



PEORIA POLICE DEPARTMENT



April 1, 2016

City of Peoria, Liquor Commission
Office of Corporation Counsel
City of Peoria, Illinois

RE: Site Approval Application
Sonny's Club, Inc.
d/b/a TBD
633 Main St.
Requesting: Class B-1 (restaurant, 25% food)
Subclass 1 (4:00 a.m. closing)
Subclass 2 (live entertainment)

Dear Commissioners,

The current site approval application for a Class B-1 restaurant from Sonny's Club Inc., d/b/a TBA, 633 Main St., Peoria, Illinois, was remanded back to the Liquor Commission by the City Council on March 22, 2016, to consider the full history of the prior liquor establishments of this corporation. Since 1991, the applicant, Mr. Warren Danz, has been the president and sole corporate officer of Sonny's Club, Inc. Mr. Danz has previously owned several licensed taverns at this location with the most recent being Anna's Steakhouse or Anna's Bar and Grill, which was closed in 2007.

The follow up investigation into this request by Officer Slavens of Sonny's Club Inc., revealed that during Mr. Danz's tenure as owner of Boss Hog's, Hogs and Heffers, Anna's Bar and Grill and Anna's Steakhouse, the employees or agents of these establishments, have been cited 16 times for violations of the City of Peoria's liquor codes, 10 of those violations involved underage persons.

While operating as a Class A tavern, this location has had a long history of police related calls for service. In reviewing Peoria Police reports at this location from 2004 through 2008, Officer Slavens located 13 incidents of resisting arrest, 17 fight/battery calls, 2 shootings and 3 mob action reports. During that time frame the location operated as Anna's Steakhouse or Anna's Bar and Grill. The last police report filed regarding Anna's Bar and Grill was on September 12, 2005. According to Peoria City records, it appears that Anna's Bar and Grill was open sporadically from January 2006 through November 2007.

Officer Slavens reviewed the information from Corporation Counsel and found that Sonny's Club, Inc. received suspensions of five, thirty, and sixty days for various liquor violations. Officer Slavens also found that on June 29, 2005, Mr. Danz, as part of a plea agreement with the City of Peoria was ordered to make a good faith effort to sell Anna's Steakhouse within six months. To this date, the Peoria Police Department does not have any information showing that Mr. Danz has tried to sell this property. This location has remained dormant since it closed in 2007.

600 S. W. Adams Street
Peoria, IL 61602-1592
Phone 309.494.8300



PEORIA POLICE DEPARTMENT



City of Peoria, Liquor Commission
April 1, 2016
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Based on this additional information regarding the operation of previous taverns owned by Mr. Danz and his corporation, the large number of police calls, the ordinance violations produced by these taverns along with the fact that this location lost site approval for the requested liquor license, the Peoria Police Department recommends **denial** of this site approval application.

Sincerely,


Jerry Mitchell
Chief of Police

JEM/ks

cc: City Clerk
Corporation Counsel
Deputy Liquor Commissioner



Office of the Corporation Counsel



DATE: March 29, 2016

TO: City of Peoria Liquor Commission

FROM: Sonni C. Williams, Deputy Corporation Counsel

SUBJECT: **SONNY'S CLUB, INC., 633 Main St.
D/B/A ANNA'S STEAKHOUSE, F/K/A WJ'S CORNERSTOP, F/K/A BOSS HOGS**

Ownership: Warren Danz has been the President and sole corporate officer of Sonny's Club, Inc. at least since 1991 when the liquor license for the establishment operated a tavern at this location before it ceased operating near the end of 2007.

Prior Operating History:

Incident dates, violations, and penalties:

- November 16, 1991: Licensee was found guilty and fined \$100.00 for allowing under-aged person to enter or remain in the licensed establishment.
- May 4, 1992: Licensee was found guilty and fined \$200.00 for allowing patrons to remain upon the licensed premises after closing hours and allowing illegal activity (gambling).
- November 22, 1992: Licensee was found guilty of allowing under-aged person to enter or remain on the license establishment and fined \$100.00.
- July 26, 1998: Licensee was found guilty of employing an under-aged person and fined \$250.00.
- December 9, 1999: Licensee was found guilty of selling alcohol to a person under the age of 21 years.
- May 19, 2000: Licensee was found guilty of selling alcohol to a person under the age of 21 years and was suspended 5 days.
- December 17, 2000: Licensee was found guilty of failure to report an incident and violating the terms of a previous suspension order and was suspended 60 days which was later modified by the Illinois State Liquor Commission to 30 days.
- February 18, 2001: Licensee was found guilty and suspended 60 days which was later modified by the Illinois State Liquor Commission to 30 days. (This violation was combined with 12/17/2000 violations and penalty was served concurrently).
- August 8, 2004: Licensee plead no contest for failing to monitor the presence of non-aged person and suspended for 30 days and Licensee agreed to make a good faith effort to sell the tavern within 6 months. Warren Danz signed the Agreed Order.
- November 21, 2004: Licensee plead no contest for failing to monitor the presence of non-aged person and for failure to get prior approval of a manager and suspended for 30 days and agreed to make a good faith effort to sell the tavern within 6 months. (These 2 violations were combined with the violations from 08/08/2004 and 12/11/2004).
- December 11, 2004: Licensee plead no contest for failing to monitor the presence of non-aged person and suspended for 30 days and agreed to make a good faith effort to sell the tavern

within 6 months. (These 2 violations were combined with the incidents from 08/08/2004 and 11/21/2004).

The details of these suspensions are explained in a letter from Mayor Ardis dated January 9, 2009, denying the liquor license application submitted by Sonny's Club, Inc., for Anna's Steakhouse. The reasons for the denial included the above-listed suspensions as well as the lapse of site approval due to the cessation of the operation of the business as a tavern at that location. (Copy attached).

Prior History on Site Approval Application:

- In January of 2010, Warren Danz on behalf of Sonny's Club, Inc. submitted an application for site approval for a Class A (tavern) Class at the location of 633 Main Street.
- On February 23, 2010, the City Council tabled the site approval application. The Liquor Commission had recommended the site application be denied based upon the history of prior liquor code violations at that location by the same applicant and the fact that the applicant failed to comply with the Order from the last liquor license suspension to sell the business to a bona fide third party.
- On November 27, 2012, the City Council approved a motion to remove the site application off the table and moved to have the item heard at its next regular City Council meeting.
- On December 11, 2012, the City Council voted to deny the application for site approval submitted by Sonny's Club, Inc.

Current Site Application:

- On November 12, 2015, Sonny's Club, Inc. filed an application for site approval for a Class B-1 (restaurant: 25% food) license with a subclass 1 (4 a.m.) and a subclass 2 (live entertainment) license.
- The applicant, Sonny's Club, Inc., requested a continuance before the Liquor Commission on January 4, 2016, the February 1, 2016 meeting was canceled and on March 7, 2016, the Liquor Commission recommended in favor of approval of the site application.
- On March 22, 2016, the City Council remanded this current site application back to the Liquor Commission to consider the full history of the prior liquor establishment owned and operated by Sonny's Club, Inc. at this location.

January 21, 2010

Ms. Kristin Cannaday-Stash
Secretary of Liquor Commission
Office of Corporation Counsel
City of Peoria, Illinois

RE: Site Approval Application
Sonny's Club, Inc.
d/b/a Jill's Grill
633 Main St.
Requesting: Class A (tavern)
Subclass 1 (4:00 a.m. closing)
Subclass 2 (live entertainment)

Dear Ms. Cannaday-Stash,

A site application has been received from Sonny's Club, Inc., d/b/a Jill's Grill, 633 Main St., Peoria. Sonny's Club, Inc. is seeking site approval for a Class A, Subclass 1 and 2 liquor license.

Officer Scott Jordan inspected the location which sits at the corner of Main St. and Perry. The 600 block of Main St. contains four other liquor licensed businesses and there is also, a vacant business in the block. Across Main St. is a parking lot belonging to the United First Methodist Church, along with the church itself. Also across Main St. is the Peoria Public Library. The Department of Corrections work release facility is also in the 600 block of Main.

Mr. Warren Danz, the applicant, has previously owned a number of licensed taverns at this location with the most recent being Anna's Steakhouse that was closed in 2008. This location has a lengthy history of police calls. Police reports from 2004 through 2008 reveal there were 13 incidents of resisting arrest, 17 fight/battery calls, 2 shootings and 3 mob action reports filed at this location while operating as Anna's Steakhouse or Anna's Bar and Grill.

Sonny's Club, Inc. has received suspensions of five, thirty, and sixty days for various violations. Taverns at this location, or the employees, have been cited sixteen times for liquor violations including ten involving under age persons. Further, in 2005, Mr. Danz, the sole corporate officer of Sonny's Club, Inc. and the applicant for this site approval request, as part of a plea agreement was ordered to make a good faith effort to sell Anna's Steakhouse within six months. Mr. Danz failed to do so.

January 21, 2010
Kristin Cannaday-Stash
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According to the application submitted and signed by Mr. Danz he is the intended lessee of the building. A class A tavern, d/b/a Jill's Grill, is proposed to occupy the location. An attached affidavit from Jill Dunniway, the wife of Mr. Danz, states that she is the liquor licensee of Jill's Grill.

The City of Peoria Liquor Code section 3-92, Suitability of Site, states in paragraph B the following:

(1) That the establishment, maintenance, location or operation of the proposed site will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the city.

(3) That the proposed site and use, when considered separately or in conjunction with other licensed liquor establishments, will not be injurious to the use and enjoyment of other property in the vicinity, including residences, schools, hospitals, places of worship and other businesses.

(7) That the proposed site will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values with the neighborhood in which it is to be located.

The Peoria Police Department believes, based on the recent history of this location, that the proposed tavern at this location will be detrimental to both the neighboring taverns, nearby businesses (including the United First Methodist Church and the Peoria Public Library), and the surrounding neighborhood. Further, the Peoria Police Department believes that based on past police incidents and liquor violations at this location the requested site approval will endanger the public health and safety of the general public including patrons of nearby businesses.

The Peoria Police Department recommends **denial** of this site approval application.

Sincerely,

Steven M. Settingsgaard
Chief of Police

SMS/SAJ/saj

CC: W. Eric Turner
Corporation Counsel
City Clerk
Special Investigations Division



OFFICE OF THE MAYOR

January 9, 2009

Sonny's Club, Inc.
Warren Danz, Owner/President
710 N.E. Jefferson
Peoria, IL 61602

Jim Ardis
Mayor

RE: Liquor License Application
Sonny's Club, Inc.
d/b/a Anna's Steakhouse
633 Main St.
Class A (tavern)

Dear Applicant:

This letter is in response to a Class A (tavern) license application submitted by Sonny's Club, Inc., d/b/a Anna's Steakhouse, for the location 633 Main St. Peoria, IL.

Peoria Police Department conducted a background investigation of the Warren Danz, the only officer listed on the liquor license application. The investigation revealed that during Mr. Danz's ownership of the tavern at this location under various names such as Boss Hog's; Hogs and Heffers; Anna's Bar and Grill; and Anna's Steakhouse, the tavern's employees or agents have been cited 16 times for violations of the City's liquor codes in which 10 of the violations involved underage persons.

The liquor license held by Sonny's Club, Inc., has been suspended for 5 days in December 2000 for various violations of the City liquor codes; suspended for 60 days, later modified to 30 days, in May 2001; and suspended for 30 days in June 2005 for various violations of the City's liquor codes including failure to promptly report to police a fight that occurred inside the tavern that escalated to a shooting outside. In the last suspension order of June 2005 and pursuant to a plea agreement to avoid a revocation of the liquor license, the licensee was ordered to make a good faith effort to sell the tavern within 6 months. To date, Mr. Danz still maintains ownership of the tavern and is listed as the sole corporate officer of Sonny's Club, Inc.

Section 3-63 of the Code of the City of Peoria ("City Code") enumerates factors for denial of a liquor license. One of the factors is furnishing false or misleading information on the application, Subsection 3-63(27) of the City Code. In question no. 11 in Schedule I and III of the application, Warren Danz, listed as the owner-president, answered "no" the question of whether the liquor license held by Mr. Danz has ever been suspended or revoked. According to the City's records of the hearings resulting in the above-mentioned suspensions, Mr. Danz has direct knowledge of the suspension orders since he appealed the first two suspension orders (2000 and 2001) to the State Liquor Commission and signed the suspension agreement entered in 2005. Yet, Mr. Danz did not list any suspension of the liquor license in question 11 for both Schedule I and III of the application.

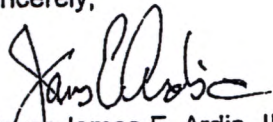
Additionally, the site in which the applicant is seeking a liquor license has lost its site approval for the retail sale of alcohol. Under Section 3-97 of the City Code, "[t]he approval for the retail sale of alcoholic liquors under a particular class of license at a particular site shall remain with that site as long as there is a continuous use of that site for the sale of alcoholic liquors under the class of license recommended and approved and as long as no liquor license at that location has been revoked by the mayor. A site shall be deemed to be continuously used as long as there is not a lapse at the site of more than 12 months in the regular conduct of the business of the retail sale of alcoholic liquors under that particular class of license."

According to the City's records, there has been a lapse of continuous use of the location as a tavern for 2006; 2007 and 2008. City's records of *gross receipts* from the sale of alcohol filed by the applicant for the period from January 2006 through November 2007 show very little sale of alcohol at the establishment, with the highest sale of \$39.00 in June 2007 and the lowest sale of \$12.00 in February 2007. The last time the licensee has filed a municipal tax return indicating sale of alcoholic liquor was for the month of December 2007 which was filed on March 26, 2008 and indicated \$659.09 in gross receipts from the sale of alcohol. There has been no reported sale of alcohol for the year of 2008. According to the Police Department's records, prior to June 12, 2005, this location was the sight of a large of number police calls including 2 shootings, 3 mob actions, 13 resisting arrests, and 17 fights. There has been no police reports from this location since June 12, 2005 and the outside appearance of the tavern indicates the tavern is closed even during the weekends and evening hours. The sudden cessation of police calls and *de minimis* sale of alcoholic beverage since 2006 indicate that the tavern at this location has ceased the regular conduct of the business of the retail sale of alcoholic liquors for more than 12 months.

Under section 3-92 of the City Code, I cannot issue any liquor license, other than temporary event licenses, unless the site for which the license is to be used has site approval for the retail sale of alcohol and according to the City's records, this site has lost its site approval due to the lapse of more than 12 months in the regular conduct of the business of the retail sale of alcoholic beverage.

Based upon the above stated reasons, the liquor license application submitted by Sonny's Club, Inc., d/b/a Anna's Steakhouse, for the location 633 Main St. Peoria, IL, is hereby denied.

Sincerely,



Mayor James E. Ardis, III
Local Liquor Commissioner

cc: Deputy Liquor Commissioner
Superintendent of Police
City Clerk
Corporation Counsel
Liquor Investigator

BEFORE THE DEPUTY LIQUOR CONTROL COMMISSIONER OF
PEORIA, ILLINOIS

In the matter of:)
Sonny's Club, Inc.) Lic. #360
d/b/a Anna's Steakhouse) Class A
633 Main)
Peoria, IL 61602)

AGREED ORDER

VIOLATION

The Licensee, Sonny's Club, Inc., d/b/a Anna's Steakhouse, is charged with violating the following:

1. Section 3-9 of the Code of the City of Peoria, to wit: on or about August 8, 2004, an agent or employee of the licensee did fail to monitor the presence of a person of non-age, in violation of the terms and conditions. (Report No. 04-23138).
2. Section 3-9 of the Code of the City of Peoria, to wit: on or about November 21, 2004, an agent or employee of the licensee did fail to monitor the presence of a person of non-age, in violation of the terms and conditions. (Report No. 04-34753).
3. Section 3-64 of the Code of the City of Peoria, to wit: on or about November 21, 2004, an agent or employee of the licensee did fail to report or get prior approval of a manager, in violation of the terms and conditions. (Report No. 04-34753).
4. Section 3-9 of the Code of the City of Peoria, to wit: on or about December 11, 2004, an agent or employee of the licensee did fail to monitor the presence of a person of non-age, in violation of the terms and conditions. (Report No. 04-36857).

GUilty PLEA

I, the Licensee or authorized agent of the Licensee, admit the violation(s) ^{SD} described above, waive my right to a hearing on the merits and PLEAD ~~GUilty~~ ^{GUilty} to said violation(s). ~~No CONTEST~~

- I agree to accept the penalty recommended by the City of a thirty (30) days suspension of the licensee's liquor license well as attend I.D. Training School, if approved by the Deputy Liquor Commissioner.
- I agree to make a good faith effort to sell the above-mentioned tavern within six (6) months to a bona-fide buyer who is not a current employee or an agent of the licensee or tavern.

Licensee/Agent: Warren Danz
Warren Danz for Sonny's Club, Inc.

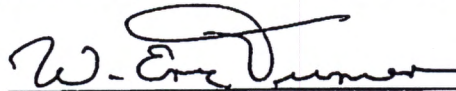
Date: 6/29/05

DECISION AND ORDER

Having been advised of the facts of the case and admissions and plea of guilty entered by the Licensee herein, I find that there is sufficient factual basis for the plea and FIND THE LICENSEE GUILTY OF THE VIOLATION(S) CHARGED.

IT IS THEREFORE ORDERED:

- Licensee's liquor license is suspended for thirty days commencing today June 29, 2005 and ending at 6 a.m. on July 28, 2005.
- Other: You or a representative must attend an I.D. Training Session conducted by the Secretary of State's Office in the Community Training Room, Peoria Police Department. You will be notified of the time and date of this training.
- Licensee agrees to make a good faith effort to sell the above-mentioned tavern within six (6) months to a bona-fide buyer who is not a current employee or an agent of the licensee or tavern.


W. Eric Turner, Deputy Liquor Commissioner/ 6/29/05
Date