



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Citation and Notice for The Filling Station

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 (9/16/13)

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 violation 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 liquor license issued for The Filling Station or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about August 16, 2013.

Attachments: *(please list)*

Citation and Notice of Hearing
Complaint of Violation

Recommendation / Suggested Action *(briefly explain):*

Discussion regarding Citation and Notice for The Filling Station.

For office use only:

Agenda Item Number: 6

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 LIQUOR)
LICENSE OF:)
) Case Number 2013-LC-____
THE FILLING STATION)

CITATION AND NOTICE OF HEARING

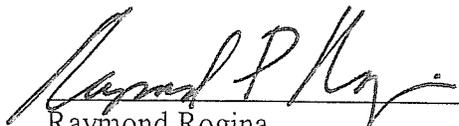
TO: THE FILLING STATION
300 W Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on September 16, 2013 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 5.08 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

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 liquor license issued to you or impose a fine upon you, or both, by reason, by reason of the Complaint of Violation filed by the Chief of Police, James Lamkin, 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. YOU MUST COMPLETE AND RETURN THE ARRAIGNMENT FORM WITH SEVEN (7) CALENDAR DAYS PRIOR TO THE HEARING. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK. IF YOU FAIL TO FILE THE FORM WITHIN SEVEN (7) CALENDAR DAYS PRIOR TO THE HEARING, A PLEA OF NOT GUILTY SHALL BE ENTERED ON YOUR BEHALF BY THE CITY CLERK. IF YOU SUBSEQUENTLY ENTER A PLEA OF GUILTY OR ARE FOUND GUILTY AFTER A HEARING, THEN 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.

DATED this 27th day of August, 2013.


Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Lamkin
STATE OF ILLINOIS)

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

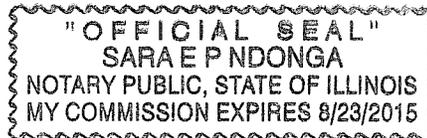
CERTIFICATE OF SERVICE

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: Heather M. Boyd at _____
300 West Main on the 27 day of 08, 2013.

Sgt Tom Shaw

SUBSCRIBED AND SWORN TO
before me this 27th day of August, 2013

Sara E Pndonga
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 LIQUOR)
LICENSE OF:)
) Case Number 2013-LC- 01
THE FILLING STATION)
300 W. Main Street)
St. Charles, IL 60174)

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Lamkin, 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. On or about August 16, 2013 at approximately 02:03 a.m., the Licensee, The Filling Station, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 300 W. Main Street, St. Charles, Illinois:

OFFENSE

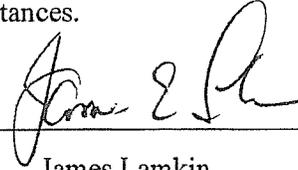
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about August 16, 2013, The Filling Station was operating under a Class B-3 liquor license issued by the City of St. Charles.

4. That the acts detailed in Section 2 of this Complaint of Violation each are prohibited and are in violation of and contrary to Section 5.08.250 (R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, The Filling Station, 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 Lamkin, Chief of Police requests pursuant to Section 5.08.320 of the St. Charles Municipal Code that the Local Liquor Control Commission hold a hearing on this matter and take such action against The Filling Station as the Commissioner shall deem appropriate under the circumstances.



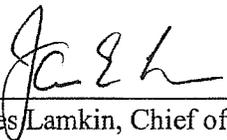
James Lamkin
Chief of Police
City of St. Charles, Illinois

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

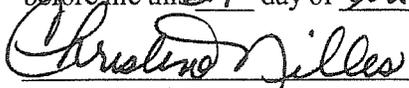
STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

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 Lamkin, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 27 day of August, 2013.


NOTARY PUBLIC



ARRAIGNMENT FORM

I, _____ being a licensee charged a violation of Chapter 5.08 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq. at **address of license**, 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 will attend a hearing.

Signature: _____

Date: _____



Case Report Summary



Print Date/Time: 10/08/2013 10:01
 Login ID: kschult
 Case Number: 2013-00016863

ST CHARLES POLICE DEPARTMENT
 ORI Number: IL0451400

Case

Case Number: 2013-00016863
 Location: 300 W MAIN ST
 SAINT CHARLES, IL 60174
 Reporting Officer ID: 0104 - Runkle

Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
 Occurred From: 08/16/2013 02:03
 Occurred Thru: 08/16/2013 02:03

Disposition:
 Disposition Date:
 Reported Date: 08/16/2013 02:03 Friday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	7325	5-08-300	OPEN ALCOHOL IN A PUBLIC PLACE	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	LANG, DENNIS J, JR	[REDACTED]		WHITE	MALE	23
ARRESTEE	2	GUTHRIE, ADRIANNA L	[REDACTED]		WHITE	FEMALE	22
MENTIONED BUSINESS	1	FILLING STATION	300 W MAIN ST SAINT CHARLES, IL 60174	(630)584-4414			
OTHER PERSON	1				WHITE	FEMALE	21
OTHER PERSON	2	MILLIGAN, PETER J			WHITE	MALE	50
SUSPECT/OFFENDER	1				WHITE	MALE	26

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
17569 A	LANG, DENNIS J, JR	300 W MAIN ST SAINT CHARLES, IL 60174	08/16/2013 02:03	ON VIEW	23
17570 A	GUTHRIE, ADRIANNA L	300 W MAIN ST SAINT CHARLES, IL 60174	08/16/2013 02:03	ON VIEW	22

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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Case Report

Summary



Print Date/Time: 10/08/2013 10:01
Login ID: kschult
Case Number: 2013-00016863

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

OfficerID: Brunkle, Narrative

On 081613 around 0203 I was sitting on 3rd St. facing southbound near the Filling Station due to a group of subjects being a bit rowdy out back. About that time I observed a male (wearing a blue shirt, a hat, and who had piercings in his face) and a female exit the patio area of the Filling Station and began walking northbound towards my car.

About that same time across the street an intoxicated subject began making loud noises so I turned to see what was going on. After seeing the subject making sexual motions and noises, I turned back to see an employee from the Filling Station chasing after the male (blue shirt) and female who seemed to hurry up or pick up their speed as she pursued them. It appeared as if they had skipped out on their bill and she was attempting to catch them.

I turned my squad around to see if the employee needed help. I pulled up next to the employee and asked what was happening. The employee told me that she believed the female had left her phone behind. I told her I would go and try to stop the subjects. I pulled onto Cedar St. from 3rd St. and observed the blue shirt male hurrying the female behind a vehicle parked on the north side of Cedar St. across from the Alibi's back door. I pulled down the street as the blue shirt wearing male began coming back towards I saw the female now with another male hiding something as they were now fast walking towards the Breadsmith. I pulled into the Breadsmith parking lot and they began walking away from my direction even faster still holding something down at their far sides away from me.

As the male tried to get the female on his outside I observed glass cups being held at the female's side. I exited my squad and ordered the subjects to stop. They continued walking away so I yelled for them to stop and return to my location once more. I confirmed her to be holding two glass cups full of what was later determined to be alcoholic beverages. I could see a large glass shape bulge beneath the male subjects t-shirt as well. I told him I could clearly see the glass and asked him to pull it out of his shirt. The male did so. The male was identified as Dennis Lang Jr. Lang told me the drinks were called "Rainman". Lang told me it was basically a Long Island Ice Tea with lemonade instead of tea.

I asked Lang and the female identified as Adrianna Guthrie if the third drink belonged to the male wearing the blue shirt. They told me it did. I asked them his name and I was informed his name was . I asked Lang and Guthrie whom the glasses belonged to. They both confirmed the glasses belonged to the Filling Station telling me that they had been on the patio area at the Filling Station.

I asked if the glasses had been concealed when they walked out of the patio area. Guthrie told me that she simply carried it out in her hand as no one was watching. Lang told me that he hid his in his shirt but that his cousin (unnamed) walked out with his drink in hand, and got in a cab with it prior to them walking out. Lang told me several times that no one was watching and how he watched a couple people walk out with drinks in their hands.

I asked Lang and Guthrie to walk the glasses back over to the Filling Station so I could ask what they wanted to do about their glassware being taken without consent. They agreed to walk over and once there I made contact with the owner Peter Milligan and

The situation was explained to Milligan and he argued how he had signs posted on the exit. I asked Milligan if anyone was outside watching. Milligan informed me that should have been watching. I asked Milligan if he wanted to pursue charges against Guthrie and Lang for stealing the glassware. Milligan grabbed the glasses and told me no, quickly removing them from my sight.

Lang tried to apologize to Milligan saying he would pay the fine. Milligan responded by saying my fine is going to be \$3500. Lang and Guthrie were issued ordinance citations for open alcohol in a public place. I told Milligan I would be writing a report to document the incident as well.

I did not pursue charges against as I never personally saw him with a glass of alcoholic beverage in hand. At this time this case is closed by adult arrest.

MRG311

Routing: