



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Hearing Notice for U-Spa, 615 S Randall Road, St. Charles

Presenter: Mayor Rogina

*Please check appropriate box:*

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/20/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

**Executive Summary:**

This is a complaint of violations being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local massage establishment license or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of multiple offenses happening on or about May 20, 2016 at the establishment of for U-Spa, 615 S Randall Road, St. Charles.

**Attachments:** *(please list)*

Citation and Notice of Hearing  
Complaint of Violation

**Recommendation / Suggested Action** *(briefly explain):*

Discussion regarding Massage Establishment Citation and Hearing Notice for U-Spa, 615 S Randall Road, St. Charles.

*For office use only:* Agenda Item Number: 8

STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF KANE AND DU PAGE )

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF  
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE MASSAGE )  
ESTABLISHMENT LICENSE OF: )  
 ) Case Number 2016-LC-09  
U SPA MASSAGE )

**CITATION AND NOTICE OF HEARING**

TO: U SPA MASSAGE  
615 S. Randall Road, Suite 100  
St. Charles, IL 60174

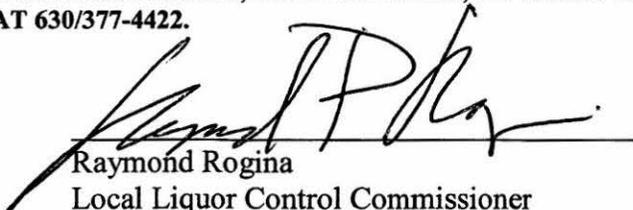
**PLEASE TAKE NOTICE THAT** on June 20, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal Code of the City of St. Charles.

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local massage establishment license issued to you or impose a fine upon you, or both, by reason of the Complaint of Violation filed by the Chief of Police, James Keegan, a copy of which is attached.

**AT WHICH TIME AND PLACE YOU MAY APPEAR AND DEFEND. YOU MAY BE REPRESENTED BY AN ATTORNEY IF YOU SO CHOOSE. ATTACHED HERETO IS AN ARRAIGNMENT FORM, WHICH IS INCORPORATED HEREIN. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING AND IF YOU FAIL TO APPEAR AT THE HEARING, YOU WILL BE FOUND GUILTY OF THE VIOLATION BY DEFAULT AND THE ST. CHARLES LOCAL LIQUOR CONTROL COMMISSIONER WILL DETERMINE THE APPROPRIATE PENALTY.**

**YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.20.150(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILLES, AT 630/377-4422.**

DATED this 26<sup>th</sup> day of May, 2016.

  
Raymond Rogina  
Local Liquor Control Commissioner  
City of St. Charles

cc: Mark Koenen, City Administrator  
Chief of Police, James Keegan

STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF KANE AND DU PAGE )

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: JUTENKA XIAN (OWNER) U-SPA at 11:35 am  
\_\_\_\_\_ on the 26<sup>th</sup> day of May, 2016.

QPC #340

SUBSCRIBED AND SWORN TO  
before me this 26 day of May, 2016.

France Cevallos  
NOTARY PUBLIC



STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF KANE AND DU PAGE )

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF  
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE MASSAGE )  
ESTABLISHMENT LICENSE OF: )  
 ) Case Number 2016-LC-09  
U Spa Massage )  
615 S. Randall, Suite 100 )  
St. Charles, IL 60174 )

**COMPLAINT OF VIOLATION**

**NOW COMES** the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois and files this complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. That on or about May 20, 2016, at approximately 9:45 p.m., the Licensee, U Spa Massage, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

**OFFENSE**

Violated Section 5.20.130(D) of the Massage Establishment Act which states:

“No person shall advertise, promote, or refer to himself or herself as a massage therapist as herein defined without being a massage therapist as provided in this chapter or Illinois statute.”

Violated Section 5.20.110(A) of the Massage Establishment Act which states:

“Supervision. A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this

chapter by any agent or employee of the licensee shall constitute a violation by the licensee.”

3. That the acts detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.20.130(D) and 5.20.110(A) of the St. Charles Municipal Code.

4. That on or about May 20, 2016, U Spa was operating under a Massage Establishment License issued by the City of St. Charles.

5. That the Licensee, U Spa Massage, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

**WHEREFORE**, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.20.150 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the Massage Business Commission, hold a hearing on this matter and take such action against U Spa Massage as the Massage Business Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink, appearing to read "James Keegan", is written over a horizontal line.

James Keegan  
Chief of Police  
City of St. Charles, Illinois

John M. McGuirk  
Attorney for the City of St. Charles  
Hoscheit, McGuirk, McCracken  
& Cuscaden, P.C.  
1001 East Main Street, Suite G  
St. Charles, IL 60174  
630/513-8700

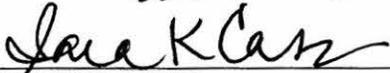
STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF KANE AND DU PAGE )

**CERTIFICATION**

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

  
James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO  
before me this 26<sup>th</sup> day of May, 2016.

  
NOTARY PUBLIC



## ARRAIGNMENT FORM

I, \_\_\_\_\_, as agent for U SPA MASSAGE, being a licensee charged with a violation of Chapter 5.20 of the Municipal Code of the City of St. Charles at **615 S. Randall Road, Suite 100, St. Charles, Illinois 60174**, do hereby enter a plea of:

- Guilty, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.
- Guilty, I do not request a hearing.
- Not Guilty. I request a hearing.

U Spa Massage

Signature: By: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn to before me

This \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

**Form can be faxed to 630/377-4440  
or e-mailed to the attention of Tina Nilles  
at [tnilles@stcharlesil.gov](mailto:tnilles@stcharlesil.gov)  
Hard copy must follow by U.S. Mail**



# St. Charles Police Department

## CASE REPORT

CASE# 2016-00011194

211 N. Riverside Avenue  
St. Charles, IL 60174

EVENT	REPORTED DATE/TIME <b>05/23/2016 11:55</b>	OCURRED INCIDENT TYPE <b>5000 ALL OTHER CRIM OFFENSES</b>	LOCATION NAME <b>U SPA</b>
	OCURRED FROM DATE/TIME <b>05/20/2016 21:10</b>	OCURRED THRU DATE/TIME <b>05/20/2016 21:45</b>	LOCATION OF OCCURRENCE <b>615 S RANDALL RD 100 St Charles, IL</b>

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01	<b>225 ILCS 57.0/30-B VIOLATE MASSAGE LICENSING ACT</b>	<b>1</b>

SUBJECT	JACKET/SUBJECT TYPE <b>Adult</b>	NAME (LAST, FIRST, MIDDLE SUFFIX) <b>WANG, LI</b>					
	<b>SUSPECT/OFFENDER</b>	ADDRESS (STREET, CITY, STATE, ZIP) <b>CHICAGO, IL 60616</b>					
	DOB AGE or AGE RANGE						
	RACE <b>ASIAN/PACIFIC ISLANDER</b>	SEX <b>FEMALE</b>	HEIGHT or RANGE <b>5'4</b>	WEIGHT or RANGE <b>120</b>	HAIR <b>BLACK</b>	EYE <b>BROWN</b>	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

SUBJECT	JACKET/SUBJECT TYPE <b>Adult</b>	NAME (LAST, FIRST, MIDDLE SUFFIX) <b>MEI, YAN</b>					
	<b>OTHER PERSON</b>	ADDRESS (STREET, CITY, STATE, ZIP) <b>CHICAGO, IL 60616</b>					
	DOB AGE or AGE RANGE						
	RACE <b>ASIAN/PACIFIC ISLANDER</b>	SEX <b>FEMALE</b>	HEIGHT or RANGE	WEIGHT or RANGE	HAIR <b>BLACK</b>	EYE <b>BROWN</b>	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

SUBJECT	JACKET/SUBJECT TYPE <b>Adult</b>	NAME (LAST, FIRST, MIDDLE SUFFIX) <b>WITNESS</b>					
	<b>WITNESS</b>	ADDRESS (STREET, CITY, STATE, ZIP)					
	DOB AGE or AGE RANGE						
	RACE <b>WHITE</b>	SEX <b>MALE</b>	HEIGHT or RANGE <b>5'10</b>	WEIGHT or RANGE <b>240</b>	HAIR <b>GRAY</b>	EYE <b>HAZEL</b>	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

REPORTING OFFICER <b>340 Lamela</b>	DATE <b>05/23/2016</b>	REVIEWED BY
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# St. Charles Police Department

CASE REPORT  
211 N. Riverside Avenue  
St. Charles, IL 60174

CASE# 2016-00011194

## ADDITIONAL SUBJECTS

<b>SUBJECT</b>	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	<b>OTHER PERSON</b>	<b>XIAN, JUTENG</b>					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
			<b>St Charles, IL 60174</b>				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
<b>ASIAN/PACIFIC ISLANDER</b>	<b>FEMALE</b>	<b>5'1</b>	<b>96</b>	<b>BLACK</b>	<b>BROWN</b>		
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

<b>SUBJECT</b>	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	<b>OTHER PERSON</b>						
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
			<b>St Charles, IL 60174</b>				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
<b>WHITE</b>	<b>MALE</b>	<b>6'1</b>	<b>185</b>	<b>BROWN</b>	<b>GREEN</b>		
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

<b>SUBJECT</b>	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

<b>SUBJECT</b>	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

<b>SUBJECT</b>	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE		
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

REPORTING OFFICER <b>340 Lamela</b>	DATE <b>05/23/2016</b>	REVIEWED BY
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**St. Charles Police Department**

**CASE REPORT**  
211 N. Riverside Avenue  
St. Charles, IL 60174

CASE# 2016-00011194

**NARRATIVE**

On 05/20/2016, at approximately 2130 hours, the St. Charles Police Department conducted massage compliance checks at area massage establishments. The purpose of the compliance checks were to ensure / evaluate their legal compliance with the City of St. Charles Massage Establishment Local Ordinance and State Laws. During the compliance checks, it was noted that Hang Da Spa, Massage World and Shangri La were closed for business.

At 2145 hours, Detective Bauwens and I went to U-Spa located at 615 S. Randall #100 in St. Charles, Illinois. I noticed that the "Open" light was activated. Due to the curtains covering the windows and the main door, it appeared as if the interior lights were off. I approached the business to check if the establishment was open or closed. I opened the front door and as the door opened, the doorbell activated to alert employees that a customer had entered.

As I entered the establishment, I noticed that the interior lights were all on. I observed a female walking toward me from the hallway. There is a curtain hanging between the hallway and front waiting area. As the female was approaching me, she stopped on the other side of the curtain as if she was trying to hide. I announced my presence and had to instruct the female to enter the waiting area. The female complied and advised that she did not speak English. I pointed to the State of Illinois Massage License hanging on the wall and asked if she had one and she stated that she did not. I asked the female for her identification and she presented a State of Illinois ID Card. The female was identified as Yan Mei. While I was gathering Yan's information, a second female Asian exited out of the second door on the left side of the hallway.

I asked the female Asian for her identification and she provided me with a State of Illinois Driver's License. This subject was identified as Li Wang. I asked Li if she possessed a State of Illinois Massage Therapist License and she stated that she did not speak English. While I was gathering the Li's and Yan's information, Detective Bauwens entered the massage room where Li exited from and located a customer,

Detective Bauwens brought [redacted] out of the room. I asked [redacted] if he was getting a massage and he stated that he was. I asked [redacted] who was providing him with the massage and he pointed to Li and stated, "her". I asked [redacted] if he paid for the massage and he stated that he did. [redacted] stated that he entered U-Spa at approximately 2115 hours. [redacted] stated that he paid Li \$60 for a 1 hour massage. [redacted] stated that Li began the massage but did not finish due to our compliance check.

While speaking with [redacted], the owner and manager of U-Spa arrived on scene, Juteng Xian and her husband, [redacted]. Juteng stated that she received a call from Yan informing her that the police were at her establishment. I asked Juteng if Li possessed a valid Illinois Massage Therapist License and she stated that she did not. Juteng stated that Li possesses a valid Indiana Massage Therapist License. Juteng stated that Yan and Li were visiting her and she allowed them to work at the establishment. Juteng stated that Mei does not possess a Massage Therapist License and was only visiting at the establishment.

I informed Juteng that I would be contacting the Illinois Department of Financial and Professional Regulation to check if there is a compact agreement between Illinois and Indiana regarding Massage Therapist Licenses. Juteng stated that Li and Mei were staying with her for the week at her residence. Juteng stated that Li and Mei reside in China Town. I informed Juteng that because she was not at the establishment while massages were being conducted, she was in violation of the City of St. Charles Massage Establishment Ordinance 5.20.110 - Conditions and Restrictions of Licenses (A) Supervision. I also informed Juteng that if there is not a compact between Illinois and Indiana, she would also be in violation of the Massage Establishment Ordinance 5.20.030 - Massage Therapist Required. Juteng stated that she would provide me with a copy of Li's Massage Therapist License on 05/23/2016. I informed Juteng that I would be contacting her 05/23/2016 to follow up on this investigation. Juteng refunded [redacted] his money back and all parties were free to

REPORTING OFFICER <b>340 Lamela</b>	DATE <b>05/23/2016</b>	REVIEWED BY
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**St. Charles Police Department**

**CASE REPORT**  
211 N. Riverside Avenue  
St. Charles, IL 60174

**CASE# 2016-00011194**

**NARRATIVE (continuation)**

leave.

NOTE: Prior to Juteng's arrival, I performed a search of the establishment and did not locate any other employees or customers inside of the business.

On 05/23/2016, I made contact with Diane Green, Board Liaison for the Illinois Department of Financial and Professional Regulation. I informed Diane of this investigation and she stated that Illinois does not have a compact with any other state. Diane stated that anyone who provides a massage in the State of Illinois must possess a valid State of Illinois Massage Therapist License.

After speaking with Diane, I was informed that Juteng was at the front desk wanting to speak with me. I met with Juteng in the front interview room. Juteng provided me with a screen shot of Li's Indiana Massage Therapist License #MT21605791. (See attached document) I informed Juteng of my conversation with Diane Green and that Li violated the Massage Licensing Act. I asked Juteng if Li was still at her residence and she stated that she was not. Juteng stated that on 05/21/2016, Li went back to China Town. I informed Juteng that I would attempt to obtain an arrest warrant for Li for Violating the Massage License Act. I explained to Juteng that I would also be documenting the ordinance violations and that those violations would be handled administratively through the St. Charles Alcohol, Tobacco and Massage Board. I informed Juteng that I would contact her with any further questions. Juteng stated that she wanted to sell the business because she was not making any money and the lease was too expensive. Juteng then left the police department.

I prepared charging documents for Li for Violating the Massage License Act. Once I receive a case number, I will go to the Kane County Judicial Center to attempt to obtain an arrest warrant for Li. I logged onto the Indiana Licensing Agency web site, [www.in.gov](http://www.in.gov) and ran Li for her Massage Therapist License. Li's license came back "Active". (See attached document) Investigation to continue.

Pending Investigation  
DL#340

REPORTING OFFICER

**340 Lamela**

DATE

**05/23/2016**

REVIEWED BY

<https://mylicense.in.gov/egov/24main.html>

**Indiana Professional Licensing Agency**

402 W. Washington Street, Room 10072  
Indianapolis, IN 46204

MT21605791  
LW0110

has completed all requirements for licensure in Indiana as a

**MASSAGE THERAPIST**

To check the current status and expiration date for this license, please visit  
<http://mylicense.in.gov/verification>

Michael R. Pence

Deborah J. Pyle



# Indiana

Online Licensing

**New Search**

**Litigation Documents**

**Digital Certification**

**Massage Therapy Board**

Li Wang

Chicago IL 60616

<b>License No:</b>	MT21605791
<b>Profession:</b>	Massage Therapy Board
<b>License Type:</b>	Massage Therapist
<b>Obtained By Method:</b>	Examination
<b>Issue Date:</b>	5/2/2016
<b>Expiration Date:</b>	5/15/2017
<b>License Status:</b>	Active

Previous Action - None

No Prerequisite Information