceed.

09:34:32AI
09:34:38AI
09:34:47AI
09:34:53AI

5 Therefore the matter is dismissed.

09:34:56AI

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1 STATE OF ILLINOIS.)

2) SS:

3 COUNTY OF L A K E)

4
5 I, Lynn Buchmeyer, C.S.R., R.P.R., do hereby
6 certify that I am a certified shorthand reporter doing
7 business in the State of Illinois; that I reported in
8 shorthand the testimony given before the Liquor Commission
9 on October 11, 2010, and that the foregoing is a true and
10 correct transcript of my shorthand notes so taken as
11 aforesaid.

12
13 _____
14 Lynn Buchmeyer, C.S.R., R.P.R

15 Department of Professional

16 Regulation,

17 License No. 084-002180

18
19 Registered Professional Reporter

20 National Court Reporters Assoc.

21 No. 005666
22
23
24