



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 (11/17/14)

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 liquor license issued for The Filling Station or impose a fine upon by reason of the Complaint of Violations filed by the City of St. Charles and the Liquor control Act of 1934, 235 ILCS 5/1-1 et seq. of an occurrence on or about October 29, 2014.

Attachments: *(please list)*

Citation 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: 4

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 2014-LC-09
THE FILLING STATION)

NOTICE OF HEARING

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

PLEASE TAKE NOTICE THAT on November 17, 2014 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 5.08.250-O 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 his authority, shall revoke or suspend the local liquor 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 SEVEN (7) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN SEVEN (7) 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 5.08.320(B) 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 NILES, AT 630/377-4422.

DATED this 5th day of November, 2014.


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 Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: Emily Phillips at 300 W. MAP ST (FILLING STATION) on the 6th day of November, 2014.

DK 359

SUBSCRIBED AND SWORN TO
before me this 6th day of November, 2014.

Jack Carr
NOTARY PUBLIC

ARRAIGNMENT FORM

I, _____, as agent for THE FILLING STATION being a licensee charged with 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 **300 w. Main Street, 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.

THE FILLING STATION

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of November, 2014.

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**

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 2014-LC-09
THE FILLING STATION)
300 W. Main Street)
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. On or about October 29, 2014 at approximately 12:42 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

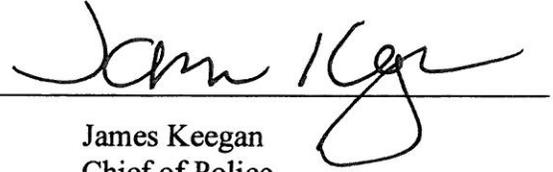
Served alcoholic liquor to a person under the age of 21 years.

3. On or about October 29, 2014, 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(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 Keegan, 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.

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

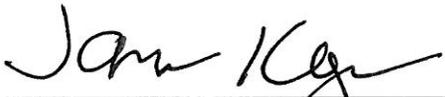
James Keegan
Chief of Police
City of St. Charles, Illinois

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)

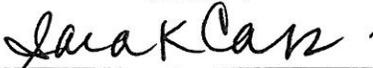
CERTIFICATION

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 6th day of November, 2014.



NOTARY PUBLIC



Case Report Summary



Print Date/Time: 11/04/2014 10:07
 Login ID: kschult
 Case Number: 2014-00023109

ST CHARLES POLICE DEPARTMENT
 ORI Number: IL0451400

Case

Case Number: 2014-00023109
 Location: 2600 E MAIN ST
 SAINT CHARLES, IL
 60174
 Reporting Officer ID: 0129 - Losurdo

Incident Type: 2410 DUI-ALCOHOL
 Occurred From: 10/29/2014 00:42
 Occurred Thru: 10/29/2014 00:55

Disposition:
 Disposition Date:
 Reported Date: 10/29/2014 00:42 Wednesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	2410	10-11-501(A)(2)	DRIVING UNDER THE INFLUENCE OF ALCOHOL	1
2	IL0451400	5060	10-11-501(A)(1)	DUI OVER .08	1
3	IL0451400	5060	10-11-601(B)	SPEEDING OVER STATUTORY LIMIT	1
4	IL0451400	5060	10-11-709	IMPROPER LANE USAGE-LANED ROADWAYS	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	DEASY, ELLEN ANNE	708 PRAIRIE AV GLEN ELLYN, IL 60137		WHITE	FEMALE	20
OTHER PERSON	1				WHITE	FEMALE	21
OTHER PERSON	2				WHITE	MALE	21
OTHER PERSON	3	MILLIGAN, PETER J	7N215 RIDGELINE RD ST CHARLES, IL 60175	(630)584-2785	WHITE	MALE	04/11/1963
OTHER PERSON	4	METZ, RYAN					51
SUSPECT/OFFENDER	1	THOMKA, KAITLYN R			WHITE	FEMALE	21

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
18959 A	DEASY, ELLEN ANNE	2600 E MAIN ST SAINT CHARLES, IL 60174	10/29/2014 01:09		20

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
10/29/2014	INVOLVED VEHICLE	AUTO	VOLKSWAGEN	JETTA			

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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OfficerID: Jlosurdo, Narrative



Case Report Summary



Print Date/Time: 11/04/2014 10:07
Login ID: kschult
Case Number: 2014-00023109
IN SUMMARY:

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

On 102914 at approximately 0042 hours, I was traveling westbound in the 400 block of E Main St in the center lane. At that time I noticed a green in color vehicle traveling eastbound in the 300 block of E Main St in the curb lane. That vehicle appeared to be traveling at a high rate of speed at which time I activated my radar unit to transmit the speed of traffic in front of me traveling toward me. My radar unit displayed the vehicle's speed to be 39 mph. The speed limit for the 300 block of E Main St is 25 mph. It should be noted that the vehicle I observed to be traveling at a high rate of speed was the only vehicle within my view traveling eastbound at that time.

I waited for the vehicle to pass by my marked squad out of sight before conducting a U-turn to catch up to the vehicle. As the vehicle passed me I was able to determine it to be a green in color Volkswagen Jetta with three people in it. One female driver and two passengers.

I caught up to the vehicle in the 1600 block of E Main St. The vehicle was still in the curb lane. As I was catching up to the vehicle I observed it swerving within its lane continuously. Once I caught up to the vehicle I noticed it to be traveling even faster than I had previously observed it to be traveling. I set my radar unit to transmit the speed of traffic in front of me traveling the same direction as me. The radar unit displayed the vehicle to be traveling 50 mph. The 1600 block of E Main St is a 35 mph speed limit zone. It should be noted that the vehicle was directly in front of me when I transmitted its speed. By this time I was able to identify the vehicle as a green in color 2003 Volkswagen Jetta with an Illinois registration of . I could still see that the vehicle had three people in it at this time.

The vehicle continued to travel at 50 mph while swerving within its lane all the way to the intersection of E Main St and Industrial Dr where the vehicle turned right/southbound onto Industrial Dr. I found it odd that the vehicle continued to speed and swerve despite the fact that a marked squad car was following directly behind it. The vehicle continued southbound on Industrial Dr accelerating rapidly. The vehicle continued southbound past the intersection of Industrial Dr and Production Dr. I found this odd due to the fact that there where three people in the vehicle and Industrial Dr dead ends past Production Dr with only warehouses south of that intersection. The vehicle turned west/right into the parking lot of Sun Chemical at which time I turned east/left into the Ryder parking lot. I turned off all lights on my squad and turned around to get a vantage point of the vehicle in order to see what it was doing in the Sun Chemical parking lot. As I did so and was in a position I deemed to be obscured from the vehicle, the vehicle pulled back onto Industrial Dr northbound and accelerated at a high rate of speed.

I pulled out onto Industrial Dr and continued to follow the vehicle. The vehicle was still occupied by three people. It turned right/eastbound onto E Main St and accelerated rapidly again. I continued to follow the vehicle eastbound in the curb lane. In the 2600 block of E Main St the vehicle began to straddle the dashed lane dividing markings with approximately the full width of the driver side tires on the left side of the markings. The vehicle did this for approximately 20 feet before correcting itself. At this point I decided to initiate a traffic stop on the vehicle which was conducted in the 0-99 block of Lakeside Dr.

I approached the driver window of the vehicle and was immediately overwhelmed by the odor of an alcohol based beverage that was coming from inside the vehicle. The driver of the vehicle, later identified as Ellen Deasy, looked at me as I approached the vehicle. In doing so I was able to see that her eyes where bloodshot and glossy. I asked Deasy to provide me with her driver's license and proof of motor vehicle insurance. Deasy attempted to hand me her vehicle's registration. I informed that I was not looking for her registration and repeated that I wished to see her license and insurance card. Deasy handed me her Illinois driver's license and attempted to hand me the vehicle's registration again. I informed her again that I didn't need her registration and that all I needed now was the insurance card for the vehicle. Deasy was finally able to provide me with the vehicle's insurance card. I asked Deasy if she knew why I had stopped her. Deasy answered, "708 Prairie in Glen Ellyn". I looked at Deasy's license and saw that was where she lived. I informed Deasy I was not asking her where she lived but that I wished to know whether or not she was aware of why I had stopped her. Deasy did not respond at which time I informed her she was speeding and had improper lane usage. She asked me how fast she was going and I told her she was going 50 mph. She then asked what the speed limit was. I told her it was 35 mph. I asked Deasy where she was coming from and she stated, "Glen Ellyn, 708 Prairie Ave Glen Ellyn IL 60137". I asked Deasy if she was on her way home at which time she stated she was going to Glen Ellyn. I asked Deasy again



Case Report

Summary



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ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

where she was coming from and she told me she was just at The Filling Station celebrating with her friends because one of them was going away and they were all hanging out with him. I asked her if she had been drinking alcohol at The Filling Station and she said she had not. At that time the front passenger in the vehicle, later identified as [redacted] stated that she herself and the male passenger had been drinking, but that Deasy had not. While I was speaking with [redacted] Deasy had an oblivious look on her face. I asked Deasy again if she had been drinking any alcohol and she again stated she had not. I looked at her date of birth on her license and determined she was 20 years of age. I asked Deasy if she knew the alphabet and she stated she did. I asked her if she could recite the alphabet starting with the letter "D" and ending with the letter "W" without singing it. Deasy stated she could and then attempted to do so stating, "ABCDYGIPQ...". At that time I asked [redacted] again if Deasy had been drinking alcohol. [redacted] would not answer my question.

I asked Deasy to exit the vehicle. Deasy looked at me in confusion and asked if I was telling her to give me her keys. I restated for her to exit the vehicle at which time she did. All forward facing emergency lights were turned off. I escorted Deasy to the pavement behind the vehicle she was driving and in front of my squad car. The weather was calm and cool. The ground was clear, dry, and level. I asked Deasy one last time if she had been drinking any alcohol and she stated she had not. She then repeated her address of 708 Prairie Ave in Glen Ellyn. By this time I was able to determine the odor of an alcohol based beverage was originating from Deasy's breath due to the strength of the odor becoming stronger every time she spoke and was facing me and that we were away from the vehicle. I asked Deasy if she had injuries to her lower back, hips, or legs that would impede on her ability to perform a walking and balancing test. Deasy informed she did not. I asked her if she had suffered from any concussions lately. Deasy informed she had a concussion six months ago. Deasy added that she was a type 1 diabetic. I asked her if she was feeling low on her blood sugar and she stated she was not. I asked her if she wished to see the medics and she stated she did not. I asked Deasy to perform some field sobriety tests and she stated she would.

The first test conducted was the Horizontal Gaze Nystagmus (HGN). I faced Deasy south away from my squad. I could see Deasy was wearing glasses which I had her remove and hold in her hand. I explained the instructions of HGN to Deasy and she stated she understood the instructions. I held the stimulus, my illuminated finger, approximately 12" to 15" away from Deasy's face, slightly above eye level. No resting nystagmus was observed and both pupils were of equal size. Deasy also had equal tracking for both eyes.

The following clues were observed for HGN:

- lacked smooth pursuit in both eyes
- distinct and sustained nystagmus at maximum deviation in both eyes
- onset of nystagmus prior to 45 degrees in both eyes

Total clues observed for HGN = 6 out of a possible 6

It should be noted I had to repeat several times for Deasy to not move her head and to only move her eyes. At one point I noticed Deasy looking ahead of my finger instead of at it. I tested for Vertical Gaze Nystagmus but none was present.

The next test administered was the Walk and Turn Test. I used the seam between the blacktop and the cement as the line. I walked the line myself to ensure it was level and smooth. I had Deasy put her glasses back on prior to administering the test. I saw that Deasy was wearing boots. I informed her that the next tests involved walking a straight line and balancing on one leg. I then asked her if she would like to take the tests with her boots on or off. Deasy stated she always wears boots and decided to keep her boots on. I instructed Deasy to place her left foot on the line and to place her right foot, also on the line, in front of her left foot touching heel to toe. Deasy took a while to get into this position due to her being unable to maintain her balance in the said position. Once Deasy was in the proper starting position I instructed her to place her arms down at her sides and to remain in that position until I was finished with my instructions and I told her to begin. I asked Deasy if she understood and she stated she did. While I was finishing my instructions and demonstrating the test, Deasy lost her balance and stepped off of the line. She attempted to get back into the proper starting position but ended up having her feet in a very obtuse v-shape. Once I was finished instructing Deasy and demonstrating the test, I had her get back into the proper position. I then instructed Deasy to begin.

The following clues were observed for the Walk and Turn Test:

- unable to maintain balance while listening to my instructions after being in proper position and acknowledging to stay in that position until being told to begin
- stepped off of the line on steps 2,4, and 5 of the first set and steps 1,2,6, and 7 of the second set
- did not touch heel to toe on several steps for both sets



Case Report Summary



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Case Number: 2014-00023109

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Total clues observed for the Walk and Turn Test = 3 out of possible 8
The next test administered was the One Leg Stand (OLS). I gave Deasy instructions and demonstrated the OLS. Deasy stated she understood and I told her to begin.

The following clues were observed for the OLS:

- raised both of her arms for balance
- swayed while balancing
- put foot down twice for balance
- hopped

Total clues observed for OLS = 4 out of a possible 4

It should be noted I had tell Deasy to look down at her elevated foot during the test. Once she looked at her foot, that is when the clues where observed.

I asked Deasy to submit to a Portable Breath Test (PBT). Deasy asked if she had to take the test. I informed her she did not. Deasy agreed to take the PBT disclosing a BrAC of .212 (PBT#5587).

I placed Deasy under arrest for Driving Under the Influence at 0055 hours. I transported her to SCPD for processing and had the vehicle towed and placed into LEADS (V14H8702 at 0059 hours by #103).

and the male passenger, , where identified and verified to be 21 years of age or older. They where picked up by friends on scene.

I cited Deasy for speeding and read her the Warning to Motorist. I finished reading the Warning to Motorist at 0122 hours at which time I asked Deasy if she would submit to a breath test. Deasy agreed to the test. Ofc Bauwens #316, a certified Breath Op was already present and assisting me in booking. Ofc Bauwens started a twenty minute observational period of Deasy. At 0144 hours Ofc Bauwens administered the breath test to Deasy disclosing her Blood Alcohol Concentration (BAC) to be .188 (See Ofc Bauwens' supplemental report for further details). I then filled out the Law Enforcement Sworn Report.

It should be noted Deasy made comments about her being diabetic and that she had just checked her blood sugar prior to leaving The Filling Station and driving. Deasy stated she is only suppose to drive when her blood sugar is at least 100 and that it was when she checked it last. I asked Deasy if she wished to see the medics and she declined.

I cited Deasy for Speeding (11-601B), Improper Lane Usage (11-709), DUI (11-501A2), and DUI with BAC at or above .08 (11-501A1). She paid the \$50 booking fee and was given her receipt (#00943). She was processed and released after posting the \$3,000 (10%) bond by surrendering her license and posting \$100 cash. She was given a court date of 112014 at 1330 hours at the Kane County Judicial Center (37W777 IL Rt 38 Rm 203 St Charles IL 60175).

I escorted Deasy to the SCPD lobby where her friends awaited her.

It should be noted that during her time in booking, Deasy stated she was drinking alcohol at The Filling Station where her friend "Katie" works as a bartender. Deasy stated Katie was the one that got her alcohol.

Cleared Adult Arrest - Local Ordinance

JNL#364

DK359

OfficerID: Ebauwens, Narrative Supplement

On 102914 at 0120 hrs I assisted Ofc Losurdo with his DUI arrest in booking. I began my 20 minute observation at 0121 hrs. I confirmed with Ellen that she did not have any foreign objects inside her mouth. Ellen provided a breath sample at 0144 hrs which resulted in a BrAC of .188. I signed the breath ticket and gave it to Ofc Losurdo to include with his report.

No further action

EB 316

DK359



Case Report

Summary



Print Date/Time: 11/04/2014 10:07
Login ID: kschult
Case Number: 2014-00023109

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

OfficerID: Dketelsen, Narrative Supplement
Driving Under The Influence Of Alcohol

I was assigned to conduct further follow up in reference to this case because the arrestee, Ellen Deasy, was only 20 years old. Deasy had made comments while in booking that she had been drinking alcohol at the Filling Station prior to her arrest. Deasy stated that her friend "Katie" works there as a bartender, and was the one that got her the alcohol.

I searched Facebook for any Katie that Deasy may be friends with that works at the Filling Station, but was unable to locate anything. I then searched [redacted]'s Facebook page. [redacted] had been a passenger in Deasy's vehicle when it was pulled over. I found that one of [redacted]'s friends on Facebook was a subject named Katie Thomka. In looking at Thomka's Facebook page I saw that under the employment section it stated "Waitress at Filling Station Pub and Grill". I soundexed Thomka and found that her full name was Kaitlin R Thomka.

On 103014 at approximately 1150hrs I went to the Filling Station Pub and Grill located at 300 W Main Street. At that time I introduced myself to Kaitlyn Thomka and asked her if I could speak with her. We spoke inside by the main entrance door. I essentially learned the following information from Thomka, and this is in summary, not verbatim.

Thomka said that she was working at the Filling Station in the evening hours of 102814 into the early morning hours of 102914. She said she was working as a bartender that night. I told her that an Ellen Deasy was served alcohol here during that time, and that Deasy was only 20 years old. She stated that she did know Ellen Deasy, but not well. She had met Deasy through a mutual friend, [redacted]. Thomka advised that at approximately 2300hrs on 102814 Deasy came in with approximately 10-12 other subjects. She said she was surprised by such a big crowd of people on what usually would be a slow night. Thomka stated that she found out that these subjects were all out together for a farewell get together, because one of them was leaving the state.

Thomka advised that all of these subjects sat around some of the tables in the bar area. She said that she had to come out from around the bar, and that she personally served these subjects drinks. She said that she did not ask for identification from Deasy because she thought she was at least 21. She thought this because the other subjects that she did know with this group were at least 21 years of age, and that these subjects entered a door where a door man should have been checking ID's for age verification.

Thomka stated that she personally served Deasy between 2-3 long island iced tea alcohol based drinks. She said that these drinks were the special that night. She stated that Deasy did not seem to be impaired. Thomka said that Deasy paid her for these drinks with a credit card. She said Deasy and some of her friends then left before Thomka started to close down at 0100hrs on 102914.

I asked Thomka what doors the customers would have come in on the night in question. She advised that the only entrance the customers would have been allowed in and out of would have been the main north side door. She stated that this door would have had employee, Ryan Metz, at that location checking ID's for age verification. Metz is currently not scheduled to work again until 103114.

Thomka was very cooperative with me and seemed sorry that Deasy was served. She asked me if she was going to be in trouble. I advised her that at this time I was just going to be writing a report on what I had learned, but there was a possibility that she could receive a ticket for this violation.

On 103014 I tried calling Metz, but only received his voicemail. I left a message asking him to contact me.

On 103014 I tried calling the owner of The Filling Station Pub and Grill, Peter Milligan, but only received his voicemail. I left a message for him to contact me so I could make him aware of this incident.

As of 1900hrs on 103014 I have not received a phone call back from either Metz or Milligan.

DK #328

Pending Investigation

JES 325

History of Filling Station Incidents/Violations (Past 3 Years)

Violation – public on premise after hours and consumption of alcohol after hours	2011	\$1,000 fine/\$500 fee
Allowed a patron to exit premises while in possession of an alcoholic beverage	August 2013	Went to a Public Hearing – found guilty and penalties incur were: 2 hour early closing from midnight to 2:00 a.m. November 9, 2013 and fees of \$2,232.50
Violation – 1) Sold alcohol and/or allowed consumption of alcohol beverages outside its licenses premises; 2) Failed to maintain employee/agent posted during required hours at each entrance to licensed premise	July 2014	Suspension of late night 2:00 a.m. permit closing from midnight to 2:00 a.m. September 13 and September 14, 2014; \$1,500 fine/\$500 legal fees
Warning Letter	August 2014	No Action
Incident Report – Fight on premise	November 2014	Warning Letter – No Action
Violation - Served alcohol to underage person	November 2014	Pending...