



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Notice for Massage World, 2460 W Main Street, 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"/>
-----------------	--	-----------	-----	--------------------------	----	--------------------------

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 13, 2016 at the establishment of for Massage World, 2460 W Main Street, 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 Massage World, 2460 W Main Street, St. Charles.

For office use only:

Agenda Item Number: 9

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 MESSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-07
MESSAGE WORLD)

CITATION AND NOTICE OF HEARING

TO: MESSAGE WORLD
2460 W. Main Street, Unit 104
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 23 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: LING LING LI at MASSAGE WORLD,
2460 W. MAIN STREET on the 24TH day of May, 2016.

Gate CMDR#315

SUBSCRIBED AND SWORN TO
before me this 24 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-07
Massage World)
2460 W. Main Street, Unit 104)
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:

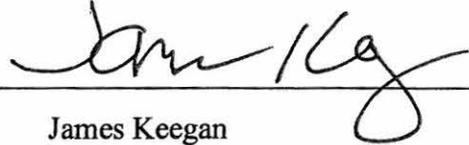
1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.
2. That on or about May 13, 2016, at approximately 10:25 p.m., the Licensee, Massage World, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

OFFENSE

Operated the business premises as a massage establishment after 10:00 p.m. providing massages to two (2) male patrons.

3. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.20.110(J) of the St. Charles Municipal Code.
4. That on or about May 13, 2016, Massage World was operating under a Massage Establishment License issued by the City of St. Charles.
5. That the Licensee, Massage World, 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 Massage World as the Massage Business Commissioner shall deem appropriate under the circumstances.



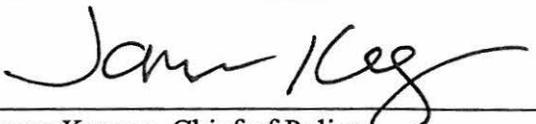
James Keegan
Chief of Police
City of St. Charles, Illinois

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)

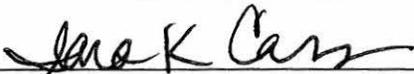
CERTIFICATION

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 20th day of May, 2016.



NOTARY PUBLIC



ARRAIGNMENT FORM

I, Jan Sellers, as agent for Massage World, being a licensee charged with a violation of Chapter 5.20 of the Municipal Code of the City of St. Charles at 2460 W. Main Street, Unit 104, 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.

Massage World

Signature:

By: Jan Sellers

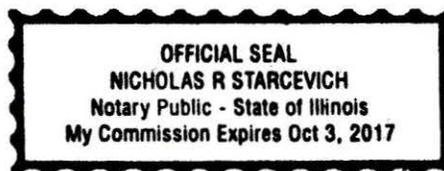
Date:

6/8/16

Subscribed and sworn to before me

This 8TH day of JUNE, 2016.

Nicholas R. Starceвич
Notary Public



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

Memo

Date: 5/16/2016
To: Commander Jerry #315 
From: Detective Drew Lamela #340 DL#340
Re: Massage World / After Hours Compliance Check

On 05/13/2016, the St. Charles Police Department conducted an after hour compliance check at Massage World located at 2460 W. Main Street Unit #104 in St. Charles, Illinois after receiving anonymous calls regarding possible after hour business taking place at the establishment. The anonymous callers also advised that they have witnessed men entering through the rear door of Massage World with alcohol after hours.

During the compliance check, I was parked in my Investigations unmarked squad car, a Ford Taurus on the north end of the parking lot of 2460 W. Main Street with a clear view of the front door. Detective Ketelsen was parked in his unmarked squad car, a Ford Fusion in the parking lot of the St. Charles Bowling Alley located at 2520 W. Main Street with a clear view of the rear door of Massage World. Officer Grove was also assisting with this compliance check.

At 9:40 pm, I observed (2) male subjects exit a grey 2010 Hyundai bearing Illinois registration of . The male subjects then approached Massage World and rang the doorbell and waited to be allowed in. Shortly after ringing the doorbell, the male subjects were allowed entry into the establishment.

Having conducting compliance checks and background investigations for Massage Establishment Licenses at Massage World, I had knowledge that Massage World's hours of operation were from 9:00 am – 10:00 pm. Also having knowledge that Massage World only offers 30 minute, 45 minute, 60 minute and 90 minute massages, the employees would be operating after business hours.



At approximately 10:25 pm, the male subjects did not exit the establishment and I did not observe anyone else approach or enter the establishment. The "Open" sign located in the front window was still on. Officer Grove and I approached Massage World and I attempted to enter the establishment but the front door was locked. I rang the doorbell and was greeted by an employee, Ling Ling Li.

Ling Ling Li allowed us to enter and the (2) male customers were standing in the front waiting room and appeared to have been leaving the establishment. Also present was a second employee, Hua Yang. Both Li and Yang provided Officer Grove with their Illinois Driver's License. I informed Li and Yang that they were operating after hours, which was a violation of the Massage Establishment License Ordinance. Li stated that she forgot to turn off the "Open" sign.

Li then made a phone call and handed me her cell phone. I identified myself and was informed that I was speaking with Ling Copeland, who is also listed on the lease for Massage World. I informed Copeland of the violation and she stated that the male subjects had appointments. I informed Copeland that the ordinance states that no massages shall be conducted after 10:00 pm. I then ended the call with Copeland.

After obtaining Li's and Yang's information, I located both of their Illinois Massage Therapist Licenses on the wall in the waiting area. Having just conducted the background investigation for Massage World's renewal application, I had knowledge that the owner, Jun Sellers only listed herself as the manager on the application. Yang was also not listed as an employee on the renewal application. I conducted a brief walk through of the establishment and noted that there were no signs of alcohol or anyone else inside of the business.

I then spoke with the (2) male customers who stated that this was their first time at the establishment. I asked the subjects if they had appointments and they stated that they did not. I asked the subjects if they received massages and they stated that they did. I asked the subjects if they solicited the employees for a sexual act in exchange for money and they both stated that they did not. I asked the subjects if they were solicited for a sexual act by the employees or received a sexual act in exchange for money and they stated that they did not. Both subjects did state that if they were offered a sexual act, they would have accepted. Both subjects were instructed to leave and they complied. I then instructed Li and Yang to close the establishment and I observed them drive away in a blue minivan.

Memo

Date: 5/6/2016
To: Commander Jerry Gatlin #315
From: Detective Drew Lamela #340 016*340
Re: Massage Establishment Renewal / Massage World

The purpose of this memo is to document the Massage Establishment License Renewal Application for Massage World.

Massage World is located at 2460 W. Main Street, Unit 106 in St. Charles, Illinois. The owner, Jun Sellers stated that Massage World is still insured by State Farm Fire & Casualty Company. (Policy #) The policy coverage is for \$1,000,000.00 for each claim \$2,000,000.00 in aggregate. The policy expires on 11/07/2016. Jun signed a lease with North & Randall, LLC and Rossi Real Estate Corp. Jun signed a (4) year lease on 08/12/2012, which goes through 08/12/2016. The copy of the lease was provided during the initial background investigation.

On 05/05/2016, at 1345 hours, I went to Massage World and conducted an inspection. The business floor plan has not changed since the date of the initial background investigation. I was greeted by Ling Ling Li (dob) , an employee of the business. Ling Ling's State of Illinois Massage Therapist License #227.016600 was displayed in the waiting area. Ling Ling was the only employee present and there was not a manager on site. Ling Ling Li is listed as an employee on page #3 of the renewal application. Jun Sellers is the only manager listed on page #2 of the renewal application.



The only violation I observed during the inspection was:

5.20.110 – Conditions and Restrictions of Licenses

A. 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.

I ended my inspection and noted the above violation was the only area of concern at this time. I ran Ling Ling Li's State of Illinois Massage Therapist license through the Illinois Department of Financial and Professional regulation web site, which came back "Active" with no discipline.

All of the documents for Massage World are complete and up to date.

This concludes this background investigation for Massage World's renewal application for Massage Establishment.

Detective Drew Lamela #340