

ORIGINAL

ORDINANCE NO. CO-2017-14

AN ORDINANCE AUTHORIZING AND APPROVING A PARTIAL CORPORATE STOCK TRANSFER RELATIVE TO ARTS2, INC. D/B/A ARTS FOOD AND BEVERAGE PURSUANT TO SECTION 117.27(C, J) (TRANSFER OF LICENSE) OF THE MAYWOOD VILLAGE CODE

(Transfer Of Forty-Nine Percent (49%) Of The Corporate Stock Of Arts2, Inc. d/b/a Arts Food And Beverage Located at 817 West Roosevelt Road, Maywood, Illinois By Owner Nadem Akhzar To Buyer/Applicant, Krupal Patel)

WHEREAS, the Village of Maywood (the "Village") is a home rule municipality, having all of the powers and authority granted to such municipalities pursuant to Article VII, Section 6 of the Illinois Constitution of 1970, including the right to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Liquor Control Act of 1934 (235 ILCS 5/1-1 *et seq.*) grants to the Village the power, by general ordinance or resolution, to determine, among other things, the number, kind and classification of licenses for sale at retail of alcoholic liquor not inconsistent with the Act, and to establish such further regulations and restrictions upon the issuance of and operations under local licenses not inconsistent with law as the public good and convenience may require, including regulations relative to transfers of liquor licenses; and

WHEREAS, Arts2, Inc. d/b/a Arts Food And Beverage ("Licensee") is the holder of an existing Class "B" (Package Store) Liquor License for premises located at 817 West Roosevelt Road, Maywood, Illinois; and

WHEREAS, the sole owner, Nadem Akhzar, of Arts2, Inc. d/b/a Arts Food and Beverage ("Owner") has requested approval to sell forty-nine percent (49%) of the corporate stock in the Illinois corporation known as "Arts2, Inc." to the buyer/applicant, Krupal Patel, ("Buyer/Applicant") in accordance with Section 117.27(C, J) (Transfer of License) of the Maywood Village Code (the "Stock Transfer Request"); and

WHEREAS, on March 31, 2017, the Maywood Local Liquor Control Commission (the "Commission") held a public meeting to consider the request for approval of the partial Stock Transfer Request. Village staff submitted information that confirmed the Buyer/ Applicant passed a background check conducted by the Maywood Police Department, does not owe the Village any money and is not delinquent in any obligations in regard to the Village; and

WHEREAS, pursuant to Section 117.27(C, J) (Transfer of License) of the Maywood Village Code, as amended, an existing Class "B" (Package Store) Liquor License may be transferred, subject to the approval of the Village Board and the Local Liquor Control Commissioner, without the issuance of a new license in the event of a change in ownership interest of 50% or more from that shown on an original Class "B"

(Package Store) Liquor License application, so long as eight (8) are conditions are met by the new Buyer/Applicant; and

WHEREAS, based on the current public record, the application of the Owner and the Buyer/Applicant and the Village staff reports, the President and Board of Trustees of the Village of Maywood make the following preliminary findings:

- A. The Owner is in good standing with the Local Liquor Control Commissioner and does not owe the Village any money and is not delinquent in any obligations in regard to the Village.
- B. The Buyer/Applicant is in good standing with the Local Liquor Control Commissioner and has passed a background check conducted by the Maywood Police Department, does not owe the Village any money and is not delinquent in any obligations in regard to the Village.
- C. The Owner's request for approval to sell forty-nine percent (49%) of the corporate stock in the Illinois corporation known as "Arts2, Inc." to the Buyer/Applicant meets the requirements of Section 117.27(J) (Transfer of License) of the Maywood Village Code.
- D. The approval of the partial Stock Transfer Request of the Owner and by the Buyer/Applicant is not a full transfer of the ownership and control of the Illinois corporation known as "Arts2, Inc." to the Buyer/Applicant.
- E. The approval of the partial Stock Transfer Request of the Owner and by the Buyer/Applicant is not a transfer of the existing Class "B" (Package Store) Liquor License to the Buyer/Applicant.
- F. The Buyer/Applicant must satisfy and comply with the eight (8) conditions of Section 117.27(J) (Transfer of License) of the Village Code, as amended, to be eligible for Village Board consideration of an ordinance authorizing the transfer of the existing Class "B" (Package Store) Liquor License, which is also subject to the Local Liquor Control Commissioner's approval of the Class "B" (Package Store) Liquor License transfer.

BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MAYWOOD, COOK COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Each Whereas paragraph set forth above is incorporated by reference into this Section 1.

SECTION 2: The President and Board of Trustees of the Village of Maywood approve the sale of forty-nine percent (49%) of the corporate stock in the Illinois corporation known as "Arts2, Inc." by the sole owner, Nadem Akhzar, of Arts2, Inc. d/b/a Arts Food and Beverage ("Owner") to the buyer/applicant, Krupal Patel, ("Buyer/Applicant") in accordance with Section 117.27(C, J) (Transfer of License) of the Maywood Village Code (the "Stock Transfer Request"), subject to the conditions set forth in Section 3 below.

SECTION 3: The approval of the partial Stock Transfer Request by the Owner and by the Buyer/Applicant is subject to the following conditions:

- A. The approval of the partial Stock Transfer Request of the Owner and by the Buyer/Applicant is not a full transfer of the ownership and control of the Illinois corporation known as "Arts2, Inc." to the Buyer/Applicant.
- B. The approval of the partial Stock Transfer Request of the Owner and by the Buyer/Applicant is not a transfer of the existing Class "B" (Package Store) Liquor License to the Buyer/Applicant.
- C. The Buyer/Applicant must satisfy and comply with the eight (8) conditions of Section 117.27(J) (Transfer of License) of the Village Code, as amended, to be eligible for Village Board consideration of an ordinance authorizing the transfer of the existing Class "B" (Package Store) Liquor License, which is also subject to the Local Liquor Control Commissioner's approval of the Class "B" (Package Store) Liquor License transfer.
- D. The Owner and the Buyer/Applicant shall comply with all of the applicable provisions of Chapter 117 (Liquor) of the Maywood Village Code, as amended, including proof that the owner/licensee of the licensed establishment, on-site manager(s) and each employee has successfully passed the BASSETT program or a similar server/sale of alcoholic beverage training program.
- E. The Owner and the Buyer/Applicant shall comply with all of the other applicable provisions of federal, state, county and local laws and regulations, including but not limited to the Maywood Village Code, as amended, in the operation and maintenance of the retail convenience store on the above-listed property and elsewhere, including but not limited to the Fire Prevention Code, the Plumbing Code, the Building Code, the Property Maintenance Code, the Illinois Accessibility Code and the Zoning Code.
- F. The current owner (Nadem Akhzar) and new part-owner (Krupal J. Patel) are prohibited from employing any person in the 817 West Roosevelt Road store who has been issued a citation and has been found guilty of violating the retail sales to minor regulations of the State Liquor Control Act and the retail alcohol sale provisions of the Village Code, as amended, and/or the retail tobacco sale provisions of the Village's Tobacco Ordinance, as amended, as part of his/her employment at another retail store located in Maywood. The penalty for violating this condition for the first time shall be the maximum dollar amount set forth in the applicable Village Code provision, which means the maximum dollar amount under any tiered penalty provision, and a one year suspension of the Class "B" liquor license or the Tobacco Retail Sales license. For a second violation, the penalty shall be the maximum dollar amount set forth in the applicable Village Code provision, which means the maximum dollar amount under any tiered penalty provision, and the revocation of the Class "B" liquor license or the Tobacco Retail Sales license.

SECTION 4: All ordinances, or parts of ordinances, in conflict with the provisions of this Ordinance, to the extent of such conflict, are repealed.

SECTION 5: Each section, paragraph, clause and provision of this Ordinance is separable and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance, nor any part thereof, other than that part affected by such decision.

SECTION 6: This Ordinance shall be in full force and effect from and after its adoption, approval, and publication in pamphlet form as provided by law.

ADOPTED this 2nd day of May, 2017, pursuant to a roll call vote as follows:

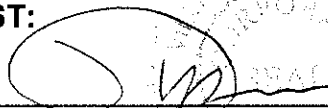
AYES: Mayor Edwenna Perkins, Trustee(s) H. Yarbrough, Sr., I. Brandon, A. Dorris, M. Rogers, M. Lightford and R. Rivers.

NAYS: None

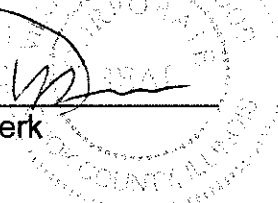
ABSENT: None

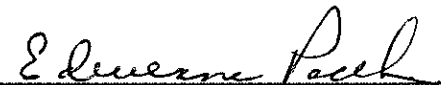
APPROVED by the Village President, and attested to by the Village Clerk on the same day, on the 4th day of May, 2017.

ATTEST:



Village Clerk





Village President

Published by me in pamphlet form this 4th day of May, 2017.



Village Clerk

