

Would you let your kids drink in your home?

December 31, 2006

BY FRANK MAIN AND DAN ROZEK Staff Reporters

When Mark and Denise Richmond moved into their sprawling Deerfield home, the Hutsell family welcomed them with open arms.

"My neighbors are very nice and polite and religious people," Mark Richmond said.

Then on Oct. 13, a drunken 18-year-old slammed his car into a tree at the entrance to the cul-de-sac where the Richmonds and Hutsells live in the affluent north suburb. The driver and a passenger were killed.

Deerfield police announced last week that Jeffrey and Sara Hutsell were being charged with allowing teenagers -- including the driver -- to drink in their basement to celebrate Deerfield High School's football homecoming. Despite his fondness for the Hutsells, Richmond hopes their legal ordeal will send a message to other parents.

"It's unfortunate they have to be scapegoats or examples for this," said Richmond, who has a 20-year-old son in college, a 14-year-old daughter and a 10-year-old son and would like to see the General Assembly pass stiffer laws against parents who tolerate teenage drinking. "Parents need to learn that something like this could happen to them. I'm all over my kids about this."

The tragedy is fueling a public discussion throughout the Chicago area about teenage drinking and parental responsibility.

The Chicago Bar Association recently aired a program on CAN TV 21 asking attorneys James A. Shapiro and Gal Pissetzky to offer their legal advice about a hypothetical situation involving parents whose daughter invites high school couples to their home on prom weekend. Under the scenario, the parents discover late in the evening that their guests sneaked alcohol into the house and the teens are drinking.

Don't 'play ostrich': lawyer

The parents would need to stop the alcohol consumption or they would face possible criminal liability, said Shapiro, a former federal prosecutor. They should make sure the teenagers do not leave the home while they are intoxicated, Pissetzky added.

"I don't think they can put their head in the sand and play ostrich," Shapiro said.

If police show up, the parents should say they are handling the situation. They should not let officers enter the home without a warrant, the lawyers said.

In an interview, Pissetzky said he represented a woman who was sentenced to 40 hours of community service for providing beer to Glenbrook North High School girls involved in a highly publicized hazing incident in 2003. He said he was surprised she was convicted, saying "she was the least culpable of anybody."

In a separate case, Pissetzky said he persuaded Cook County prosecutors to drop criminal charges against a mother who was arrested after a teenage guest in her home was busted for driving under the influence of alcohol.

"That was ridiculous, in my opinion. Yes, they were drinking in the house, but she did not know. You can't put spy cameras on kids 24-7," Pissetzky said.

"The parents should not encourage this, that's for sure," he said. "But we all know it's going to happen. Teenagers think they are smarter than their parents and will sneak the alcohol, marijuana or whatever. I recommend trying to talk to your kids."

The Deerfield tragedy is on the minds of teenagers, too.

Recently, four teens were overheard discussing their New Year's Eve drinking plans on a Metra train.

One boy said his parents allow him to drink a shot of hard alcohol when the clock strikes midnight. A girl interrupted, saying, "Can't your parents get in trouble for that?" What followed was a debate over whether their parents could go to jail for the actions of their drunken children.

Teen arrested twice

Schools like Deerfield High School regularly hammer home the dangers of drinking to their students. A drunken-driving crash simulation is performed every four years on Deerfield's football field. Two wrecked cars are placed on the field, and actors pretend to be victims. The day of the Deerfield tragedy, one homeroom teacher warned students about a female student who was killed years ago in a car whose driver was drunk.

But the message apparently is not sinking in with everyone, police and prosecutors say. The Hutsells' son, Jonathan T. Hutsell, 18, had been arrested twice in 2006 for alcohol offenses, according to Lake County court records.

He was charged Jan. 15, 2006 -- when he was still 17 -- with a curfew violation and illegal consumption of alcohol by a minor after Deerfield police stopped him near his home about 11:30 p.m., records show. He was placed on six months' court supervision, fined \$40 and ordered to perform 10 hours of community service work. He paid the fine and did the community service work at his family's church, First Presbyterian, in Deerfield.

Then on June 19, before he completed the court supervision, he was arrested again by Deerfield police for illegal consumption of alcohol by a minor. Again, it wasn't something that happened at his home.

For that offense, he was sentenced to one year of court supervision, fined \$100 and ordered to do 35 hours of community service work, complete a substance-abuse class and avoid using alcohol. He paid the fine, did the community service work at his church again and finished a substance-abuse class at College of Lake County.

Lake County prosecutors said they regularly file misdemeanor charges against adults who allow underage teens to drink alcohol, although State's Attorney Michael Waller couldn't provide specific numbers.

"What's unusual is there was a party and two kids died," said Daniel Shanes, head of felony review for the Lake County state's attorney's office.

Helping parents say 'no'?

Waller called underage drinking a "very significant problem" in the county and said a key to reducing the damage caused by the practice is to target parents who allow it to happen in their homes.

"I think the key to solving underage teen drinking is holding the parents responsible," Waller said.

Even before the deadly crash, police departments across Lake County were stepping up efforts to crack down on underage drinking, including arresting parents who allowed teens to drink in their homes.

"It does work as a deterrent," said Mundelein Police Chief Ray Rose, who heads a committee of the Lake County Association of Chiefs of Police that is working to cut underage drinking. "It allows parents at least some ability to tell their kids 'no' when it comes to drinking."

No teens at party charged

In the Deerfield case, the Hutsells were home all evening during the Oct. 13 party and walked downstairs to the basement where the teens allegedly were drinking, a law enforcement source said.

Their son Jonathan was at the party, the source said. The teens were drinking beer and rum, police said.

On Dec. 22, his parents surrendered to police on charges of endangering the health of a child, violation of the liquor control act and attempting to obstruct justice. They each were released in lieu of \$5,000 bail.

Daniel C. Bell, a graduate of the Deerfield High School class of 2006, had been drinking in the Hutsells' basement before he drove his Volkswagen Jetta into a tree several hundred feet from the home, police said. A passenger, Ross W. Trace, a senior at the school, also was killed. Both were 18. Three other teenage passengers survived.

An autopsy showed Bell's blood-alcohol level was about 0.13 percent, above the limit for adults. Trace had been smoking marijuana, police said.

The Hutsells tried to prevent police from interviewing their son, authorities said, including allegedly telling investigators at one point they couldn't talk to the teen because he was sick. The couple also are accused of covering up evidence of the party, including throwing away beer cans and alcohol.

None of the teens at the party was charged with alcohol-related offenses, largely because each left the Hutsell home before police could begin investigating who was present and had been drinking.

In addition to the misdemeanor charges against the Hutsells, which carry a possible sentence of up to a year in jail, the couple also may face a lawsuit by the estate of Ross Trace, said Scott Gibson, a lawyer for the estate.

But any lawsuit would face a steep legal hurdle: a state law that took effect in 2004 says an adult "host" can be

held liable if a teenager under 18 is served alcohol and harms someone. But the law does not apply when the drinker is 18 or over, Gibson said. Ross Trace was 18.

'Lesson to everybody'

"We will look at testing the law," Gibson said, adding that the law is illogical because in Illinois the legal drinking age is 21.

Neither the Hutsells nor their attorney could be reached for comment, despite repeated attempts on the phone and at their home.

Jeffrey Hutsell, a Harvard MBA, is president of Levels of Discovery, which sells children's products. He founded the company in 2001. He is the former president of Enesco Corp., which makes Precious Moments figurines. Sara Hutsell was a past president of the parent-teacher organization at Kipling Elementary in Deerfield from 1993 to 1994.

"They're involved. They go to church," said Richmond, their neighbor. "He's got a good business. Hopefully, it's a lesson to everybody now."