



**ST. CHARLES**  
SINCE 1834

**AGENDA ITEM EXECUTIVE SUMMARY**

Title: Discussion Regarding Citation and Notice for the Thirsty Fox

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 (11/18/13)

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 Thirsty Fox or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about September 5, 2013.

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

Citation and Notice of Hearing  
Complaint of Violation

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

Discussion regarding Citation and Notice for the Thirst Fox.

*For office use only:*

*Agenda Item Number: 5*

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-03  
BIG EDS ENTERTAINMENT, INC. )  
(THIRSTY FOX PUB) )

**CITATION AND NOTICE OF HEARING**

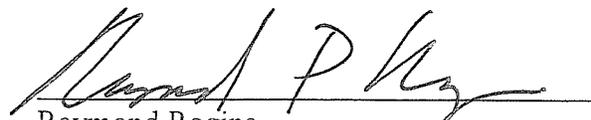
TO: BIG EDS ENTERTAINMENT, INC. (THIRSTY FOX PUB)  
104 East Main Street  
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on November 18, 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 5.08.270 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 VILLAGE 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 29th day of October, 2013.

  
Raymond Rogina  
Local Liquor Control Commissioner  
City of St. Charles

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

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: SAMANTHA STONE at 1405 HOURS  
104 E. MAIN ST. on the 30<sup>TH</sup> day of October, 2013.

R. M. Y. 341

SUBSCRIBED AND SWORN TO  
before me this \_\_\_ day of October, 2013

[Signature]  
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-03  
BIG EDS ENTERTAINMENT, INC. )  
(THIRSTY FOX PUB) )  
104 East 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 October 18, 2013 at approximately 10:23 a.m., the Licensee, Big Eds Entertainment, Inc. (Thirsty Fox Pub), by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 104 E. Main Street, St. Charles, IL 60174:

**OFFENSE**

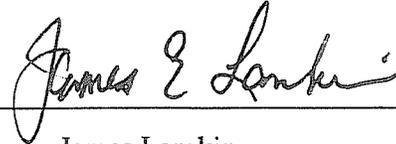
Served alcoholic liquor to two persons under the age of 21 years.

3. On or about October 18, 2013, Big Eds Entertainment, Inc. (Thirsty Fox Pub) was operating under a Class C2 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 5.08.270 (R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Big Eds Entertainment, Inc. (Thirsty Fox Pub) 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 Big Eds Entertainment, Inc. (Thirsty Fox Pub) as the Commissioner shall deem appropriate under the circumstances.



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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<sup>th</sup> day of October, 2013.

  
NOTARY PUBLIC





# Case Report Summary



Print Date/Time: 10/21/2013 14:33  
 Login ID: dleahy  
 Case Number: 2013-00022143

ST CHARLES POLICE DEPARTMENT  
 ORI Number: IL0451400

### Case

Case Number: 2013-00022143	Incident Type: 2210 SALE OF ALCOHOL TO MINOR
Location: 104 E MAIN ST SAINT CHARLES, IL 60174	Occurred From: 10/18/2013 22:23 Occurred Thru: 10/18/2013 22:23
Reporting Officer ID: 0048 - Lamela	Disposition: Disposition Date: Reported Date: 10/18/2013 23:01 Friday

### Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	2210	5-08-250-S-1	SALE TO MINORS	1

### Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	STONE, DESIRAE ANN	[REDACTED]		WHITE	FEMALE	[REDACTED]
WITNESS	1	KETELSEN, DAVE	[REDACTED]				28

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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### 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:** 10/21/2013 14:33  
**Login ID:** dleahy  
**Case Number:** 2013-00022143

ST CHARLES POLICE DEPARTMENT  
**ORI Number:** IL0451400

**OfficerID:** Alamel, Narrative

On this date (101813), the St. Charles Police Department conducted a liquor compliance check on retail businesses and liquor establishments. Members of the St. Charles Police Investigations Section along with (2) female UC's who were under the age of 21 conducted the compliance checks.

At approximately 2220 hours, Detective Ketelsen, Detective Pierce and the (2) female UC's entered the Thirsty Fox located at 104 E. Main Street in St. Charles. At approximately 2230 hours, I observed the (2) female UC's exiting the Thirsty Fox and Detective Ketelsen and Detective Pierce were following them back to my squad car. Detective Ketelsen advised that a female server of Thirsty Fox served the (2) female UC's alcoholic beverages without asking for identification or verifying their age. I was informed that the female server served the (2) female UC's a Stella Beer and a Red's Apple Ale. The female UC's paid for the beverages and requested receipts, which were then provided to me. (See attached copy of receipts)

Detective Ketelsen and I then went back to the Thirsty Fox where he pointed out the female server to me. I made contact with the female server later identified as Desirae A. Stone. I informed Desirae of the liquor compliance check and I informed her that she had served (2) female minors alcoholic beverages without requesting identification. I informed Desirae what was served to the minors and she stated that she did recall serving them. I informed Desirae that I would be sending her a Notice to Appear for Sale of Alcohol to a Minor. I asked Desirae what her address was to send the notice to and she stated that at the present time she is homeless. I informed Desirae that I would contact her the week of 102113 so that she could come to the St. Charles Police Department to pick up the Notice to Appear. Desirae will be issued a court date of 111413 at 0900 hours at the Kane County Branch. This case is cleared by adult arrest.

Cleared by Adult Arrest  
DL#340  
JLG315

**Routing:**