

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, JUNE 19, 2023, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:30 pm.

2. Roll Call.

Present: Zollers, Bancroft, Pietryla

Absent: Gehm

3. Motion by Ald. Pietryla, second by Ald. Bancroft to accept and place on file minutes of the Liquor Control Commission meeting held on May 15, 2023.

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

4. Motion by Ald. Pietryla, second by Ald. Bancroft to accept and place on file minutes of the Liquor Control Commission Execution Session meeting held on May 15, 2023.

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

5. Motion by Ms. Zollers, second by Ald. Pietryla to approve a proposal for a C-1 Liquor License Application and 1 am Late Night Permit for SCMC Enterprises dba Rudy's Bar, Located at 214 W. Main St., St. Charles.

Chief Keegan explained that this will be the fourth business in St. Charles for these owners, including two with current liquor licenses. The location is undergoing construction and appropriate permits are in place. There is no outdoor seating at this business.

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

6. Discussion Regarding a Complaint of Violation and Hearing Notice for Spotted Fox Ale House, located at 3615 E. Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

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. As of the date hereof, the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Ale House, by and through its employees, officers and/or agents, committed the following offenses in or upon the licensed premises at 3615 East Main Street, St. Charles, Illinois.

OFFENSE

Failure to timely (i) pay the City alcohol tax for the tax period ending April 30, 2023, due May 1, 2023, and (ii) prior late fee for failure to timely pay prior alcohol tax payments as prescribed by, contrary to and in violation of (i) Section 508.250(23) of the St. Charles Municipal Code, and (ii) Section 3.42.09 of the City Council's Alcohol Tax Ordinance.

OFFENSE

Pursuant to Section 5.08.180(A) and (E) and 5.08.070(12) of the St. Charles Municipal Code, failure to fingerprint current manager of the Licensee for the licensed premises.

OFFENSE

Pursuant to Section 5.08.210, failure by Licensee to cause a current license to be displayed in plain view in a conspicuous place on the licensed premises.

3. As of the date hereof, St. Charles Sports, LLC d/b/a Spotted Fox Ale House is operating under a Class B liquor license and a 1:00 a.m. late night permit issued by the City of St. Charles, said license expiring on April 30, 2023.

4. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and are in violation of and contrary to (i) Sections 5.08.250(23) of the St. Charles Municipal Code, the Liquor Control Act of 1934 and Section 349.09 of the City's Alcohol Tax Ordinance, (ii) Sections 5.08.180(A) and (E) and 5.08.070(12) of the St. Charles Municipal Code, and (iii) Section 5.08.210 of the St. Charles Municipal Code.

5. That the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Ale House, 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 St. Charles Sports, LLC d/b/a Spotted Fox Ale House as the Commission shall deem appropriate under the circumstances.

Attorney Peppers stated that the arraignment form has not yet been received, and that is required three days before this hearing. The licensee is deemed guilty of the charges due to failure to file the arraignment form.

The Licensee representative, Marwan Taib, stated that the business's manager was fingerprinted today. Mr. Taib has previously made it clear to City staff that the business is facing financial difficulties. Spotted Fox did not get grants from the state and county during the COVID-19 period and large nearby attractions such as Pheasant Run have closed. The customer traffic is not high enough to support the business and Mr. Taib is considering closing. Costs are increasing, margins are slim, and he cannot afford to continue to pay fines.

Attorney Peppers reiterated the issues before the commission today. He reminded the attendees that the City's alcohol tax fees are collected up front by the business from the customers. The manager was fingerprinted earlier today, and the establishment does not have a liquor license posted, as required by state law.

Mr. Taib spoke again about his business challenges.

Further discussion will be conducted in Executive Session.

7. Discussion Regarding a Complaint of Violation and Hearing Notice for Lundeen's Liquor East, 614 East Main Street, St. Charles.

Commissioner Vitek read the Complaint of Violation for the record.

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.

OFFENSE

2. On or about May 10, 2023, Lundeen's Liquor East, Inc. ("Licensee") was operating under a Tobacco License issued by the City of St. Charles for the location at 614 East Main Street, St. Charles, Illinois 60174 ("Premises").

3. On or about May 10, 2023, at approximately 2:50 p.m., Licensee, by and through its employees, officers and/or agents on the Premises, committed the following violation of the St. Charles Tobacco Code:

OFFENSE

Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

4. That the acts detailed in Sections of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. Licensee 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 Sections 5.16.180 of the St. Charles Municipal Code, that the Local Liquor Control Commission, a/k/a the Tobacco Commission, hold a hearing on this matter and take such action against Licensee as the Commission shall deem appropriate under the circumstances.

Attorney Peppers confirmed that the arraignment form was received. The Licensee pleaded guilty and did not request a mitigation hearing.

Further discussion will be conducted in Executive Session.

8. Public Comment - none

9. Executive Session

Motion by Ald. Pietryla, second by Ald. Bancroft to enter executive session at 4:55 pm.

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

The regular meeting resumed at 5:17 pm.

10. Adjournment.

Motion by Ald. Pietryla, second by Mr. Gehm to adjourn the meeting at 5:17 pm.

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

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