

AGENDA
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MARCH 20, 2023, 4:30 PM
2 E MAIN STREET

1. Call to Order.
2. Roll Call.
3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on February 21, 2023.
4. Recommendation to approve a Proposal for a D-8 Liquor License Application for Fox Foodie, LLC dba Fox Den Cooking Located at 131 S. First St., St. Charles.
5. Recommendation to approve an Ordinance Amending Title 5 "Business Licenses and Regulations," Chapter 5.08 "Alcoholic Beverages," Section 5.08.090 "License – Classifications," of the St. Charles Municipal Code.
6. Recommendation to approve a liquor license classification change from B-1 to D-5 for Club Arcada Inc., located at 105 E Main St., St. Charles.
7. Recommendation to approve Late Night Permits for Class B & C Liquor Licenses in the City of St. Charles for FY 2023/2024.
8. Discussion Regarding a Complaint of Violation and Hearing Notice for Alley 64, Inc., 212 West Main Street, St. Charles.
9. Public Comment.
10. Executive Session (5 ILCS 120/2 (c)(4)).
11. Adjournment.

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
TUESDAY, FEBRUARY 21, 2023, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:31 pm.

2. Roll Call.

Present: Zollers, Gehm

Absent: Bancroft, Pietryla

3. Motion by Ms. Zollers, second by Mr. Gehm to accept and place on file minutes of the Liquor Control Commission meeting held on January 17, 2023.

Voice Vote: Ayes: Mr. Gehm, Ms. Zollers Nays: None, Absent: Ald. Bancroft, Ald. Pietryla. Mayor Vitek did not vote as Commissioner. **Motion Carried**

4. Recommendation to approve a Proposal for an F2-BYOB liquor license application for Hunt House, LLC, located at 113 E Main Street.

Chief Keegan stated that the business would like to offer BYOB to guests that attend performances. There was a slight concern about something that came up in the background that happened 22 years ago. It was clarified that the business is a single-member LLC, and fingerprints have been done. Chief Keegan recommends the license.

Motion by **Mr. Gehm**, second by **Ms. Zollers** to recommend approval of a Proposal for an F2-BYOB liquor license application for Hunt House, LLC, located at 113 E Main Street.

Voice Vote: Ayes: Mr. Gehm, Ms. Zollers Nays: None, Absent: Ald. Bancroft, Ald. Pietryla. Mayor Vitek did not vote as Commissioner. **Motion Carried**

5. Recommendation to approve a Proposal for a B1 liquor license application for Pho ly, Inc., located at 305 W Main Street.

Chief Keegan stated that dram shop insurance and BASSET training is in place and noted an incident with the local manager many years ago. The manager is a St. Charles resident, and there have been no incidents since he's been residing in St. Charles. It was clarified that there is parking behind the building and public parking nearby. Chief Keegan recommends the license.

Motion by Mr. Gehm, second by Ms. Zollers, to recommend approval of a Proposal for a B1 liquor license application for Pho ly, Inc., located at 305 W Main Street.

Roll Call Vote: Ayes: Mr. Gehm, Ms. Zollers Nays: None, Absent: Ald. Bancroft, Ald. Pietryla. Mayor Vitek did not vote as Commissioner. **Motion Carried**

6. Recommendation to approve a Proposal for a Sound Amplification Permit and an E1 temporary liquor license application for the “Hops for Hope 5k” to be held in Mt. Saint Mary’s Park on October 14, 2023.

Chief Keegan explained that the Hops for Hope 5k had been a repeat event for the past seven years in St. Charles at Mount St. Mary’s Park and Wheeler Park in Geneva. Project Mobility partners with the Bike Rack to raise funds to provide adaptive cycling for individuals with physical disabilities. There will be six stations along the route that will offer 3 oz tastings. Each runner will be credentialled with a wristband. There will be a beer fest inside a fenced-in area where participants will receive six 2 oz beer sample tickets by purchasing in advance. The breweries involved will be serving and will have BASSET training. The stop near Rt. 31 was changed because it’s too close to the road and many people. Chief Keegan recommends the license.

Motion by Ms. Zollers, second by Mr. Gehm, to recommend approval of a Proposal for a Sound Amplification Permit and an E1 temporary liquor license application for the “Hops for Hope 5k” to be held in Mt. Saint Mary’s Park on October 14, 2023.

Roll Call Vote: Ayes: Mr. Gehm, Ms. Zollers Nays: None, Absent: Ald. Bancroft, Ald. Pietryla. Mayor Vitek did not vote as Commissioner. **Motion Carried**

7. Public Comment - none

8. Executive Session - none

9. Adjournment.

Motion by Ms. Zollers, second by Mr. Gehm, to adjourn the meeting at 4:42 pm.

Roll Call Vote: Ayes: Mr. Gehm, Ms. Zollers Nays: None, Absent: Ald. Bancroft, Ald. Pietryla. Mayor Vitek did not vote as Commissioner. **Motion Carried**

:tc

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 4****Title:**

Recommendation to approve a Proposal for a D-8 Liquor License Application for Fox Foodie, LLC dba Fox Den Cooking Located at 131 S. First St., St. Charles.

Presenter:

Police Chief James Keegan

Meeting: Liquor Control Commission**Date:** March 20, 2023

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** *(if not budgeted, please explain):*

Fox Foodie, LLC dba Fox Den Cooking, located at 131 S. First St., is requesting approval of a D-8 liquor license application for their business as a cooking school. The city recently approved this license, but the applicant's LLC had to be dissolved. A new LLC has been formed, and the City waived the licensing fees as an in-kind gesture. Due to timeliness, I am requesting this proceed directly to City Council for approval.

Attachments *(please list):*

Memo, Liquor License Application, Business Plan, Floor Plan, BASSET, LCC Articles, COI is Pending

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve a Proposal for a D-8 Liquor License Application for Fox Foodie, LLC dba Fox Den Cooking Located at 131 S. First St., St. Charles.

Police Department



Date: 03/10/2023

To: Chief Keegan via Chain of Command

From: Commander Drew Lamela #340 ~~D#340~~

RE: Addendum: Liquor License Background / Fox Den Cooking, Fox Foodie, LLC

The purpose of this memo is to outline the steps taken during the background investigation for a Liquor License Application. This investigation was done based on the application submitted for a Class B license for the business, Fox Den Cooking, Fox Foodie, LLC. This business is located at 131 S. 1st Street in St. Charles, Illinois 60174.

Applicant:

Evans, Jessica

DOB: 11/19/1982

1240 Appleton Lane

Geneva, Illinois 60134

Telephone: 630-715-7397

*Reviewed &
Approved on 7.13.23
Chief Keegan
JAM*

APPLICATION:

The initial application was received on or around 12/22/2022. Detective Anson completed this initial background for the business, which also included a signed lease agreement, menu, floor plan and Certificate of Insurance. At the time of the initial application, Jessica Evans was listed as the General Manager and Anthony George was listed as the owner. Jessica was fingerprinted by our agency during the initial background investigation and a record check for Jessica conducted by Detective Anson. Detective Anson noted in his initial background investigation that Jessica showed no contacts that would preclude her from obtaining a liquor license.

Service, Courage, Professionalism, Dedication



On 02/22/2023, I was informed that there were changes made and that Jessica Evans was re-applying for a Class B Liquor License. I was informed that Jessica Evans was now listed as the owner of the business and that she obtained her own LLC, which is Fox Foodie, LLC. I was informed that Anthony George was no longer affiliated with the business.

On 02/22/2023, I spoke with Jennifer who stated that Anthony was separated from the business and that she took over the business. Jessica stated that she obtained a new Tax ID for the business as well as forming a new LLC, Fox Foodie. Jessica provided copies of her Illinois Secretary of State LLC Articles of Organization. Jessica further advised that Anthony George was taken off of the original lease agreement and that she signed a new lease agreement with the same landlord, T First Street IL., LLC a Texas Limited Liability Company. Jessica provided copies of her new lease agreement and BASSET certification card.

A check of the Illinois Secretary of State showed Fox Foodie, LLC to be in good standing.

Detective Anson documented that on 01/04/2023, he conducted a site visit of the business, which showed the business was consistent with the floor plan.

APPLICANT INTERVIEW:

On 03/10/2023, I met with Jessica at the St. Charles Police Department where she signed a waiver for this background. Jessica confirmed that Anthony George was no longer affiliated with the business. Jessica stated that she did not make any renovations to the original floor plan that was provided to Detective Anson. Jessica stated that the menu has not changed and the business hours have not changed. Jessica stated that her Certificate of Liability Insurance policy is the same and is currently waiting for the updated certificate from Valentine Insurance Agency, Inc. Jessica stated that the only changes to the insurance policy is that she will be insured under Fox Foodie, LLC. Jessica stated that the policy states that she insured for \$1,000,000 / \$2,000,000 in aggregate. Jessica stated that she would forward the policy and or quote to me once she receives it.

This concludes this background investigation.

DL#340

2-23-2023

City of St. Charles, Illinois Liquor Control Commission
CITY RETAIL LIQUOR DEALER LICENSE APPLICATION



Incomplete applications will not be accepted.

Applications may be submitted to: 2 E. Main Street, St. Charles, IL 60174-1984

Business Name Fox Foodie LLC dba Fox Den Cooking

APPLICATION CHECKLIST

Check items to confirm all are attached to this application	Applicant	Office Use
Application Fee of \$200 (5.08.070C) non-refundable N/A Non-refundable	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Completed Application for all questions applicable to your business.	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Lease/Proof of Ownership new lease pending	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Dram Shop Insurance or a letter from insurance agent with a proposed quote.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Articles of Corporation , if applicable.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Completed B.A.S.S.E.T. (Beverage Alcohol Sellers & Servers Training) form – filled out for all employees. A copy of the B.A.S.S.E.T. certificate is only needed for each manager. It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for all of their employees.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Site Plan for Establishment (Drawn to scale including the parking lot, patio and/or deck, outdoor seating).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Copy of Floor Plan for Establishment (Drawn to scale and must include the layout of the establishment with tables, chairs, aisles, displays, cash register, bar, and lounge area with dimensions, percentage, and square footage noted for each space). Be sure to also include all fixed objects, such as pool tables, bar stools, vending/amusement machines; as well as all exits.	<input type="checkbox"/>	<input type="checkbox"/>
Copy of Business Plan , to include: Hours of Operation Copy of Menu Whether or not live music will be played at this establishment Will there be outdoor seating and/or outdoor designated smoking area Do not include a marketing or financial plan with this business plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Are any building alterations planned for this site? If not sure, please contact Building & Code Enforcement at 630.377.4406 and/or Fire Prevention Bureau at 630.377.4458 to discuss whether or not a walk-thru and/or permit are necessary. N/A	<input type="checkbox"/>	<input type="checkbox"/>
All managers have been fingerprinted who are employed by your establishment. When new management is hired, it is imperative you contact the Mayor's office to be fingerprinted so the City's business files are appropriately updated.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Alcohol Tax Acknowledgement and Business Information Sheet	<input type="checkbox"/>	<input type="checkbox"/>

OFFICIAL USE ONLY

[Signature] #340
Signature of Investigating Officer

Commander / #340
Badge Number & Rank

☒ Approval Recommended

☐ Approval NOT Recommended

[Signature]
Signature of Chief of Police

3-13-23
Date

*ISSUANCE OF THIS LICENSE IS CONTINGENT ON MEETING ALL REQUIRED BUILDING AND FIRE DEPARTMENT REQUIREMENTS.

Date Application Received:

LICENSE INFORMATION:

- ☐ **A** Package \$3200-3600 ☐ **A1** ☐ **A2** ☐ **A4** ☐ **A5** ☐ **A6**
☒ **B** Restaurant \$2400-3600 ☐ **B1** ☐ **B2** ☐ **B3**
☐ **C** Tavern \$2400-3600 ☐ **C1** ☐ **C2** ☐ **C1**
☐ **D** Hotel/Banquet/Arcada/Q Center/Entertainment/Club - \$varies **D-Type** _____
☐ **G** Brewery/Restaurant or Site License - \$varies ☐ **G1** ☐ **G2**
☐ **H** Catering License - \$varies ☐ **H1** ☐ **H2**
- ☐ Late Night Permit 1:00am \$800 (B/C only)
☐ Late Night Permit 2:00am \$2300 (B/C only)

**Initial Liquor License fees for A, B, C, D, G are reduced by 50% for annual renewals and licenses issued after Nov 1.*

**Licenses are valid until April 30 following issuance and a renewal application is required for the next year (May 1-April 30) (5.08.040)*

APPLICANT INFORMATION

- 1. Type of Business:** ☒ Individual ☐ Partnership ☐ Corporation ☐ Other (explain):

2. Business Name: FOX FOODIE LLC DBA FOX DEN COOKING

3. Business Address: 131 S. FIRST STREET

4. Type of Business
(5.08.070-3):
COOKING
SCHOOL

5. Length of Time in this Business (5.08.070-4):
7 MONTHS

6: Value of merchandise that normally will be in inventory when in operation (5.08.070-5): \$ 1,000

7. Business Phone: (630) 228-9710

8. Business E-mail:	9. Business
info@foxden.com	

9. Business Website: www.fordercooking.com

10: Illinois Tax ID Number:
4476-3689

11. Applicant/Contact Person Name: JESSICA EVANS

12. Title: owner

13. Email: jeffevans1219@gmail.com

14. Applicant Home Address, and all addresses for the last 10 years:

of Birth:

ADDITIONAL OWNERS, INVESTORS (greater than 5% interest), and MANAGER INFORMATION

- ☒ **NA – No additional Owners/Investors/Managers**

Full Name, include middle initial:

Title:

Birthdate:

Birthplace:

Driver's License#:

Home Phone:

Home Address, and all addresses for the last 10 years:

Email Address:

Full Name, include middle initial:		Title:	
Birthdate:	Birthplace:	Driver's License#:	Home Phone:
Home Address, and all addresses for the last 10 years:		Email Address:	

Full Name, include middle initial:		Title:	
Birthdate:	Birthplace:	Driver's License#:	Home Phone:
Home Address, and all addresses for the last 10 years:		Email Address:	

BUSINESS ESTABLISHMENT LOCATION INFORMATION			
1. Exact Street Address for liquor license: 131 S. 1ST STREET ST. CHARLES, IL 60174	2. # Parking Spaces: 100+ PARKING GARAGE	3. Outside Dining s.f. [17.20.020-R]: Ø	4. Total Building s.f.: 1,300 SF
5. Total # Seats: 20	6. Live Entertainment Area s.f. [5.08.010-H]: Ø		
7. Brief Business Plan description based on type of establishment listed above (5.08.070-6): COOKING SCHOOL OFFERING CLASSES OF ALL AGES. SOME DAY CLASSES FOR KIDS DURING WEEK & BREAKS FROM SCHOOL. PRIVATE EVENTS FOR ALL TYPES OF CELEBRATIONS. SERVING ALCOHOL TO PUBLIC CLASSES, PRIVATE EVENTS AND SPECIALIZED PAIRING EVENTS.			

PROPOSED FLOOR PLAN/LAYOUT OF PROPERTY	
Attach to this application a floorplan or layout of the proposed facility to include the following:	
1.	Every application for Liquor license shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following: <ul style="list-style-type: none"> a. The location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof; b. The designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided); c. The proposed seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.
2.	The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Commissioner may impose such restrictions as he deems appropriate on any license by noting the same on the approved site drawing or as provided on the face of the license.
3.	A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4.	It shall be unlawful for any licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.
THE FIRE PREVENTION BUREAU WILL FURNISH ALL FINAL, PERMITTED OCCUPANCY NUMBERS FOR THIS LICENSE.	

CORPORATION / PREMISES QUESTIONS

1.	<p>If applicant is an individual or partnership, is each and every person a United States citizen (5.08.070-2)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Is any individual a naturalized citizen? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, print name(s), date(s), and place(s) of naturalization:</p>
2.	<p>Is the premises owned or leased (5.08.070-6A)? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Leased</p>
3.	<p>If the premises are leased, list the names and addresses of all direct owners or owners of beneficial interests in any trusts, if premises are held in trust (5.08.070-6B):</p> <p>Name of Building Owner: FRONT STREET DEVELOPMENT, LLC Phone Number: (630) 443-9315 CORONADO COMMERCIAL</p> <p>Address of Building Owner: 50 S. 1ST STREET E-mail Address: rya@ccvill.com ST. CHARLES, IL 60174</p> <p>Mailing Address of Building Owner (if different):</p> <p>Name of Building Owner: Phone Number:</p> <p>Address of Building Owner: E-mail Address:</p> <p>Mailing Address of Building Owner (if different):</p> <p>Name of Building Owner: Phone Number:</p> <p>Address of Building Owner: E-mail Address:</p> <p>Mailing Address of Building Owner (if different):</p>
4.	<p>Does the applicant currently operate, or operated in the past, any other establishment within the City of St. Charles that requires a liquor license? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, please list the business name(s) and address(es):</p>
5.	<p>Does applicant have any outstanding debt with the City of St. Charles, including, but not limited to, utility bills, alcohol tax, and permit fees, for any current or previous establishment owned, operated or managed by the applicant?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><i>If yes, please note the City of St. Charles requires all debt to be paid in full before consideration of a new or renewed liquor license is issued. (5.08.050)</i></p>
6.	<p>Are any improvements planned for the building and/or site that will require a building permit? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, has a building permit been applied for? <input type="checkbox"/> Yes <input type="checkbox"/> No Date of permit application _____</p>
7.	<p>Has applicant applied for a similar or other license on the premises other than the one for which this license is sought (5.08.070-7)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, what was the disposition of the application? Explain as necessary:</p>

8	<p>Has applicant (and all persons listed on page 2 of this application) ever been convicted of a felony under any Federal or State law, or convicted of a misdemeanor opposed to decency or morality (5.08.070-8)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Is applicant (and all persons listed on page 2 of this application) disqualified from receiving a liquor license by reason of any matter contained in Illinois State law and/or City of St. Charles Municipal Ordinances? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
9	<p>List previous liquor licenses issued by any State Government or any subdivision thereof (5.08.070-9). Use additional paper if necessary.</p> <p>Government Unit: <u>CITY</u> Location, City/State:</p> <p>Date: Special Explanations:</p> <p>Government Unit: Location, City/State:</p> <p>Date: Special Explanations:</p>
10.	<p>Have any liquor licenses possessed ever been revoked (5.08.070-9)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, list all reasons on a separate, signed letter accompanying this application.</p> <p>Has any director, officer, shareholder, or any of your managers, ever been denied liquor license from any jurisdiction?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, proceed to Question 15. If more space is needed, please attach a separate sheet of paper with the information.</p>
11.	<p>Complete ONLY if yes was answered to the question above (10):</p> <p>Name: Name of Business:</p> <p>Position with the Business: Date(s) of Denial:</p> <p>Reason(s) for Denial of License:</p>
12.	<p>Date of Incorporation (Illinois Corporations) (5.08.070-10): <u>2-1-2023</u></p> <p>Date qualified under Illinois Business Corporation Act to transact business in Illinois (Foreign Corporation): <u>2-1-2023</u></p>
13.	<p>Has the applicant and all designated managers read and do they all understand and agree not to violate any laws of the United States, the State of Illinois, and any of the ordinances of the City of St. Charles in conducting business (5.08.070-11)?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Have you, or in the case of a corporation, the local manager, or in the case of a partnership any of the partners, ever been convicted of any violation of any law pertaining to alcoholic liquor? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have you, or in the case of a corporation the local manager, or in the case of a partnership any of the partners, ever been convicted of a felony? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Have you ever been convicted of a gambling offense? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If a partnership or corporation, include all partners and the local manager(s).)</p> <p>Will you and all your employees refuse to serve or sell alcoholic liquor to an intoxicated person or to a minor?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>

14.	All individual owners, partners, officers, directors, and/or persons holding directly or beneficially more than five (5) percent in interest of the stock of owners by interest listed on page 2 of this application must be fingerprinted by the City of St. Charles Police Department (S.08.070-A12). Has this been done? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, date(s): 12/19/2022
15.	Has the applicant attached proof of Dram Shop Insurance to this application or already furnished it to the City of St. Charles (S.08.060)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If already furnished, date of delivery:
16.	Is the premises within 100 feet of any real property of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands, or children; and/or any military or naval station (S.08.230)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

B.A.S.S.E.T. TRAINING

Please list employees required to have B.A.S.S.E.T training on this page – include all managers, assistant managers, bartenders, and clerks who are permitted to make alcoholic liquor sales. Include copies of certificates for managers only and mark Manager if applicable. Add another page, if needed.

Name (First, Middle, Last): JESSICA EVANS	Birthdate: [REDACTED]
Home Street Address, Incl City, State, Zip: [REDACTED]	
Date of Course: 11/18/2022	Place Course was Taken: ONLINE
	Expiration: 11/19/2025

Name (First, Middle, Last):	Birthdate:
Home Street Address, Incl City, State, Zip:	
Date of Course:	Place Course was Taken:
Certificate Granted? Y/N	Expiration:

Name (First, Middle, Last):	Birthdate:
Home Street Address, Incl City, State, Zip:	
Date of Course:	Place Course was Taken:
Certificate Granted? Y/N	Expiration:

Name (First, Middle, Last):	Birthdate:
Home Street Address, Incl City, State, Zip:	
Date of Course:	Place Course was Taken:
Certificate Granted? Y/N	Expiration:

NEW MANAGEMENT REQUIREMENTS

Whenever a new manager comes on board, the City must be notified and that person must be fingerprinted.

It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for their employees.

COMMENTS/ADDITIONAL INFORMATION

Business Name:

FOX FOODIE, LLC / FOX DEN COOKING

SIGNATURES



Applicant's Signature

Subscribed and sworn before me this 23rd day of February, 20 23



Anne E. Healy
Notary Public

ADDENDUM TO RETAIL LIQUOR LICENSE APPLICATION

To be completed by the City of St. Charles Police Department

Date:

Name of Applicant:

Name of Business:

Address of Business:

Ward Number:

Pursuant to the provision of the City of St. Charles Municipal Code, Chapter 5.08, Alcoholic Beverages, the following guide shall be in effect for the investigation of an applicant for a Retail Dealer's Liquor License:

1. Date on which applicant will begin selling retail alcoholic liquors at this location:
2. Is the location within 100 feet of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands or children; or any military or naval station? ☐ Yes ☐ No
3. If the answer to question 2 is yes, answer the following: Is applicant's place of business a hotel offering restaurant service, a regularly organized club, a restaurant, a food shop, or other place where the sale of alcoholic liquors is not the principal business? ☐ Yes ☐ No
If yes, answer a, b and c:
 - a. State the kind of such business:
 - b. Give date on which applicant began the kind of business named at this location:
 - c. Has the kind of business designated been established at this location for such purpose prior to February 1, 1934, and carried on continuously since such time by either the applicant or any other person?
☐ Yes ☐ No
4. If premises for which an alcoholic liquor license is herein applied for are within 100 feet of a church, have such premises been licensed for the sale of alcoholic liquor at retail prior to the establishment of such church? ☐ Yes ☐ No
If yes, have the premises been continuously operated and licensed for the sale of alcoholic liquor at retail since the original alcoholic liquor license was issued therefore? ☐ Yes ☐ No

BUSINESS PLAN

Focus Den Cooking Classes

Objectives and Action
Plans for Cooking
Classes and Liquor
Consumption

2 DECEMBER 2022



Prepared by:

Ashley Keller

CLASSES IDEAS

RE-VAMP CLASS SCHEDULES FOR OPTIMAL ATTENDANCE

Thursday 4:30pm - 10:30pm

Friday 4:30pm - 10:30pm

Saturday 11:30am - 10:30pm

Sunday 1:30am - 10:30pm

*CLASS OPTIONS AVAILABLE AT
FOXDENCOOKING.COM

PRIVATE EVENTS AVAILABLE ANY DAY
MAKE NEW MARKETING PLAN: SEO
CONSTRUCTION, WORK ON
WEBSITE, SOCIAL MEDIA
PRESENCE

NO LIVE MUSIC

NO OUTDOOR SEATING

NO OUTDOOR SMOOKING

OPTIONAL ADD-ONS

Addition of Alcohol sales

Knead, llc. to complete Bassett certification- Complete

Bassett certified employee to be on-site during alcohol consumption

Beer and wine sales during cooking class hours

optional additional alcohol sales outside of class hours

THE "FUN" STUFF

ESTIMATED CLASS INCOME

4 CLASSES PER WEEK WITH 12
ATTENDEES PER CLASS

TICKET COST: \$65 PER ADULT
CLASS

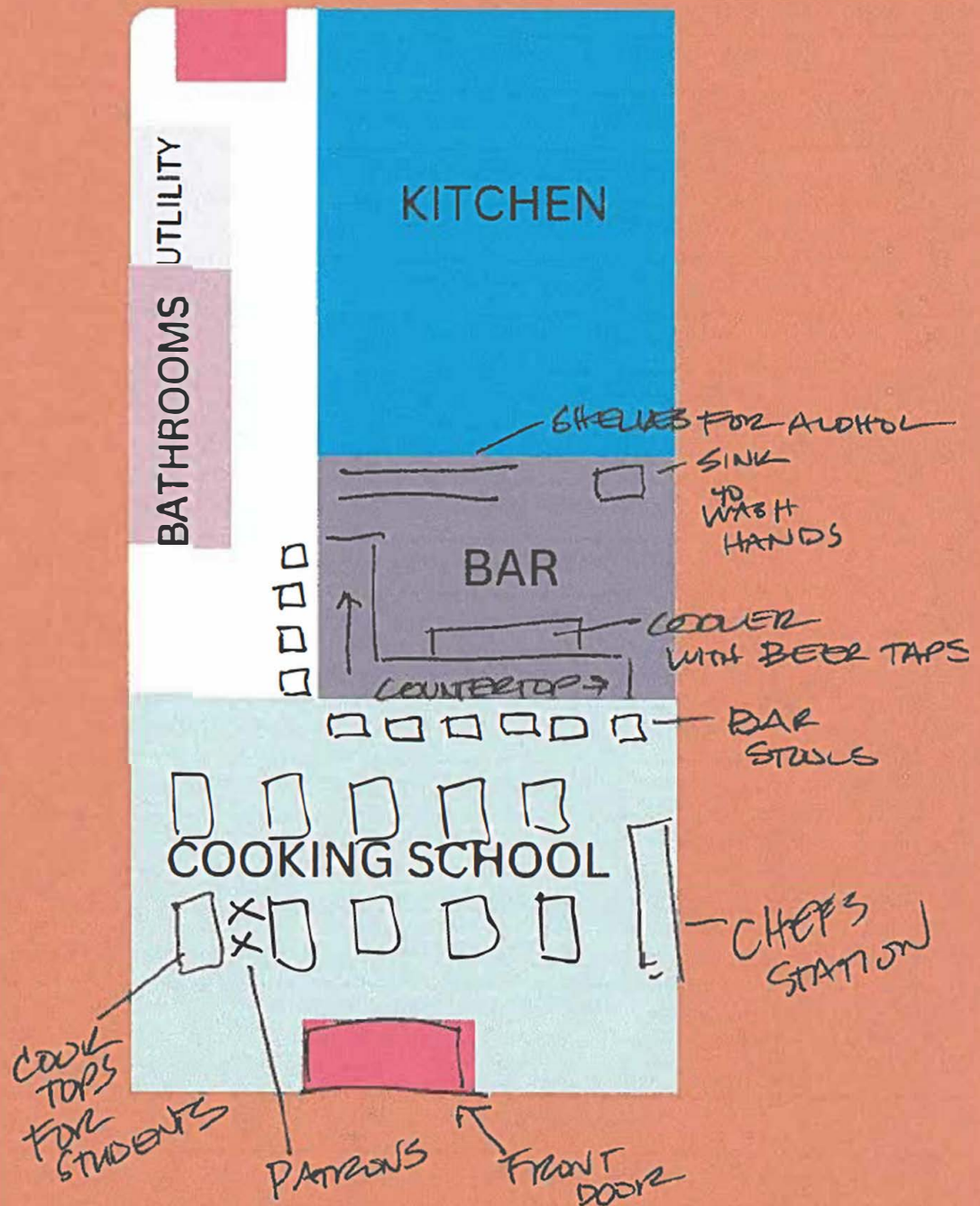
\$3120 PER WEEK
\$12,480 PER MONTH

ESTIMATED ALCOHOL SALES:

COST OF BEER: ~ \$6
COST OF WINE: ~ 8

ESTIMATED: \$1000 PER MONTH IN
ALCOHOL SALES

FLOOR PLAN



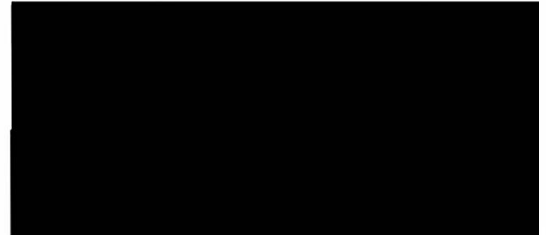
131 S 1ST STREET

ST. CHARLES

BASSET Card



November 29, 2022



Your "Student ID number" is: 12260

Your "Trainer's ID number" is: 5A-1141597

Your BASSET Card is located BELOW

DO NOT throw away this letter as you will need your "Student ID number" directly above to re-print your card.

IMPORTANT:

To re-print your card, visit the Illinois Liquor Control Commission website at LCC.illinois.gov.
(click on the RESOURCES tab to access the "BASSET Card Lookup" page).

<p>ILLINOIS LIQUOR CONTROL COMMISSION 50 W. Washington Street, Suite 209 - Chicago, IL 60601 BEVERAGE ALCOHOL SELLERS AND SERVERS EDUCATION AND TRAINING (BASSET) CARD</p> <p>Date of Certification: 11/18/2022 Expires: 11/18/2025 Trainer's IL Liquor License Number: 5A-1141597</p> <p>JESSICA EVANS [Redacted] [Redacted]</p> <p>**Card is not transferrable**</p>
--

Verify that all of your Illinois Business Authorization information is correct.

If not, contact us immediately.

If all of the information is correct, cut along the dotted line (fits a standard 5" x 7" frame). Your authorization must be visibly displayed at the business listed. Your Illinois Business Authorization is an important tax document that indicates that you are registered or licensed with the Illinois Department of Revenue to legally do business in Illinois.

OFFICIAL DOCUMENT	State of Illinois - Department of Revenue Illinois Business Authorization	OFFICIAL DOCUMENT
FOX FOODIE LLC		
DBA: FOX DEN COOKING		Loc. Code: 045-0022-9-001
131 S 1ST ST		St. Charles (Kane)
SAINT CHARLES IL 60174-2803		Kane County
Expiration Date: 2/27/2024	Certificate of Registration Sales and use taxes and fees	(4476-3689)
		 Director
OFFICIAL DOCUMENT		Issued Date: 02/27/2023



Alexis Kalish <alexis.kalish@ferberincometax.com>

Illinois Secretary of State LLC Articles of Organization

1 message

BusinessServices@ilsos.gov <BusinessServices@ilsos.gov>
To: PAYROLL@ferberincometax.com

Tue, Jan 10, 2023 at 4:52 PM

Proposed Name: FOX FOODIE LLC

Thank you for using https://link.edgepilot.com/s/571026e1/1E_O0HlcKkue1c_NFz-NsQ?u=http://www.ilsos.gov/! Your application to file Limited Liability Company Articles of Organization has been received and payment processed.

You can check the status of your submission at <https://link.edgepilot.com/s/ee55fb94/G-o3ZPO1LUajrpMtZnxxkA?u=https://apps.ilsos.gov/llcarticles/status.jsp> by using the Packet Number provided below. If you experience any difficulty in obtaining the status of your application, please contact the Web Master at webmaster@ilsos.gov

Packet Number: 1673390658389428

Authorization Number: 25435968

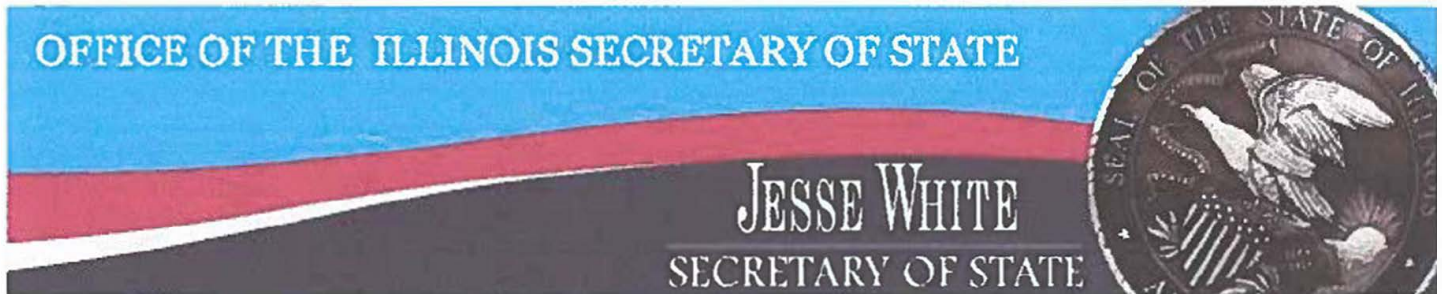
File Date: 01-10-2023

Total Amount: \$153.38

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If you have received this message in error, please notify the sender immediately, and delete this email from your system. Any views expressed in this message are those of the individual sender, except where the sender specifically states them to be the views of the Office of the Illinois Secretary of State.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.



LLC Articles of Organization

Receipt page

Please print this receipt for your records.

Your application to file limited liability company Articles of Organization has been received and payment processed.

You can check the status of your submission at <https://apps.ilsos.gov/lcarticles/status.jsp> by using the Packet Number provided below. If you experience any difficulty in obtaining the status of your application, please contact Business Services at BusinessServices@ilsos.gov.

Proposed Name: FOX FOODIE LLC
Packet Number: 1673390658389428
Authorization Number: 25435968
Payment Date: January 10, 2023
Total Fee: \$153.38
Payment Type: CREDIT CARD

[BACK TO WWW.ILSOS.GOV](http://www.ilsos.gov) HOME PAGE

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 5****Title:**

Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Section 5.08.090 “License – Classifications,” of the St. Charles Municipal Code.

Presenter:

Police Chief Keegan

Meeting: Liquor Control Commission**Date:** March 20, 2023

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** *(if not budgeted, please explain):*

Please see the attached document for the proposed changes to the City of St. Charles City Code.

Attachments *(please list):*

Memo, Changes highlighted in ordinance format

Recommendation/Suggested Action *(briefly explain):*

Recommendation to modify City Code with the listed revisions to Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications” of the St. Charles Municipal Code.

Memo

Date: February 27, 2023
To: Lora Vitek, Mayor-Liquor Commissioner
From: James Keegan, Chief of Police
Re: Modification of D-5 Site-License

The existing D-5 site-license encompasses Onesti Entertainment Corporation and the Arcada Theatre. As part of their remodeling and expansion, the entire complex now positions itself as a regional entertainment center and in doing so, is separated into two entities and point of sale systems (Onesti Entertainment Corporation and Club Arcada Incorporated).

Not only does the existing site-license need to be modified to incorporate these changes, but each entity will need to be structured as site-licenses moving forward. The current license states:

Current License

D-5. Class D-5 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only, of the theater premises located at 105 East Main St. The sale of alcoholic liquors shall be from one (1) permanent location in the vestibule, one (1) service bar in the balcony, and up to two (2) other service bars as dictated by the event.

In talking with city staff, legal and the proprietor, a more general site-license is sought; similar to The Q-Center or what was utilized at Pheasant Run.

Proposed New D-5 License:

Class D-5 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises only of the entertainment complex located at 105 East Main St. Alcoholic liquor sales are limited to individuals and their guests under the direct control of the licensee.

By way of concerns concerning movement within the complex, our liquor code does allow for multiple locations to be licensed within one street address. See 5.08.220 for further information.

Each entity has or will provide a business plan, site-plan and certificates of insurance before sales/consumption takes place. The entities will be structured as follows:

Onesti Entertainment Corporation

Entire Arcada Theatre Complex

Barcada

Rock-N-Roll Ravoli (with patio)

Rock-n-Za

Club Arcada Incorporated

Club Arcada

Studio 64

Arcadian Suites

Thank you for your consideration in this matter. Please advise if you have any questions or concerns. Please see associated materials for further information.

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 6****Title:**

Recommendation to approve a liquor license classification change from B-1 to D-5 for Club Arcada Inc., located at 105 E Main St., St. Charles.

Presenter:

Police Chief James Keegan

Meeting: Liquor Control Commission**Date:** March 20, 2023

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: ☐**Executive Summary** (*if not budgeted please explain*):

Club Arcada Inc., located at 105 E. Main St., is requesting a classification change of their liquor license from B-1 to D-5 to incorporate the expansion of their business operations. Any changes in fees is requested to begin with the new licensing year.

Attachments (*please list*):

Memo, Business Plan (Rock N Ravioli & Studio 64), Floor Plan (Rock N Ravioli & Studio 64), COI (Rock N Ravioli & Studio 64), Copy of Current Licenses

Recommendation/Suggested Action (*briefly explain*):

Recommendation to approve a liquor license classification change for Club Arcada Incorporated, located at 105 E. Main St., St. Charles from B-1 to D-5.



Memo

Date: February 27, 2023

To: Lora Vitek, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

Re: Club Arcada Inc./Change of Liquor License Classification

The Arcada Theatre, located at 105 E. Main Street has developed into a regional entertainment center as it has expanded from a traditional concert venue into several restaurants, a planned hotel and various themed concepts including a speakeasy.

Currently, Onesti Entertainment Corporation possesses a site-license for the large portion of the complex including the theatre and all of the ground floor entities. They share the same point of sale system (POS) and use the same inventory. Club Arcada Incorporated, possesses a restaurant license for the third-floor speakeasy. As part of the expansion and remodeling of the complex, Mr. Ron Onesti would like to move forward with a site-license for Club Arcada Incorporated. This entity would encompass Studio 64 and the future Arcadian Suites. Each would share the same kitchen, staff and POS system. Each of new entities are located on the second floor of the entertainment complex and have easy stairwell/elevator access from the inventory and kitchen of the third-floor speakeasy.

This concept and licensing have been vetted by city legal and discussed with Mr. Onesti. In addition, fees associated with this transfer negate the need for late-night permits and is neutral to both the City, and the Mr. Onesti in terms of costs.

See floor plans, business plans and the associated packet material for additional information.

Club Arcada Inc. Standard B-License/Change to a D-5 Site-License



ONESTI ENTERTAINMENT CORPORATION

Rock 'N Ravioli Business Plan

Rock 'N Ravioli has the perfect recipe for old-world Italian culinary specialties blended with the entertainment experience of The Arcada Theatre.

The venue will be a full-service restaurant with a small platform for acoustic performances. There will also be a "Duelling" Pianos format in place.

It should hold 126 customers with table service and bar seating.

The restaurant will serve breakfast, lunch and dinner, open seven days per week, 7am-11pm.

It will also hold private dining events and dinners connected to shows in the main theatre.

There will be 3 chefs, 2 dishroom, 2 bartenders, 3 busboys, 2 hosts, 5 servers.

The bar is full-service with wine, beer and spirits.

From: ron@oshows.com <ron@oshows.com>

Sent: Friday, February 17, 2023 4:17 PM

To: Bringelson, Sharon <sbringelson@stcharlesil.gov>

Cc: daniella oshows.com <daniella@oshows.com>; jeng oshows.com <jeng@oshows.com>

Subject: Re: Onesti business plans - elaboration needed

Hello Sharon,

Rock 'N Ravioli, BarCada, Arcada Theatre will all share the same license as they are all on the same floor, share the same inventory space and will be on the same point of sale system

Studio 64 and Club Arcada Speakeasy will share the license as they are on the same point of sale system, will share the same inventory space and share the same menu.

RON ONESTI, President/CEO

The Onesti Entertainment Corporation

105 East Main Street, St. Charles IL 60174

630.962.7000

www.oshows.com

The Arcada Theatre

Club Arcada 1920s Speakeasy and Restaurant

Rock 'N Za Pizza & Pinball Experience

Rock 'N Ravioli Restaurant

The Arcadian Suites Hotel

Studio 64 Nightclub

St. Charles, Illinois

The Des Plaines Theatre

Bourbon 'N Brass Speakeasy

Des Pizza

Big Al's Tavern

Des Plaines, Illinois

Little Italy Fest-West, Addison

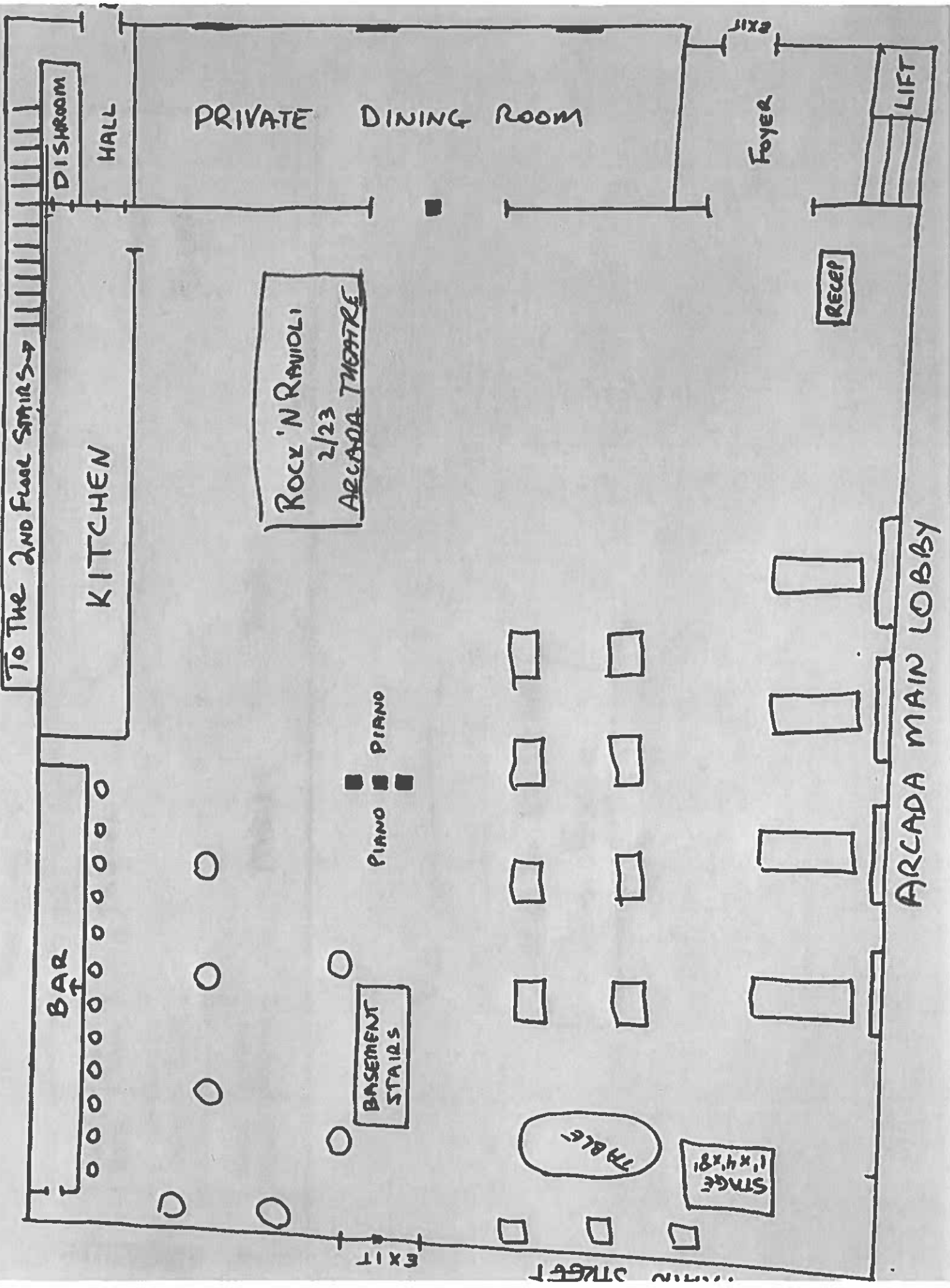
Little Italy Festa-Taylor Street, Chicago

President, Joint Civic Committee of Italian Americans

President, The National Italian American Sports Hall of Fame

Chairman, Casa Italia

Chicago, Illinois



Rock 'N' Ramen

MAIN ARCADE THEATRE LOBBY

Rock 'N' Za

KITCHEN

MERCH

Rest Room

HSID

Rest Room

BARCADA

Box Office

OUTDOOR
PIAZZA

ELEVATOR

WEST
ENTRANCE

RIVERSIDE
1ST Floor
2/23

STAIRS TO BASEMENT

BAR

RIVERSIDE



VIDEO
GAMING



COUCH

ARCADA
MAIN-LOBBY

BARCADA

ARCADA THEME

2/23



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/17/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION** IS **WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
JD Fulwiler & Co. Insurance Inc.
5727 S Macadam Ave
Portland OR 97239

CONTACT NAME: Vicki Sigler**PHONE**
(A/C, No, Ext): 503-293-8325**FAX**
(A/C, No): 503-293-5418**E-MAIL**
ADDRESS: vsigler@jdfulwiler.com**INSURER(S) AFFORDING COVERAGE****NAIC #****INSURER A:** Wesco Insurance Co

25011

INSURER B: Arch Insurance Company

11150

INSURER C:**INSURER D:****INSURER E:****INSURER F:**

INSURED
Arcada Theater
105 East Main Street
St Charles IL 60174

ONESENT-01

COVERAGES**CERTIFICATE NUMBER:** 481325636**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER	Y		SNCGL2874600	5/6/2022	5/6/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 5,000,000 \$
B	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			SNAUT0119300	5/6/2022	5/6/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			SNFXS0133100	5/6/2022	5/6/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WC990001B	4/6/2022	4/6/2023	PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
B	<input type="checkbox"/> Liquor Liability			SNLIQ0153200	5/6/2022	5/6/2023	Limit 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Rock N Ravioli is under the entity Arcada Theatre

The City of St. Charles and any official, trustee, director, officer, or employee of the City (plus any holder or mortgage as designated by the City) is added as additional insureds and waiver of subrogation applies but only as respects operations of the named insured in accordance with the policy terms, conditions & exclusions.

CERTIFICATE HOLDER

City of St Charles
2 East Main Street
St Charles IL 60174

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

Additional Named Insureds

Other Named Insureds

Onesti Entertainment Corporation
DBA The Arcada Theatre
DBA BarCada
DBA Arcadian Suites
ROCK N' RAV STC INC
DBA Rock'N Ravioli
Club Arcada INC
DBA Club Arcada Speak Easy and
Lounge
RNZ-DP INC
DBA Rock'N Za
Onesti DPT INC
DBA Des Plaines Theatre
DBA Bourbon and Brass

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US (WAIVER OF SUBROGATION)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

SCHEDULE

Name Of Person(s) Or Organization(s): The person or organization with whom the insured has executed an agreement or contract prior to the loss.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery against the person(s) or organization(s) shown in the Schedule above because of payments we make under this Coverage Part. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person(s) or organization(s) prior to loss. This endorsement applies only to the person(s) or organization(s) shown in the Schedule above.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

PRIMARY AND NONCONTRIBUTORY – OTHER INSURANCE CONDITION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance Condition** and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and

- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.



ONESTI ENTERTAINMENT CORPORATION

Studio 64 Business Plan

Studio 64 is a take on the New York City Discotheque, "Studio 54" but located on Route 64 in St. Charles.

It will accommodate 100 persons. There will be a full bar serving beer, wine and spirits.

There is a dance floor with a DJ and a temporary 1' x 6' x 12' stage for small band performances.

There will be a limited food menu available.

Two bartenders and two servers.

The room will be open Thursday, Friday and Saturday nights 7pm-1 am.

It will also be utilized for private events.

It will also hold private dining events and dinners connected to shows in the main theatre.

There will be 3 chefs, 2 dish room, 2 bartenders, 3 busboys, 2 hosts, 5 servers.

The bar is full-service with wine, beer and spirits.

From: ron@oshows.com <ron@oshows.com>
Sent: Friday, February 17, 2023 4:17 PM
To: Bringelson, Sharon <sbringelson@stcharlesil.gov>
Cc: daniella oshows.com <daniella@oshows.com>; jeng oshows.com <jeng@oshows.com>
Subject: Re: Onesti business plans - elaboration needed

Hello Sharon,

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Studio 64 and Club Arcada Speakeasy will share the license as they are on the same point of sale system, will share the same inventory space and share the same menu.

RON ONESTI, President/CEO
The Onesti Entertainment Corporation
105 East Main Street, St. Charles IL 60174
630.962.7000

www.oshows.com

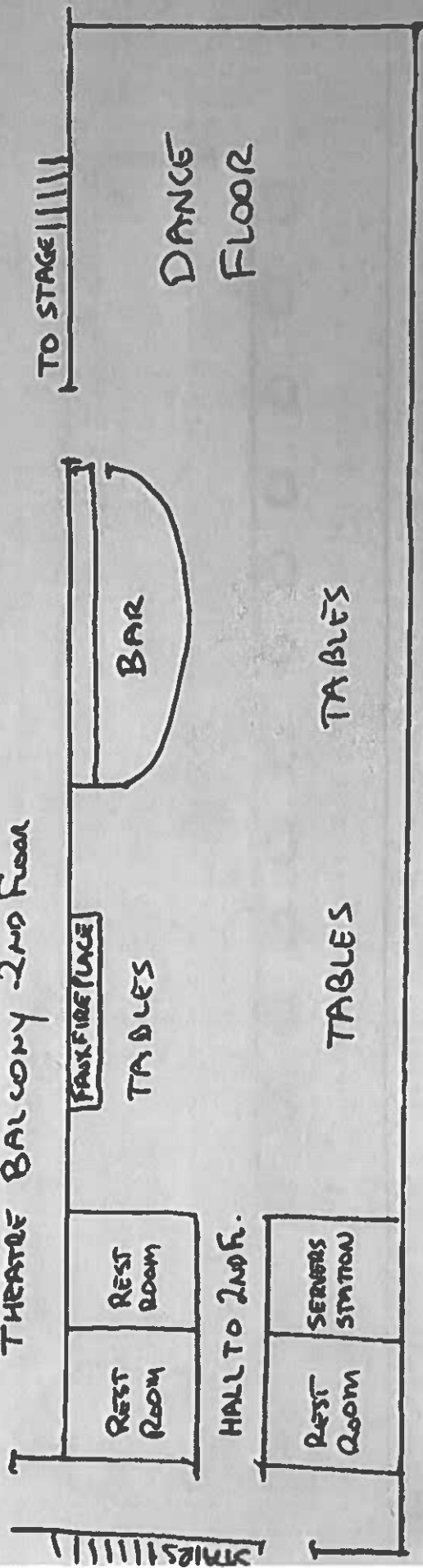
The Arcada Theatre
Club Arcada 1920s Speakeasy and Restaurant
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St. Charles, Illinois

The Des Plaines Theatre
Bourbon 'N Brass Speakeasy
Des Pizza
Big Al's Tavern
Des Plaines, Illinois

Little Italy Fest-West, Addison
Little Italy Festa-Taylor Street, Chicago

President, Joint Civic Committee of Italian Americans
President, The National Italian American Sports Hall of Fame
Chairman, Casa Italia
Chicago, Illinois

THEATRE BALCONY 2ND FLOOR



STUDIO 64
ARCADE THEATRE
2ND FLOOR
2/23



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/17/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

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PRODUCER JD Fulwiler & Co. Insurance Inc. 5727 S Macadam Ave Portland OR 97239		CONTACT NAME: Vicki Sigler PHONE (A/C, No, Ext): 503-293-8325 FAX (A/C, No): 503-293-5418 E-MAIL ADDRESS: vsigler@jdfulwiler.com	
INSURED Club Arcada Inc 105 East Main Street St Charles IL 60174		INSURER(S) AFFORDING COVERAGE	
ONESENT-01		INSURER A: Wesco Insurance Co	NAIC # 25011
		INSURER B: Arch Insurance Company	11150
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

COVERAGES**CERTIFICATE NUMBER:** 839520258**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADOL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
B	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER.	Y		SNCGL2874600	5/6/2022	5/6/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COM/OP AGG \$ 5,000,000 \$
B	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			SNAUT0119300	5/6/2022	5/6/2023	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			SNFXS0133100	5/6/2022	5/6/2023	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	WC990001B	4/6/2022	4/6/2023	PER STATUTE OTH-ER E L EACH ACCIDENT \$ 1,000,000 F L DISEASE - EA EMPLOYEE \$ 1,000,000 E L DISEASE - POLICY LIMIT \$ 1,000,000
B	Liquor Liability			SNLIQ0153200	5/6/2022	5/6/2023	Limit 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Studio 64 is under the entity Club Arcada

The City of St. Charles and any official, trustee, director, officer, or employee of the City (plus any holder or mortgage as designated by the City) is added as additional insureds and waiver of subrogation applies but only as respects operations of the named insured in accordance with the policy terms, conditions & exclusions.

CERTIFICATE HOLDER

City of St Charles
2 East Main Street
St Charles IL 60174

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Additional Named Insureds

Other Named Insureds

Onesti Entertainment Corporation
DBA The Arcada Theatre
DBA BarCada
DBA Arcadian Suites
ROCK N' RAV STC INC
DBA Rock'N Ravioli
Club Arcada INC
DBA Club Arcada Speak Easy and
Lounge
RNZ-DP INC
DBA Rock'N Za
Onesti DPT INC
DBA Des Plaines Theatre
DBA Bourbon and Brass

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

WAIVER OF TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US (WAIVER OF SUBROGATION)

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
ELECTRONIC DATA LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
POLLUTION LIABILITY COVERAGE PART DESIGNATED SITES
POLLUTION LIABILITY LIMITED COVERAGE PART DESIGNATED SITES
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
RAILROAD PROTECTIVE LIABILITY COVERAGE PART
UNDERGROUND STORAGE TANK POLICY DESIGNATED TANKS

SCHEDULE

Name Of Person(s) Or Organization(s): The person or organization with whom the insured has executed an agreement or contract prior to the loss.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

The following is added to Paragraph 8. **Transfer Of Rights Of Recovery Against Others To Us** of Section IV – Conditions:

We waive any right of recovery against the person(s) or organization(s) shown in the Schedule above because of payments we make under this Coverage Part. Such waiver by us applies only to the extent that the insured has waived its right of recovery against such person(s) or organization(s) prior to loss. This endorsement applies only to the person(s) or organization(s) shown in the Schedule above.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**PRIMARY AND NONCONTRIBUTORY –
OTHER INSURANCE CONDITION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance Condition** and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

(1) The additional insured is a Named Insured under such other insurance; and

(2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

LICENSE


Granting this license does not entitle the licensee to operate or maintain a business in violation of any other law or ordinance

CITY OF ST. CHARLES MUNICIPAL LICENSE																				
KEEP POSTED IN PUBLIC VIEW																				
VALID FROM										05	01	2022	TO		04	30	2023	LICENSE NO: 8396-1		
STD B LIQUOR LICENSE																				
UNDER THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES, THIS CERTIFICATE WHEN PROPERLY VALIDATED, AFFIRMS THAT THE APPROPRIATE LICENSE FEE HAS BEEN PAID										SEAL					ACCOUNT NUMBER 44938					
										LICENSEE: Club Arcada Inc 105 E Main Street St. Charles IL 60174										MAYOR <i>Lois A. Vitek</i> CITY CLERK <i>Nancy Garrison</i>
CLUB ARCADE																				
ANNUAL			QUARTER			DAILY			DATE ISSUE			DATE DUE			DATE EXPIRES			AMOUNT DUE		
<input checked="" type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>			MONTH DAY YEAR			MONTH DAY YEAR			MONTH DAY YEAR			\$1,200.00		
						05 01 2022			04 30 2022			04 30 2023								

LICENSE

Granting this license does not entitle the licensee to operate or maintain a business in violation of any other law or ordinance

CITY OF ST. CHARLES MUNICIPAL LICENSE																				
KEEP POSTED IN PUBLIC VIEW																				
VALID FROM										05	01	2022	TO		04	30	2023	LICENSE NO: 8212-1		
D5 LIQUOR LICENSE																				
UNDER THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES, THIS CERTIFICATE WHEN PROPERLY VALIDATED, AFFIRMS THAT THE APPROPRIATE LICENSE FEE HAS BEEN PAID										SEAL					ACCOUNT NUMBER 43131					
										LICENSEE: Onesti Entertainment Corp Arcada Theatre 105 E Main St St Charles IL 60174										MAYOR <i>Lois A. Vitek</i> CITY CLERK <i>Nancy Garrison</i>
ARCADA THEATRE																				
ANNUAL			QUARTER			DAILY			DATE ISSUE			DATE DUE			DATE EXPIRES			AMOUNT DUE		
<input checked="" type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>			MONTH DAY YEAR			MONTH DAY YEAR			MONTH DAY YEAR			\$2,000.00		
						05 01 2022			04 30 2022			04 30 2023								

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 7
	Title:	Recommendation to approve Late Night Permits for Class B & C Licenses in the City of St. Charles for FY 2023/2024	
	Presenter:	Jim Keegan, Chief of Police	
Meeting: Liquor Control Commission Date: March 20, 2023			
Proposed Cost: n/a		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
Executive Summary (<i>if not budgeted, please explain</i>): Per St. Charles City Code, the attached memo and spreadsheet memorialize the annual late-night permit request for all Class B and C liquor license holders for the fiscal year 2023/24. As the City Council is aware, the aforementioned liquor licenses are all licensed until midnight and permitted per our code to request either a 1:00 am or 2:00 am late-night permit on an annual basis. There are 29 late-night permit requests this year: <ul style="list-style-type: none"> • 21 are B licenses (Last year 22) • 8 are C licenses (Last year 7) • 13 locations are requesting to stay open until 1:00 am (last year 13) • 16 locations are requesting 2:00 am permit requests (last year 16) • No businesses requested changes from 1:00 am to 2:00 am or from a 2:00 am to 1:00 am late-night permit There are no new late-night permit requests. The following businesses have decided not to renew their late-night permits: <ul style="list-style-type: none"> • Shakou 			
Attachments (<i>please list</i>): Memo, Late Night Permit Renewal Information 2023/2024			
Recommendation/Suggested Action (<i>briefly explain</i>): Recommendation to approve Late Night Permits for Class B & C Licenses of the City of St. Charles for FY 2023/2024			



Memo

Date: March 7, 2023
To: Lora Vitek, Mayor-Liquor Commissioner
From: James Keegan, Chief of Police
Re: 2023/24 Late-Night Permits

Pursuant to city code, I have reviewed the attached late-night permit request for FY23-24. We continue to see progress toward making St. Charles a “destination” community in regards to our social environment.

Each permit request was vetted by the respective city department to ensure compliance with fees, payments, permits, etc. As a means to identify our city code as it pertains to late night permitting, I’ve included the attached ordinance language as a frame of reference. Please see below:

City Ordinance/5.08.095 Late Night Permit

- C. Annually, the liquor license renewal process shall commence on the first city business day in February. Current license holders shall submit a renewal application and include any requested changes. For those license holders applying for a new or renewing a late-night permit, they are required to specify whether they are applying for the 1:00 a.m. or the 2:00 a.m. permit. In addition, any new or renewal applications shall include a current business concept outlining the operations intended during the late-night permit term of one year, in conjunction with the liquor license to be issued on May 1 of the same year. Failure to provide a timely renewal application or late-night permit application may result in a delay in issuing said license and permit by May 1 of that year.
- D. Upon receipt of a new or renewal application, the Liquor Commissioner shall cause a review of the previous year license application to determine whether there have been any changes noted with regard to ownership, management or business concept. This application shall be forwarded to:
 - 1. Chief of Police

2. Fire Department
 3. Finance Department
 4. Community Development Department
- E. The city departments indicated in Section D will review any infractions of any city code, reflecting negatively on the license holder that should be taken into account by the Liquor Control Commission and City Council. That information shall be returned to the Liquor Commissioner for review. In addition, the Chief of Police shall cause a review of the police related activity which will support a recommendation from the Chief of Police on whether the late-night permit shall be issued and whether a 1:00 a.m. or 2:00 a.m. closing is recommended based on the permit application. The Chief of Police shall forward the recommendation to the Liquor Commissioner.
- F. Any application and recommendation for a new or renewal of a late-night permit shall be reviewed by the Liquor Control Commission. Based on this review the Local Liquor Commissioner shall make a recommendation on issuance to City Council. An applicant for a late-night permit shall have the opportunity to be present and provide input on said application, prior to the Liquor Control Commission making a recommendation. Late night permits and renewals of late-night permits shall be issued by the Liquor Commissioner with the advice and consent of the City Council.
- G. Any new liquor license application where a new late-night permit is also applied for shall follow the same review process as outlined in paragraphs B, C, D, E and F of this Chapter.
- H. Notice of Violation Process-Late Night Permit. If during a liquor license year, May 1 through April 30, where a liquor license holder has been issued a late-night permit and a notice of violation is issued by the Liquor Control Commissioner, the Liquor Control Commission shall hold a hearing on the matter. The liquor license with the late-night permit shall be given notice of the purpose, date, time and location of the hearing in a similar manner to a liquor license violation. The matter will be heard before the Liquor Control Commission in the same manner as any license violation. The Liquor Control Commission shall provide advice and consent to the Local Liquor Control Commissioner, who shall make a final decision on the matter.
- I. Cause to Reduce Hours, Revoke Late Night Permit or Not Issue Late Night Permit. In the event that a liquor license holder, has applied for or been issued a late-night permit, and has demonstrated circumstances giving reason to review whether that late-night permit shall be issued, reduced in hours or revoked, the Liquor Control Commission shall receive input from these city departments:
1. Finance Department as it relates to unpaid fees, utilities or city taxes;

2. Fire Department as it relates to repetitive fire code violations affecting health and safety;
 3. Community Development Department, Building and Code Enforcement Division as it relates to building code violations;
 4. Police Department as it relates to repetitive calls for service that are indicative of underage patrons, over service of patrons, or liquor license violations affecting the safety of the general public where the licensee is not taking proactive measures to abate the problems;
 5. Other departments with applicable information.
- J. The license holder shall have the opportunity to respond to information in a public hearing prior to any action being taken, by the Liquor Control Commission before sending any recommendation to City Council.
- K. The Liquor Control Commission may recommend the issuance or denial of a requested late-night permit for 1:00 a.m. or 2:00 a.m., or reduction in hours based on cause to the City Council for final decision.
-

Please see the attached spreadsheet for additional information concerning specific permit requests. I recommend in favor of the aforementioned requests as identified in the attached spreadsheet as it pertains to law enforcement activity during calendar year 2022. Although we had numerous violations heard by the Liquor Control Commission during the year, each licensed business is in “good standing” with the City in terms of their current license. The violations noted pertained mostly to tobacco and packaged liquor store infractions with the exception of Riverside Pizza (after-hours) and Tap House Grill (underage sale), Alter Brewing (underage sale), McNally’s (underage sale) and Evergreen Pub (underage sale). The aforementioned businesses were cited accordingly and fines were levied in each instance. In addition, two other businesses were served warning letters during the calendar (Bogart’s/over-service) and (The Alibi/security & operational control) and Throwbacks Sports Bar/security & operations control). No other issues were reported during the calendar year giving rise to LCC action.


A few businesses have been identified as delinquent in terms of unpaid fees, utilities and city taxes. Because these payments are fluid in nature and sometimes payment is received late, I will present the most updated information at both the April Liquor Control Commission and City Council Meeting on Monday, April 17th should any issues remain outstanding.

As always, I stand ready to answer any questions or concerns you might have in reference to my recommendations. Thank you in advance for your cooperation in this matter.

City of St. Charles

Late Night Permit Renewal 2023/2024

Business	Address	Class B License	Class C License	1:00 AM Permit	2:00 AM Permit	Warning Letters	LCC Violations
222 Hospitality/Whiskey Bend	222 W. Main Street	x		x			
2nd Street Bar & Grill	221 S Second Street		x		x		
Alibi Bar & Grill	12 N 3rd Street	x			x	x	
Alley 64	212 W Main Street	x			x		x fireworks
3rd Street Pub Featuring Billy Bricks Plzza/Dough Pros	11 N. Third Street	x		x			
Bogart's/El Elle Sea	219 W. Main Street		x		x	x	
Brandon Wayne Ent/The Lewis	106 E. Main Street		x	x			
CMB Ent/The Hive	204 W. Main Street	x			x		
Cooper's Hawk	3710 E. Main	x		x			
Crazy Fox	104 E Main Street	x			x		
The Beach Hut/SCMC Enterprises	8 N Third Street		x		x		
Dukes Northwoods	7 E. Main Street		x		x		
Eden on the River	1 W. Illinois Street	x		x			
Filling Station/Health Nuts	300 W Main Street	x			x		
Flagship on the Fox	100 S. Riverside Ave.	x			x		
Global Brew Tap House/VVAAMA	2100 Prairie Street		x	x			
La Mesa	51 S. First Street	x		x			
Los Burritos Asaderos/Yummy Place	2400 E. Main Street	x			x		
McNally's	109 W Main Street	x		x			x
Northwoods Pub/Evergreen Pub	1400 W Main Street	x			x		x
R-House	214 W. Main Street		x	x			
Riverside Pizza	102 E Main Street	x			x		x
Rookies (BK & MM Ventures)	1545 W Main Street	x			x		
St Charles Sports/Spotted Fox	3615 E Main Street	x		x			
Tap House Grill	3341 W Main Street	x		x			x
The Graceful Ordinary	1 E. Main Street	x		x			
The House Pub (Not yet reopened)	16 S. Riverside Ave.		x		x		
The Office/H&C Hospitality	201 E Main Street	x		x			
Throwback Sports Bar/Jay's & N	1890 W. Main Street	x			x	x	
** New Late-Night Permit request							
	Total:	21	8	13	16	3	5

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item Number: 8
	Title:	Discussion Regarding a Complaint of Violation and Hearing Notice for Alley 64, Inc., 212 West Main Street, St. Charles.	
	Presenter:	Police Chief Keegan	
Meeting: Liquor Control Commission Date: October 17, 2022			
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
Executive Summary <i>(if not budgeted please explain):</i> <p>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 or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of offenses happening on or about February 4, 2023, at the establishment of Alley 64, Inc., located at 212 West Main Street, St. Charles.</p>			
Attachments <i>(please list):</i> Complaint of Violation and Notice of Hearing			
Discussion Regarding a Complaint of Violation and Hearing Notice for Alley 64, Inc., 212 West Main Street, St. Charles.			

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

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

IN THE MATTER OF THE LIQUOR)
LICENSE OF:)
) Case Number 2023-LC-01
ALLEY 64, INC.)
212 West Main Street)
St. Charles, Illinois 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 February 4, 2023, at approximately 6:20 p.m., the Licensee, Alley 64, Inc., by and through its employees, officers and/or agents, committed the following offenses in or upon the licensed premises at 212 West Main Street, St. Charles, Illinois:

**OFFENSE
(UNAUTHORIZED AND DANGEROUS FIREWORKS DISPLAY ACTIVITY)**

Licensee conducted or otherwise permitted a prohibited or otherwise unauthorized and recklessly dangerous rooftop fireworks display at the licensed premises, without a required permit and/or authorization from the City of St. Charles, as prescribed by and in violation of Sections 8.20, 9.08.03, 5.08.250(2) and 5.08.250(8) of the St. Charles Municipal Code.

**OFFENSE
(FALSE STATEMENT)**

Pursuant to Section 5.08.250(1) of the St. Charles Municipal Code, providing false statement by the Licensee, or any officer, associate, member, representative, agent or employee of the Licensee to any police officer with respect to an alleged violation of the St. Charles

Municipal Code against the licensed premises, to wit: Sections 8.20, 9.08.03, 5.08.250(2) and 5.08.250(8).

3. On or about February 4, 2023, Alley 64, Inc. was operating under a Class B liquor license and a 2:00 a.m. late night permit issued by the City of St. Charles.

4. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and is in violation of and contrary to Sections 5.08.250(1, 2 and 8) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Alley 64, Inc., 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 Alley 64, Inc. as the Commission shall deem appropriate under the circumstances.



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

Nicholas S. Peppers
Storino, Ramello & Durkin
9501 West Devon Avenue
Suite 800
Rosemont, Illinois 60018
(847) 318-9500

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 10th day of February, 2023

Sara K Cass
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 2023-LC-01
ALLEY 64, INC.)

NOTICE OF HEARING

TO: Alley 64, Inc.
212 West Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on March 20, 2023 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 Chapters 5.08.0958 and 5.08.320 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 Commission, 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 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) BUSINESS DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) BUSINESS DAYS PRIOR TO THE HEARING AND/OR 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 COMMISSION 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, NICHOLAS S. PEPPERS, AT E-MAIL NPEPPERS@SRD-LAW.COM OR 847/318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT 630/377-4422.

DATED this 10th day of February 2023.



Lora A. Vitek, Local Liquor Control Commissioner
City of St. Charles

cc: Heather McGuire, City Administrator
James Keegan, Chief of Police


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 serve a copy of the Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: Jeremy T. Casie, 110 at 212 W. Main St, St. Charles, IL 60174 on the 11th day of February, 2023.

BLS #331

SUBSCRIBED AND SWORN to before me
this 11th day of February, 2023.


NOTARY PUBLIC
"OFFICIAL SEAL"
TIMOTHY EDWARD OCSEK
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 9/15/2024

ARRAIGNMENT FORM

Case Number 2023-LC-01

I, Jeremy Caswell, as agent for Alley 64, Inc., being a licensee charged with violations of Chapter 5.08.250(1, 2 and 8) 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 212 West 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.

ALLEY 64, INC.

Signature:

By: [Signature]

Date:

3/16/23

Subscribed and sworn to before me
this 16th day of MARCH, 2023.

Chandra I. Shannon

Notary Public



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