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BEFORE THE DU PAGE COUNTY
ZONING BOARD OF APPEALS

Variations for a video gaming) No. Z25-045
terminal establishment) SMM Management
October 23, 2025
6:00 p.m.

PROCEEDINGS HAD and testimony
taken before the DU PAGE COUNTY ZONING BOARD
OF APPEALS, taken at the DuPage County
Administration Building, 421 North County
Farm Road, Wheaton, Illinois, before LINDA M.
CIOSEK, C.S.R. a Notary Public qualified and
commissioned for the State of Illinois.

BOARD MEMBERS PRESENT:

- MR. ROBERT KARTHOLL, Chairman.
- MR. JACK MURPHY, Commissioner.
- MR. CARL SCHULTZ, Commissioner.
- MR. DENNIS MORAN, Commissioner.
- MR. JIM JAROG, Commissioner, via Zoom.
- MR. ZAIN RAHMAN, Commissioner.

ALSO PRESENT:

MS. ASHLYN KIRBY, Zoning
Administration Coordinator.

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">E X H I B I T S</p> <p style="text-align: center;">Page No.</p> <p>Petitioner's Exhibits 1 and 2 7</p> <p>Petitioner's Exhibit 3 7</p> <p>Petitioner's Exhibit 4 8</p> <p>Petitioner's Group Exhibit 5 8</p> <p>Petitioner's Exhibit 6 8</p> <p>Petitioner's Exhibit 7 8</p> <p>Petitioner's Exhibits 8 through 12 9</p>	<p style="text-align: right;">Page 4</p> <p>1 motion?</p> <p>2 COMMISSIONER MORAN: I make a motion</p> <p>3 to permit Mr. Jarog by Zoom.</p> <p>4 COMMISSIONER MURPHY: Second.</p> <p>5 CHAIRMAN KARTHOLL: Motion by Mr.</p> <p>6 Moran, seconded by Mr. Murphy. Is there any</p> <p>7 discussion on the motion?</p> <p>8 (No response.)</p> <p>9 CHAIRMAN KARTHOLL: No discussion.</p> <p>10 All in favor of the motion, please signify by</p> <p>11 saying aye.</p> <p>12 (Whereupon, all members</p> <p>13 present responded aye.)</p> <p>14 CHAIRMAN KARTHOLL: Any opposed?</p> <p>15 (No response.)</p> <p>16 CHAIRMAN KARTHOLL: The motion</p> <p>17 carries, and the roll call will now indicate</p> <p>18 that Mr. Jarog is present by Zoom.</p> <p>19 COMMISSIONER JAROG: Thank you.</p> <p>20 CHAIRMAN KARTHOLL: And there is no</p> <p>21 public comment to be heard; is that correct?</p> <p>22 MS. KIRBY: Correct.</p> <p>23 CHAIRMAN KARTHOLL: We have no minutes</p> <p>24 to approve, and we have one case before us</p>
<p style="text-align: right;">Page 3</p> <p>1 CHAIRMAN KARTHOLL: Let's go on the</p> <p>2 record in the meeting of October 23, 2025 for</p> <p>3 the Zoning Board of Appeals. I have hereby</p> <p>4 called the meeting to order and ask that the</p> <p>5 roll be called. But, once again, I think the</p> <p>6 way to do this is not call Jim until we vote</p> <p>7 him in because he's remote; okay?</p> <p>8 MS. KIRBY: Yes.</p> <p>9 Member Rahman?</p> <p>10 COMMISSIONER RAHMAN: Here.</p> <p>11 MS. KIRBY: Member Murphy?</p> <p>12 COMMISSIONER MURPHY: Here.</p> <p>13 MS. KIRBY: Member Schultz?</p> <p>14 COMMISSIONER SCHULTZ: Here.</p> <p>15 MS. KIRBY: Member Moran?</p> <p>16 COMMISSIONER MORAN: Here.</p> <p>17 MS. KIRBY: And Chairman Bob Kartholl?</p> <p>18 CHAIRMAN KARTHOLL: Here.</p> <p>19 Now Mr. Jarog has</p> <p>20 indicated to us in advance of the meeting</p> <p>21 that he has a business commitment that</p> <p>22 prohibits him from attending this evening, so</p> <p>23 it's our custom to make a motion to permit</p> <p>24 him to be present by Zoom. Do I have such a</p>	<p style="text-align: right;">Page 5</p> <p>1 this evening and that is 25-045, the SMM</p> <p>2 Management, Inc. This is a request for a</p> <p>3 variation to allow a video gaming terminal</p> <p>4 establishment within a thousand feet of a</p> <p>5 place of assembly and daycare.</p> <p>6 And, secondly, a variation</p> <p>7 to allow a video gaming terminal</p> <p>8 establishment within a thousand feet of an</p> <p>9 existing video game cafe/restaurant video</p> <p>10 gaming terminal establishment.</p> <p>11 It's a Lisle Township case</p> <p>12 and the matter was published in the Daily</p> <p>13 Herald on October 9, 2025.</p> <p>14 I have no comments from</p> <p>15 any of the authorities to whom we've</p> <p>16 circulated the petition; however, the Village</p> <p>17 of Downers Grove has sent not a formal</p> <p>18 objection, but a letter, a short letter,</p> <p>19 indicating that they have concerns. Wait a</p> <p>20 second. Is this -- I do have an attachment</p> <p>21 that's filed as an objection, but I can't</p> <p>22 read the signature. Is that also Downers</p> <p>23 Grove, because it says see attached.</p> <p>24 MS. KIRBY: Yes.</p>

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1 CHAIRMAN KARTHOLL: That's the cover
 2 sheet for their letter. But the form of the
 3 letter does not indicate a formal objection.
 4 Now, having said that,
 5 let's have the petitioner and his witness be
 6 sworn in.
 7 (Whereupon, the oath was
 8 duly administered by the
 9 Notary.)
 10 CHAIRMAN KARTHOLL: All right, Mr.
 11 Luetkehans, would you identify yourself and
 12 your witness?
 13 MR. LUETKEHANS: Yeah, Phillip
 14 Luetkehans. My client is here, Sam Patel.
 15 He's the owner and president of SMM
 16 Management Company which owns the property.
 17 Sorry if I'm not speaking loud enough.
 18 CHAIRMAN KARTHOLL: We can hear you.
 19 MR. LUETKEHANS: Okay. I'll go
 20 through the exhibits quick just to identify
 21 them. Exhibit 1 is the survey. Now, the
 22 survey is from 2006, which I know is not
 23 normally given. It's not a development, so
 24 we don't have a new survey. But I do have

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1 Exhibit 2 is an affidavit regarding the
 2 survey advising that there have been no
 3 changes to the property since 2006 when my
 4 client bought the property.
 5 CHAIRMAN KARTHOLL: Perfect.
 6 (Whereupon, Petitioner's
 7 Exhibits 1 and 2 were
 8 marked for
 9 identification.)
 10 MR. LUETKEHANS: Exhibit 3 is an
 11 aerial. The property bounded in red is the
 12 property at issue. We'll talk more about
 13 that. And I have a large version to show you
 14 at some point.
 15 (Whereupon, Petitioner's
 16 Exhibit 3 was marked for
 17 identification.)
 18 MR. LUETKEHANS: Exhibit 4 is another
 19 aerial. Again, the property bounded in red
 20 is my client's at 2230 Maple. The property
 21 bounded in blue that you will see is Belmont
 22 Bible Church, and we'll talk about why that's
 23 relevant in a minute.
 24 (Whereupon, Petitioner's

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1 Exhibit 4 was marked for
 2 identification.)
 3 MR. LUETKEHANS: Group Exhibit 5,
 4 mostly it's a group exhibit of photos of the
 5 facility, and then the last page is just a
 6 photo from their facility to the BP Amoco
 7 across the street, across Maple.
 8 (Whereupon, Petitioner's
 9 Group Exhibit 5 was marked
 10 for identification.)
 11 MR. LUETKEHANS: Exhibit 6 is
 12 build-out costs of Angelo's Foods, which is
 13 the property. We'll talk about that again
 14 more.
 15 (Whereupon, Petitioner's
 16 Exhibit 6 was marked for
 17 identification.)
 18 MR. LUETKEHANS: Exhibit 7 is my
 19 narrative, which I think you all have in
 20 front of you.
 21 (Whereupon, Petitioner's
 22 Exhibit 7 was marked for
 23 identification.)
 24 MR. LUETKEHANS: Exhibit 8 through 12

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1 I'm not really going to spend any time on
 2 them, but these are just licenses granted by
 3 the County for pour license and et cetera
 4 that talk about video gaming and the
 5 application.
 6 (Whereupon, Petitioner's
 7 Exhibits 8 through 12 were
 8 marked for
 9 identification.)
 10 MR. LUETKEHANS: These were granted at
 11 the time. I know you've heard a bunch -- at
 12 least two, I think, at least two cases on
 13 this issue, maybe one of them I think is at
 14 the corner across the street, so I'm not
 15 going to go through all that again. You
 16 know, this has kind been a cluster, for lack
 17 of a better word. We'll kind of go through
 18 the history of this property and talk about
 19 why it's different than some of the other
 20 ones you may have heard.
 21 CHAIRMAN KARTHOLL: Okay.
 22 MR. LUETKEHANS: As I said, SMM owns
 23 the property located at the northeast corner
 24 of Belmont and Maple. And I may struggle a

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1 little because I forgot my reading glasses in
 2 the car, but this is the corner. This is
 3 Belmont, Maple. Obviously they're both
 4 five-lane roads. At this point it's a very
 5 large, busy intersection.
 6 CHAIRMAN KARTHOLL: Which way is
 7 north?
 8 MR. LUETKEHANS: North to the top.
 9 CHAIRMAN KARTHOLL: Okay.
 10 MR. LUETKEHANS: Megmil is the company
 11 that has the actual liquor license, the
 12 gaming license. It is a subtenant of SMM who
 13 owns the property, but they are both owned by
 14 the same person, Mr. Patel. And he's -- so
 15 both have -- there's a common ownership.
 16 CHAIRMAN KARTHOLL: How do you spell
 17 the first name?
 18 MR. LUETKEHANS: M-e-g-m-i-l, Megmil.
 19 That's the name of the operating company of
 20 the video gaming facility.
 21 CHAIRMAN KARTHOLL: Okay.
 22 MR. LUETKEHANS: In this building,
 23 just so you know, is a grocery store,
 24 somewhat of a catering business arising out

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1 of the grocery store, and then the video
 2 gaming. It's not a large grocery store, it's
 3 more of what I would call a market, a
 4 neighborhood market, that you see maybe more
 5 often in downtown Chicago than in the burbs.
 6 It's really not a Jewel or anything like
 7 that.
 8 Megmil has had a video
 9 gaming license from the State of Illinois and
 10 the County of DuPage with a pour license from
 11 the County since 2021.
 12 The pour licenses have
 13 continually been renewed by the County from
 14 2021 through 2025 as you will see in the
 15 exhibits, I think they're like 8 through 12.
 16 It was not until earlier
 17 this year that the County advised SMM that
 18 the subject property was non-compliant due to
 19 it being within a thousand feet of other
 20 gaming facilities and a daycare center.
 21 SMM as you know is seeking
 22 a variation to continue operating its video
 23 gaming facility within a thousand feet of the
 24 property line of other gaming facilities and

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1 a place of assembly with a daycare center.
 2 It's important to note until June of 2024,
 3 there was not a thousand -- there was no
 4 thousand foot in the County requirement, it
 5 was a hundred feet under the state, but there
 6 was no one thousand foot requirement until
 7 three or four years after my client applied
 8 for, got the gaming license, et cetera.
 9 It's also important to
 10 know that as you know and heard, we'll about
 11 talk about it real quick, this is the BP
 12 Amoco to the south. They have a -- it's a
 13 gas station with, let's just call it a very
 14 small C store, convenience store, and they
 15 have gaming. The 7-Eleven here has gaming,
 16 and I think the 7-Eleven has probably been
 17 before you. If not, it was a different one I
 18 watched, but I think this was it.
 19 So the 7-Eleven is to the
 20 west of the property on the northwest corner,
 21 the BP Amoco is on the southeast corner, and
 22 then my client's property is the northeast
 23 corner, just to kind of orient you.
 24 As I said, it's important

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1 to note that this facility, my client's, was
 2 already operational prior to any other
 3 licenses being granted. So when he came in,
 4 he was legal as far as the gaming license.
 5 As you all know, there's been some issues
 6 with liquor licenses granted and whether he
 7 was legal, but he was the only one in here.
 8 There was no thousand foot, he -- there was
 9 no thousand foot requirement, and these other
 10 two did not exist. The buildings existed,
 11 but they didn't have video gaming. It was
 12 only after he got video gaming that they came
 13 in and asked for it.
 14 Belmont Bible Church is
 15 the other, as you saw, is a variation that we
 16 need as it relates to place of
 17 assembly/daycare center.
 18 If you go to Exhibit 4, as
 19 I said before, the Belmont is in blue on that
 20 exhibit and property lines are separated 918
 21 feet apart. Door-to-door or
 22 building-to-build they're approximately 1,018
 23 feet -- 1,081 feet, excuse me. And they are
 24 also separated, as you can see, by Belmont,

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1 which we talked about is five lanes at the
 2 roadway or the corner, but it's four lanes
 3 the rest of the way. So, it is separated by
 4 a significant amount of property, homes, and
 5 really is almost not even in the same
 6 neighborhood, but it's 981 feet way -- or 918
 7 feet away property line-to-property line, but
 8 door-to-door or building-to-building they're
 9 actually over a thousand feet and have been
 10 since the get-go.
 11 So, further, and I know
 12 it's not something that you may be dealing
 13 with, but I think it does go to the hardship
 14 a little bit if you go to Exhibit 6. You
 15 will see my client, based upon receiving the
 16 gaming license, put in \$48,000.00
 17 I think it is, \$48,400.00 in expenditures
 18 based upon the granting of the license. And
 19 as you can see in Exhibit 5, you will see
 20 that the video game facility, he had to build
 21 doors, and the County also made him put in a
 22 bathroom, which is that picture there. So,
 23 that's why all these expenses; the plumbing,
 24 the walls, architect fees, et cetera, all

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1 that went with it. That was in order to make
 2 it compliant. The County made him do that to
 3 make it compliant with the video gaming. You
 4 had to have a bathroom and you had to have
 5 walls. Those were all incurred after the
 6 County agreed that he was allowed to operate
 7 there. Those expenses would not have been
 8 made if SMM -- if they had known those
 9 permits or that those permits were not
 10 appropriate and the licenses that the County
 11 granted were not appropriate.
 12 Further, without the
 13 gaming revenues, this -- I was in there and
 14 the grocery on 11:30 on a weekday, there was
 15 not one person in the grocery store. There
 16 were four or five -- I think there were four
 17 people in the video gaming, but without the
 18 video gaming this property doesn't survive.
 19 It gets sold, or at least goes on the market
 20 and the current businesses go under. The
 21 rest of the businesses in there are not
 22 making money, the only one that makes money
 23 at all is video gaming.
 24 In our opinion, the

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1 proposed variation meets the standards of the
 2 DuPage County Zoning Ordinance, which I'll
 3 talk about now. Those standards -- if you
 4 don't mind, I'll sit down so I can read
 5 easier.
 6 Standard one, there are
 7 practical difficulties or particular
 8 hardships in the way of carrying out the
 9 strict letter of the regulation of the DuPage
 10 County Zoning Ordinance. In this case, the
 11 applicant would endure a particular hardship
 12 if the variation is not granted in that it
 13 expended significant funds based upon the
 14 County's granting of the licenses and its
 15 renewal of that license on at least four
 16 separate occasions. As I said a minute ago,
 17 without this additional revenue, this
 18 property will be boarded up and sold, or at
 19 least marketed for sale. As I said, as to
 20 the other three gaming facilities across the
 21 street, the subject property was the first of
 22 the three to be issued a gaming license.
 23 And, you know, no one knows exactly why the
 24 County does what it does, but I will tell you

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1 one of the major reasons for not having it,
 2 in my opinion, was not having them within a
 3 thousand feet is so they would be buffered so
 4 they wouldn't be sitting next to each other.
 5 While they are across the street from each
 6 other, as you see this is a major
 7 intersection, five lanes each side at this
 8 location. So there's a significant buffer
 9 between the three. And, you know, I keep
 10 saying it, but my client was the first one
 11 there. He built, there was no issue of his,
 12 it only became later when the County granted
 13 the other licenses that this became a problem
 14 and then changed their Ordinance.
 15 Why is it not
 16 grandfathered in? Because there was the
 17 liquor licenses that were the problem. It's
 18 not the video gaming, it's they issued the
 19 wrong liquor licenses. And I couldn't even
 20 tell you exactly, I asked Paul about it, but
 21 it was very confusing when he told me, and
 22 then he's been gone so I haven't had a chance
 23 to go through all of it. But, the first
 24 thought that I had when Sam walked into my

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1 office is he's grandfathered in. The problem
 2 is because the liquor licenses should not
 3 have been granted, then he lost the
 4 grandfather, the grandfathering. It's not so
 5 much -- at least that's the position the
 6 County's taking. It's not so much that his
 7 use is the problem, it's that when he was
 8 granted the video gaming, their liquor
 9 license that was the appropriate was not
 10 appropriate.

11 CHAIRMAN KARTHOLL: So it didn't, if I
 12 understand that logic, the pre-existing
 13 nonconforming use he had no problem with
 14 nonconforming, but pre-existing doesn't
 15 qualify because a portion of the requirement
 16 for the use was not satisfied?

17 MR. LUETKEHANS: Correct.

18 CHAIRMAN KARTHOLL: And a totally
 19 independent or piece?

20 MR. LUETKEHANS: Yes.

21 CHAIRMAN KARTHOLL: Well, we've never
 22 had anything like that before.

23 MR. LUETKEHANS: And I'll be honest,
 24 I've never been in this situation either.

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1 So, it was not the gaming that was improper,
 2 it was the fact that somehow the County
 3 issued the wrong license or shouldn't have
 4 issued the license and then their Ordinance
 5 changed, and that is why we're all in this
 6 issue. It's not like the County sat on this
 7 for five years. I understand if he was
 8 illegal for four years, he was illegal for
 9 four years. It's not like he can say, oh, I
 10 was illegal and you waived it because it's a
 11 county, you can't do that. But the reality
 12 of it is this is a situation that was caused
 13 by mistakes in the County. What they were,
 14 how they happened I don't know. But when he
 15 built this there was no thousand feet, and
 16 when he built it he was under the impression,
 17 based on the County licenses, that he was
 18 fine.

19 And then we have this
 20 issue that, you know, the -- these two came
 21 in after, we have a large buffer between
 22 them. And then the Belmont Church, which I
 23 know is technically a violation, is still --
 24 you know, we've kind of been through this

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1 before, it's 918 feet before our property
 2 line-to-property line, but door-to-door it's
 3 over a thousand.

4 So let me go to the second
 5 standard if you don't have any more questions
 6 about that. Second, in harmony with the
 7 general purpose and intent of this chapter,
 8 will not be injurious to the neighborhood,
 9 detrimental to the public welfare and in
 10 conflict with the County's Comprehensive
 11 Plan. The proposed use is a permitted use in
 12 the B-2 General Business District, which it
 13 is. So the underlying use is not
 14 problematic, it is legal, it's the setback
 15 issue. Because it's a permitted use in B-2,
 16 it's presumed to be compatible with the other
 17 uses in the area. And the County has decided
 18 by allowing B-2 and video gaming to be a
 19 permitted use, that it's not the type of use
 20 that is detrimental to the public welfare or
 21 the general neighborhood. This is already a
 22 heavily commercial area, as you can see, you
 23 know. And we got a water tower on the other
 24 side of the 7-Eleven, we have a restaurant,

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1 barbecue restaurant here. We have a fairly
 2 large strip mall. I'm not even sure I'd call
 3 it a strip mall, it's that big. It's a
 4 number of buildings, but they're combined.
 5 So you have this -- and, honestly, you have
 6 multi-family to the west -- or east, excuse
 7 me, of the BP Amoco. I'm looking at it
 8 upside down. And then you have some moderate
 9 homes, you have another commercial building
 10 directly to the west of us -- or east of us,
 11 and then some moderate homes in that regard.
 12 So there's no -- we're not backing up or
 13 adjacent to any residential. Everything in
 14 this particular corner is all commercial, and
 15 as you can obviously see, preschoolers are
 16 not walking over to this. If you look at the
 17 picture I gave you, it's not -- I mean it
 18 says video gaming, but this isn't a place
 19 that's obviously video gaming. It's not like
 20 I'm driving by and noticing it. I've
 21 probably driven by it 30 times and never
 22 realized it was video gaming in the place.
 23 So it's not really a detriment or
 24 desensitizing children to the gaming, the

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1 gaming facility. And, obviously, there is a
 2 strict age limit and there's someone there --
 3 whenever the place is open, there's someone
 4 there to make sure anyone under age is not
 5 entering the facility.
 6 Number three, will not
 7 impair an adequate supply of light and air to
 8 adjacent property. This is a one-story
 9 building, it's already been in existence.
 10 Whether there's video gaming or not, it's
 11 going to be a one-story building until
 12 someone tears it down and makes it actually
 13 larger.
 14 Four, will not diminish
 15 the value of land and building in the
 16 vicinity. The proposed conditional use or
 17 variation, this proposed use of video, as we
 18 said has been in existence since 2020, again
 19 located on a major intersection and the
 20 County has determined this use is consistent
 21 with surrounding neighborhood uses. Given
 22 that there is no diminution of land value,
 23 especially when it's surrounded adjacent by
 24 commercial. And, honestly, there's going to

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1 be commercial at this corner no matter what
 2 we do with the video gaming.
 3 Number five, will not duly
 4 increase traffic congestion in the public
 5 streets and highways. Obviously this is
 6 already a fairly heavily-traveled road. As
 7 you may recall, I think the video gaming is
 8 only allowed six machines so we're not adding
 9 additional -- we're not really adding any
 10 additional traffic if six people are in
 11 there, or three or four. And they're there
 12 for -- they're not in there for five minutes,
 13 they're in there for an hour or whatever.
 14 This is not like we're creating 50 additional
 15 trips per hour on this already major
 16 intersection. There is more than enough
 17 parking, there's more than 20 parking spaces.
 18 And like I said, when I was there, I think
 19 there were four people in the store other
 20 than staff in the middle of the day. And it
 21 is not a -- like I said, it's not a Jewel,
 22 it's not a Publix -- well, Publix is in
 23 Florida. Sorry, wrong location. But this
 24 isn't a Whole Foods, there's not a lot of

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1 people coming in on a -- in and out of the
 2 facility. It's just not that kind of
 3 facility.
 4 Other uses in the B-2
 5 Business District such as gas stations, the
 6 7-Eleven across the street, generate much
 7 more traffic than what we're talking about
 8 the additional traffic than what we're
 9 generating already because we have this
 10 license. And since the property is already
 11 used for gaming, there has never been any
 12 traffic or other concerns caused by the
 13 existing uses on the subject property that
 14 have been raised. Hence, the use does not
 15 and will not duly increase traffic
 16 congestion.
 17 Number six, does not
 18 increase the potential for flood damages
 19 because obviously it's an existing building.
 20 We're not making any changes to it. The
 21 building was in existence well before the
 22 video gaming and, you know, it does not
 23 require any additional stormwater detention
 24 because we're doing video gaming.

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1 Number seven, will not
 2 create any additional public expense for fire
 3 protection, rescue or relief. It's not an
 4 additional building so there's no additional
 5 fire rescue. And as far as police, the --
 6 there has not been any problems. This is not
 7 a place where people sit and drink all day
 8 and problems occur because they're sitting
 9 drinking like, you know, the old Gables,
 10 whatever they call it now, Rosie O'Grady's,
 11 which we've all seen what's gone on there.
 12 Will not impair the public
 13 health, safety, comfort, morals or general
 14 welfare of the inhabitants. As I said a
 15 number of times, the County has already
 16 decided this is a consistent use with the
 17 neighborhood, does not have -- they've
 18 already made the decision that video gaming
 19 is not a moral issue, at least according to
 20 this County Board. Whether we all agree or
 21 not, who knows, but that's -- the County
 22 Board has made that determination and it is
 23 now a permitted use. And the use has been
 24 occurring on the subject property since 2021

<p style="text-align: right;">Page 26</p> <p>1 with no indication it was impairing public 2 health, safety, welfare and morals of the 3 public. 4 In sum, this project, 5 unlike maybe the other ones you've seen, 6 actually meets the standards for a variation 7 under the Ordinance, and SMM should be 8 granted the requested variation from the 9 required one thousand distance requirement 10 from a pre-existing video gaming facility -- 11 from other existing gaming facilities or a 12 place of assembly and daycare. 13 And if I remember 14 correctly -- that's really what I have. If 15 you have any questions, I'm happy to answer 16 them, but I think you get the gist. 17 CHAIRMAN KARTHOLL: Are the hours of 18 the video gaming controlled by and the same 19 as the hours dictated by the liquor license? 20 MR. LUETKEHANS: Let me find out real 21 quick. 22 So he's in operation from 23 9:00 a.m. to 7:00 p.m. He's not open late at 24 night, so that's well within the liquor</p>	<p style="text-align: right;">Page 28</p> <p>1 time they are there probably half hour or 45 2 minutes. 3 CHAIRMAN KARTHOLL: Okay. And you 4 serve alcohol at the same time? 5 MR. PATEL: Yes. 6 CHAIRMAN KARTHOLL: What's the -- I'm 7 just going to presume that the liquor license 8 controls how you regulate the use of alcohol, 9 but could you just give us a little brief 10 information? 11 MR. PATEL: In regard to? 12 CHAIRMAN KARTHOLL: Training. 13 MR. PATEL: Consumption by the 14 customers, by the people playing the video 15 gaming? 16 CHAIRMAN KARTHOLL: Right. 17 MR. PATEL: Very low. Very, very low 18 because they are more interested in playing 19 the games, they're not interested in drinking 20 the beers. 21 CHAIRMAN KARTHOLL: And you regulate 22 them somehow? 23 MR. PATEL: Yeah. I mean, if I see 24 that, if I see the guy's impaired, I actually</p>
<p style="text-align: right;">Page 27</p> <p>1 license, the liquor rules. 2 CHAIRMAN KARTHOLL: Okay. Well, 3 actually I wanted to know the hours. 4 MR. PATEL: Yes, both facilities. 5 CHAIRMAN KARTHOLL: And typically can 6 you tell us a little bit about the foot 7 traffic? In some of the cases we've heard 8 roughly the number of people who visit per 9 hour or per day, and how long do they 10 typically stay. 11 MR. PATEL: Sure. My name is Sujal 12 Patel, S-u-j-a-l. That's my real name. I go 13 by Sam. 14 So, the foot traffic of 15 the customers in the store is very low. 16 Sometimes there is no customer for two hours. 17 But for video gaming, they are like at least 18 two customer per hour. Sometimes in the 19 evening there's three or four customers per 20 hour. 21 CHAIRMAN KARTHOLL: And how long do 22 they typically stay, if you know? 23 MR. PATEL: I mean, I have monitored 24 sometimes, not all the time, but most of the</p>	<p style="text-align: right;">Page 29</p> <p>1 deny it or tell him to leave, you know, most 2 of the time. But I never had that case in 3 the last -- since we opened up in 2021. 4 CHAIRMAN KARTHOLL: Are you the one 5 that's there ordinarily? 6 MR. PATEL: Employees and myself and 7 my wife. 8 CHAIRMAN KARTHOLL: And you train your 9 employees in the same way that you described? 10 MR. PATEL: Absolutely. Yes, they 11 have that license, the serving license. I 12 forgot what is it called. 13 CHAIRMAN KARTHOLL: The bait thing? I 14 mean, no, that's DUI. BASSET. 15 MR. PATEL: Yeah, they're going -- 16 yeah, BASSET license. That's it. That's it. 17 So they have it, yeah. 18 CHAIRMAN KARTHOLL: Okay. Then the 19 only other question I have, you've asserted a 20 couple of times, and I think this is an 21 important point, or maybe an important point. 22 If you're not allowed -- if there's a 23 regulation that says you can't have three of 24 something within a certain distance but one</p>

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1 already exists and you add two more, are
 2 three now in violation or are the two
 3 newcomers in violation? I'll leave that as a
 4 rhetorical question, but could you provide
 5 some follow-up information as to how you
 6 assert you were there first, presumably based
 7 on the licenses that were issued?
 8 MR. LUETKEHANS: We can try and do
 9 that. I know Mr. Patel has been operating
 10 since then and he can tell us that that is
 11 the truth, but we'll try and find what we
 12 can. I think the 7-Eleven --
 13 MR. PATEL: I have the dates when the
 14 license was issued.
 15 MR. LUETKEHANS: Yeah, but the
 16 7-Eleven, for example, I can actually put
 17 that into evidence if you want, but in your
 18 prior hearing, that 7-Eleven put their first
 19 gaming license into evidence and that was
 20 2022.
 21 CHAIRMAN KARTHOLL: But we can't merge
 22 those records.
 23 MR. LUETKEHANS: I can give you the
 24 record right now.

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1 CHAIRMAN KARTHOLL: If you can follow
 2 up.
 3 MR. LUETKEHANS: Yeah.
 4 CHAIRMAN KARTHOLL: Just send it --
 5 MR. LUETKEHANS: I'll send that.
 6 CHAIRMAN KARTHOLL: Keep the record
 7 open so that it's -- I don't want to just
 8 take a piece of paper, I want a little chart
 9 and graph thing.
 10 MR. PATEL: I have the dates.
 11 CHAIRMAN KARTHOLL: We don't know that
 12 that's -- I can't take your phone, I need a
 13 follow-up document.
 14 MR. PATEL: Yeah, sure, I can do that
 15 because I can -- I have the document
 16 actually, it's about 800 pages. And actually
 17 my license is listed on page number 454. It
 18 shows like my name, my corporation name, my
 19 gaming license number, and when my license
 20 actually went live.
 21 CHAIRMAN KARTHOLL: Okay.
 22 MR. PATEL: I mean when the video
 23 gaming actually went live date.
 24 CHAIRMAN KARTHOLL: Okay.

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1 MR. LUETKEHANS: And we'll get you the
 2 information. I understand what you're asking
 3 for, we'll get you the information.
 4 CHAIRMAN KARTHOLL: Excellent. I
 5 don't know if it's going to be material, but
 6 it is to me at the moment.
 7 Any questions from any of
 8 the other Board members, including Mr.
 9 Jarog?
 10 COMMISSIONER JAROG: No questions.
 11 COMMISSIONER MORAN: You brought the
 12 ones that I was thinking of.
 13 CHAIRMAN KARTHOLL: Okay. I'll
 14 indicate there's no one in the audience to
 15 make comments about this case.
 16 Mr. Luetkehans, do you
 17 have a concluding remark?
 18 MR. LUETKEHANS: No, I think I spoke
 19 long enough.
 20 CHAIRMAN KARTHOLL: Okay, thank you.
 21 We'll close the hearing
 22 and set the matter for recommendation on
 23 December 4th at 5:30 in this room. And
 24 obviously it will be considered with all the

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1 similar cases and any other cases that come
 2 before us at the December recommendation
 3 meeting. That's 5:30 December 4 in this
 4 room.
 5 Now I'll indicate there's
 6 no old business, no new business to be
 7 considered, and so we are ready to adjourn
 8 the meeting. We are so adjourned.
 9 (Which were all the
 10 proceedings had and
 11 testimony taken in the
 12 above-entitled cause.)
 13
 14
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 18
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 22
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 24

1 STATE OF ILLINOIS)
) SS.
2 COUNTY OF DU PAGE)
3 I, LINDA M. CIOSEK, C.S.R.
4 No. 084-2892, duly qualified and commissioned
5 for the State of Illinois, County of DuPage,
6 do hereby certify that at the request of the
7 DU PAGE COUNTY ZONING BOARD OF APPEALS,
8 subject to the usual terms and conditions of
9 Veritext, reported in shorthand the
10 proceedings had and testimony taken at the
11 public hearing of the above-entitled cause,
12 and that the foregoing transcript is a true,
13 correct and complete report of the testimony
14 so taken at the time and place hereinabove
15 set forth.
16
17
18
19 *Linda M. Ciosek*
20 CERTIFIED SHORTHAND REPORTER
21
22
23 My Commission Expires:
24 July 26, 2026.

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