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# Transcript of Hearing 

Date: November 13, 2017
Case: St. Charles Liquor Commission Hearing

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Transcript of Hearing
Conducted on November 13, 2017

HEARING, held at the location of:

ST. CHARLES CITY HALL
2 East Main Street
St. Charles, Illinois 60174
(630) 377-4400

Before Melanie L. Humphrey-Sonntag, a Certified Shorthand Reporter, Registered Diplomate Reporter, Certified Realtime Reporter, and a Notary Public in and for the State of Illinois.

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PRESENT:
    MAYOR RAYMOND ROGINA, Chairman
        CLIFFORD CARRIGNAN, Member
            ROBERT GEHM, Member
            RON SILKAITIS, Member
            LORA VITEK, Member
ALSO PRESENT:
            JOHN MC GUIRK, Counsel for the Mayor
            and City
            TIMOTHY D. O'NEIL, Counsel for Complainant
            and Chief Keegan
            RICHARD J. MILLER, Counsel for Licensee
            TRACEY CONTI, Clerk
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PROCEED N G S
MAYOR ROGINA: Good afternoon, everyone.
I want to call the special Liquor Control
Commission meeting for Monday, November 13th, 2017, to order.

And, Tracey, would you please call the roll.

CLERK CONTI: Silkaitis.
MEMBER SILKAITIS: Here.
CLERK CONTI: Carrignan.
MEMBER CARRIGNAN: Here.
CLERK CONTI: Vitek.
MEMBER VITEK: Here.
CLERK CONTI: Gehm.
MEMBER GEHM: Here.
MAYOR ROGINA: Thank you.
First of all, taking care of some
business, housekeeping, a motion to accept and approve the minutes of the October 16th, 2017, Liquor Control Commission meeting.

May I have a motion to approve these.
MEMBER GEHM: So moved.
MAYOR ROGINA: Moved by Gehm.
MEMBER SILKAITIS: Second.

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MAYOR ROGINA: Seconded by Silkaitis.
Any further conversation on that?
(No response.)
MAYOR ROGINA: All in favor signify by
saying aye.
(Ayes heard.)
MAYOR ROGINA: Opposed?
(No response.)
MAYOR ROGINA: Motion carried.
Good afternoon. This is a hearing before
the local Liquor Commissioner and the members of the St. Charles Liquor Commission in the matter of the massage establishment licensee Shangri-La Massage \& Spa, 2015 Dean Street, Suite 7A, in the city of St. Charles.

I'm Raymond Rogina, the Mayor and the Liquor Commissioner, who oversees the Liquor, Tobacco, and Massage Commissions.

I am joined by members of the Liquor Commission, Alderman Ron Silkaitis, Alderman Lora Vitek, Mr. Robert Gehm, and Mr. Clifford Carrignan.

Representing the Mayor is Mr. John
McGuirk.

Representing the police chief and complainant in this matter, James Keegan, Mr. Timothy O'Neil.

Representing the licensee, Mr. Richard Miller.

Now, prior to calling witnesses, I will ask if any lawyer would like to make an opening statement, and, after both sides have presented their cases, I will ask for closing arguments.

The complaint was read to the licensee on October 16, 2017. The Petitioner, James Keegan, alleges that the following sections of the St. Charles Massage Establishment Code were violated by the licensee, by and through its employees, officers, or agents, on or about January 11th, 2017, at approximately 7:41 p.m.

Those sections are 5.20.130(G),
Section 5.20.130(H), Section 5.20.180(B)(10), Section 5.10.110(A), Section 5.20.130(E), and Section 5.20.130(F).

Further, on January 17th, 2017, at approximately 9:35 p.m., it is alleged -- and I've been corrected on that; maybe it's 9:35 a.m. -the licensee, by and through its agents,

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employees, or officers, violated Section 5.20.110(A)
of the Massage Establishment Code.
Now, on October 16th, 2017, the licensee,
through its attorney, denied each of these
charges.

Now, before we begin, are there any
matters we can take care of, either Petitioner or
respondent?
Mr. O'Neil.
MR. O'NEIL: Good afternoon, your Honor.
No, I have -- we're -- I'm ready to begin.
MAYOR ROGINA: Okay.
Mr. Miller, anything we can take care of
before --
MR. MILLER: Good afternoon.
For ease, because my client is a little
bit challenged in English as a second language,
we'll have a translator, so we can swear her in,
as well.
MAYOR ROGINA: No objection there?
MR. O'NEIL: No objection.
MAYOR ROGINA: That will be fine, sir.
All right. Mr. O'Neil, do you wish to
make an opening statement?

MR. O'NEIL: Briefly.
The City will call two police officers who will testify as to their activities on January 11th, 2017, at Shangri-La at 2015 Dean Street.

Special Agent Michael Young of the Illinois State Police went into the facility with officially advanced funds; in other words, known as OAF. Those are bills. The serial numbers on the bills are marked and handed to an agent when they go in to conduct an operation.

At that time -- he will go through some detail and some graphic detail about what occurred in there. As he walked in, there was no one at the front desk. As he stood there, a woman by the name of Hongbo Cui, C-u-i, came out and a conversation began. She was just wearing a long sweater, no shoes.

She told him to come back to Room No. 10. He wanted a massage. He gave her $\$ 60$. The charge for a massage was $\$ 45$. She directed him to Room No. 10 , told him to get into a white robe which was hanging from the wall. She came back with the \$15 in change.

She told him to go shower. He took a shower for some time. At some point he came out and they began with the massage. Various conversations took place between Special Agent Young and Ms. Cui. Ms. Cui is an employee of Shangri-La. At no time did Special Agent Young see any other persons on the premises that evening.

At some point -- and this will came out in graphic detail -- the employee of the massage spa asked if he wanted something else. And they began talking about various sex acts, and it came down to ultimately negotiating for sex, being fornication, for $\$ 125$.

At that point the employee of the establishment removed her clothes and sat on top of Officer Young, who was completely naked. The rules say that all genitalia are to be covered with towels, et cetera, and there's strict liability wording in the ordinance.

She began to massage his thighs up through his pelvic area, put her knee on his pelvic area. She asked him if he had a condom. He said, "No. Do you have a condom?"

She want to a pair of shorts on a chair that was in the corner of Room No. 10 that had not been there when the special agent walked in. From the pocket of the shorts she pulled out a condom, removed it from its wrapper, and began to try to insert it on his penis.

At that time he said -- I'm summarizing; this was a lot more detail -- he said, "I feel guilty; I'm married."

She asked him if he wanted a blow job, various other things. Ultimately, the special agent said, "Well, no. I just want to see you pleasure yourself," where she stripped down and got on the table and began masturbating. She asked him if he wanted to jerk off on the table. He said no. He said, "My time's up. I've got to go." Again, I'm going over a lot of details.

He left. The other agents that were outside came in and found the $\$ 60$ officially advanced funds that the agent had brought in with him in the cash register of the establishment up front.

They found $\$ 100$ of the officially advanced funds that the agent had brought in in Ms. Cui's
locker, along with her expired massage license, credit cards, and other indicia of whose property was in that locker.

Inspector Anyon will testify that she entered into and spoke to the -- and I want to get the names right -- straight; I'm going to get my report.

She spoke to Lifa, L-i-f-a, Jiang,
J-i-a-n-g. Ms. Jiang said she had not been there. She said that the manager had left at 5:30. Now, this all took place a couple hours after that. Various other conversations took place.

On January 17th of 2017, Inspector Anyon went back out to the facility with Officer Jerry Schomer of the St. Charles Police Department to serve the establishment with a notice of forfeiture -- that's a notice of preliminary hearing -- on the $\$ 501$ of United States currency that was also found in the cash register. And on that date when she answered, there was only one person on -- in the facility and the manager was not there -- or a manager was not there.

In sum and substance, that's the evidence that we expect to show today to the Commission.

Thank you.

MAYOR ROGINA: Thank you very much.

Response, Mr. Miller?

MR. MILLER: Good afternoon.

What the evidence is really going to show is that my client is a little bit challenged as it relates to the English language. She speaks Mandarin Chinese; hence, the translator.

And subsequent, the -- my client was there both on the 11th and the 17th. What the evidence is going to show is that she was on the premises the whole time.

On the 11th she was actually in a separate room playing -- her son had a table tennis tournament, which is in a separate room on facility grounds.

So when someone asked her if she's actually working, she misinterprets that as actually working on a client. She was there on the premises on the 11 th and, pursuant to the report -- an hour and seven minutes later, she's there, pursuant to the report. So she was on the premises the whole time.

On the 17 th she was actually working on a
client. So when the officer appeared -- or the detective appeared -- said he wanted to talk to her, she instructed the front-of-store personnel to -- she's not to be interrupted. So she was there, also, on the 17th.

As it relates to the actual acts of prostitution, my client promptly terminated her. They have policies and procedures and an employment agreement that says once -- if they're ever alleged prostitution, that they'll be terminated, rightly, and they will be responsible for any monetary damages, subsequent indemnification, et cetera.

So we hope the Commission will hear the evidence and judge it fairly.

Thank you.
MAYOR ROGINA: Thank you, Mr. Miller.
Now, if I could ask both attorneys to make sure that you instruct your witnesses on this -particularly in this case with the interpreter -I'm going to ask all witnesses who are going to testify today if you would stand, and I will administer the oath one time, and then we'll go from there. All right?

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Just raise your right hand.
(Five witnesses duly sworn.)
MAYOR ROGINA: All right. Thank you.
With that, Mr. O'Neil, you may call your first witness.

MR. O'NEIL: I would call Lifa Jiang as
our first witness.
MR. MILLER: Lifa, come here.
MAYOR ROGINA: Ms. Jiang.
MR. MILLER: Come sit here.
THE INTERPRETER: Can I use my phone in
case I don't know how to translate?
MAYOR ROGINA: Absolutely.
MR. MILLER: Lifa, why don't you sit right here.

And why don't you stand right here and
listen.
MAYOR ROGINA: Mr. O'Neil, you're pretty good with your projection. How about if we make sure we get that microphone so that everybody can hear everyone.

MR. O'NEIL: I just need a place to
balance my notes.
MAYOR ROGINA: I know. Thank you.

All right. Proceed.
MR. O'NEIL: Thank you.
(Testimony taken through a Mandarin Chinese
interpreter.)
LIFA JIANG,
after having been duly sworn/affirmed, through the
interpreter testified as follows:
DIRECT EXAMINATION BY COUNSEL FOR THE CLAIMANT BY MR. O'NEIL:

Q Ma'am, would you state your name for the Commission, please.

THE WITNESS (in English): My name's --
MAYOR ROGINA: You've got to repeat it out
loud.
THE COURT REPORTER: And through the
interpreter, please. Just give all your answers to the interpreter and the interpreter can answer.

A My name is Lifa Jiang.
Q And, ma'am, how old are you?
A 41 years old.
Q And where do you reside?
A Aurora.
Q Do you have a business interest in the Shangri-La Massage \& Spa?

A Yes.
Q What is that business interest? Are you an owner?

A Owner and manager.
Q Do you own -MAYOR ROGINA: Can you hear? MEMBER GEHM: Yes.

Q Do you own the Shangri-La business all by yourself, or are there other owners?

THE INTERPRETER: They are the family
business, her and her husband.
Q And what is your husband's name?
A Ming Ng. Ming Ng; N-g, last name. MR. MILLER: Can you speak up?

THE INTERPRETER: Oh, me up?
A (Continuing.) Ming Ng; N-g, last name.
Ming, M-i-n-g. Last name, N-g.
Q Okay. And when you applied for your massage license, did you disclose that your husband was also an owner?

A Yes.
Q All right. I'm going to show you -I only have one copy. I'm going to mark it as City -- or Chief's Exhibit 5.
(Chief's Exhibit 5 marked for identification.)

THE INTERPRETER: So you asked if her husband -- I'm sorry. I just want to make sure I translate it right.

MR. O'NEIL: Okay. That's a very
important question.
THE INTERPRETER: Yeah. So --
BY MR. O'NEIL:
Q When you applied for your massage therapy
license in the city of St. Charles, did you disclose your husband as an owner?

That's a simple yes-or-no question, ma'am.
THE INTERPRETER: The building is --
belong to her family. The business is her, under her.

Q So your husband does not own any portion of the Shangri-La Massage \& Spa?

THE INTERPRETER: Let me just get this clear.

Are you talking about -- I'm sorry.
Are you talking about ownership or the management of the business?

MR. O'NEIL: The ownership of the

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business, not of the property.
THE INTERPRETER: Let me translate, see if it makes sense.

She's saying the property, the building, is the family's and the Shangri-La's business is under her name.

MR. O'NEIL: Okay.
BY MR. O'NEIL:
Q Does your husband have any ownership interest in Shangri-La Massage \& Spa?

MR. MILLER: Objection; asked and
answered. She already said that she is the sole
member of the LLC.
MR. O'NEIL: She never said that.
MR. MILLER: Well, I believe that's what she said.

MAYOR ROGINA: Were any of the
Commissioners doubting the fact that -- I heard from the translator the husband and her own the building, the Shangri-La business itself is owned by the witness.

Did everybody hear that?
MEMBER GEHM: Yes.

MAYOR ROGINA: Objection's sustained.

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MEMBER SILKAITIS: Kind of. Not really. I never heard her specifically saying that she's the sole owner.

Is she the sole owner of the business?
MAYOR ROGINA: All right. Then -- this is
informal. This is a hearing. You may ask her, to the witness.

MEMBER SILKAITIS: Is she the sole owner
of Shangri-La, the business?
THE INTERPRETER: The business --

MEMBER SILKAITIS: Not the building. Is
she the sole owner?
MAYOR ROGINA: See, there's some doubt
here. We're not getting a clear answer here.
THE INTERPRETER: She's a little bit
confused, and I am a little confused, too.
MR. MILLER: Counsel, if you have the articles of organization, we'll stipulate to that.

MR. O'NEIL: I don't. That's what I'm
trying to find out.
All right. I'm going to move on.
MAYOR ROGINA: All right.
BY MR. O'NEIL:
Q Now, on January 11th -- excuse me.

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January 11th of this year, at approximately
7:41 in the evening, were you on the premises at 2015 Dean Street?

THE INTERPRETER: 7 -- what time did you say?

MR. O'NEIL: 7:41 in the evening.
THE INTERPRETER: She said she's at that
building but she's at a different business activity --

MAYOR ROGINA: Okay.
THE INTERPRETER: -- working
responsibility.
BY MR. O'NEIL:
Q You weren't conducting any business of the massage spa at that time?

THE INTERPRETER: She -- she's saying the Shangri-La has massage and also the table tennis part --

Q Okay.
THE INTERPRETER: -- includes both of --
both --
MAYOR ROGINA: Was she present -- was she present in the table tennis area?

THE INTERPRETER: That's what she's

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saying, she's doing that part of it.
MAYOR ROGINA: All right.

BY MR. O'NEIL:
Q You were supervising the table tennis part
of the -- that was going on in the premises; is
that correct?

A Yes.
Q Okay. MAYOR ROGINA: That's clear.

Q Did you have a conversation with Inspector
Anyon approximately an hour later?

A Inspector? Police?
Q Inspector Anyon, A-n-y-o-n.
A What is the -- Anyon?
Q Let me withdraw the question.
MR. O'NEIL: Inspector Anyon, will you
step up here for a second?
MAYOR ROGINA: Counsel, are we talking
about the events as it -- as they occurred on the evening of the 17th?

MR. O'NEIL: Yes -- no. The evening of January 11th, 2017, yes.

Step up here.

BY MR. O'NEIL:
Q On the night of January lith when you were supervising the table tennis, did you have a conversation with this young woman?

THE WITNESS (in English): Yes, sir.
Yes, sir.
Q And you recognize she's a police officer?
THE WITNESS (in English): Yes --
THE COURT REPORTER: I need her to speak through the interpreter, please.

THE INTERPRETER: She said yes.
Q Did you advise Inspector Anyon that Ming Ng -- M-i-n-g; last name, $\mathrm{N}-\mathrm{g}$-- is the manager of the business and left there at 5:30 in the evening?

THE INTERPRETER: So she -- she calls everybody up front manager. And her husband was there that day. She calls -- and there is another front desk. She calls her manager, as well. It wasn't meaning that they are the manager of the Shangri-La, but she calls them manager.

Q Okay. My question is, did you tell
Inspector Anyon that your husband was the manager and left that day at 5:30 in the evening?

THE INTERPRETER: She did tell her that her husband left.

Q Okay. Thanks.

All right. Now, the next day, did you meet with Sergeant Lamela from the St. Charles Police Department?

A Miller? I'm sorry.
Q Lamela, L-a-m-e-l-a.

THE INTERPRETER: She doesn't remember.

She doesn't remember who.
Q All right. The next day did you make a telephone call to the St. Charles Police Department and speak with Sergeant Lamela?

THE INTERPRETER: Yes, she did.
Q So you called Sergeant Lamela?
Did he ask you if you were aware of what had happened the night before?

THE INTERPRETER: She said she knows. She was there.

Q Okay. Did you tell Sergeant Lamela that you were not working at the time of the incident?

THE INTERPRETER: She says she meant she was not at the front desk, but that doesn't mean she wasn't in the premises, in the building.

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Q Did you tell Sergeant Lamela that you were called and informed of what occurred and responded out to Shangri-La?

THE INTERPRETER: I'm sorry.
Q Did you tell Sergeant Lamela the following: That you were called by someone, informed of what occurred, and responded to Shangri-La?

THE INTERPRETER: Called by -MR. O'NEIL: I'll take it one at a time. THE WITNESS: Okay.

Q You called Sergeant Lamela; correct?
A Yes.
MR. MILLER: Objection. You're leading
the witness.
MR. O'NEIL: This is cross-examination of an adverse witness, Counsel.

MR. MILLER: This isn't cross-examination. You called her as a witness in your case in chief.

MR. O'NEIL: It's an adverse witness.
MR. MILLER: You didn't call her as an
adverse witness --
MAYOR ROGINA: I'm going to try my best to avoid the idiosyncrasies of leading and so on.

I'm hoping we can get through it in a collegial fashion.

But let's ask the questions and let's see
if we can get the answers clearly.
BY MR. O'NEIL:
Q Did somebody call you and inform you what had occurred between the Illinois State Police agent and Hongbo Cui the night before? Did somebody call you and tell you that?

THE INTERPRETER: She said there is -several days later there's someone tell -- told her.

Q Okay. Do you -- were you represented by an attorney by the name of James Hyun, $H-y-u-n ?$

THE INTERPRETER: James Hyun?
MR. O'NEIL: H-y-u-n.
A Yes.
Q Were you present here in front of this Commission on February 6th, 2017?

THE INTERPRETER: February 6th, 2017?
MR. O'NEIL: February 6th, 2017.
A Yes.
Q Do you recall -- and Mr. Hyun was your attorney?

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THE INTERPRETER: She said, yes, Hyun is the attorney.

Q Do you recall him addressing this body on that evening?

THE INTERPRETER: She said she remembered but she didn't understand.

Q Okay. Do you understand -- when you speak to Mr. Hyun, do you understand what he says?

A No. There was no translator.
THE INTERPRETER: So she doesn't
understand.
Q Do you recall him saying that you were not at the business establishment that night, that you were at home and had a personal commitment with your son?

Do you remember your attorney saying that to this body right here?

THE INTERPRETER: She says she never said that.

MR. O'NEIL: No, I'm not asking if she said that.

Q Do you recall your attorney saying that to this Board?

MR. MILLER: I'm going to object to that
question. She already said she didn't understand what her attorney was saying.

MR. O'NEIL: Well, she can answer it that way.

MAYOR ROGINA: I think the point's been
made. You can move on, Counsel.
MR. O'NEIL: Okay.
THE INTERPRETER: Do I translate anything
or --
MAYOR ROGINA: He'll ask another question.
BY MR. O'NEIL:
Q Finally, ma'am, on May 26th, 2015 --
THE INTERPRETER: '15?
MR. O'NEIL: '15.
Q -- were you charged with prostitution by the Geneva Police Department?

MR. MILLER: Objection. She was never charged with prostitution. You're misleading, misstating. The witness --

MAYOR ROGINA: I'm going to sustain the objection. BY MR. O'NEIL:

Q Did you complete a pretrial diversion program through the Kane County State's Attorney

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office for that charge?

THE INTERPRETER: I -- did -- did --

I'm sorry.

Q Did you complete a diversion program
through the Kane County State's Attorney's office?
THE INTERPRETER: "Diversion program"?

I have to look up that word.

Sorry.
What did you say? "Diversion"?

MR. O'NEIL: "Diversion," d-i-v-e-r-s-i-o-n.

Q Let me ask --

MAYOR ROGINA: I think, based upon the
question -- I think it's simple to ask her did she
complete a program sponsored by Kane County.

Back then. Start with that.

She either did or she didn't so --

THE INTERPRETER: She doesn't know. She
doesn't remember.

MAYOR ROGINA: She doesn't remember going
to a program -- I want to make this clear.
Counsel, I think, asked a clear question.
She does not remember attending a program sponsored by the County?

THE INTERPRETER: Kane County; right?

MAYOR ROGINA: I think the answer --
I think the Commissioners understand. She's -you don't understand that?

THE WITNESS (in English): I don't understand.

MAYOR ROGINA: All right. Let's proceed.
MR. O'NEIL: That's all the questions I have of this witness, your Honor.

MAYOR ROGINA: Mr. Miller, do you have some questions for the witness?

MR. MILLER: Yeah, I just have a couple follow-up questions.

Thank you.
CROSS-EXAMINATION BY COUNSEL FOR THE LICENSEE BY MR. MILLER:

Q Ms. Jiang, it's your testimony today that you were actually on the premises on January 11th, pursuant to the alleged prostitution charge; is that correct?

THE INTERPRETER: Yes. She says, yeah, she's in that building.

Q Okay. And you testified today that you were actually in a table tennis tournament; correct?

A Yeah.
THE INTERPRETER: She was watching the kids.

Q And the table tennis tournament or the table tennis itself was actually in the same building that the Shangri-La Spa is; correct?

A Yes. It's next door to the Shangri-La -there's a door.

Q So it's in the same building; correct?
A It's in the same building. THE WITNESS (in English): Yes. Same building.

Q And on January 12th, when the detective came to speak with you, were you on the premises, as well?

THE INTERPRETER: January 12th? MR. MILLER: The next day, January 12th. THE INTERPRETER: Yes, she said.

Q And on the 12th, when the police officer came to speak with you, do you recall where you were actually?

THE INTERPRETER: She was working with a client.

She was working with a client and she says

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she will contact the police after she's -- she was --

Q Is it fair to say that, if you're actually working on a client, that you've instructed the front office personnel not to bother you?

A Yes.
THE INTERPRETER: She has instructed the front desk.

Q And on January 17th, when the police allegedly visited the establishment and asked for you, do you recall where you were on that day?

THE INTERPRETER: 17th?
Q Were you working on a client?
THE INTERPRETER: She says she's working on a client.

Q Okay. Is it fair to say that when someone asks you if you're actually working, that you connotate that statement or question with actually working on a client as opposed to being in the building?

A Yes.
THE INTERPRETER: That would be her understanding.

Q And isn't it true in this matter that
you've pled guilty to no prostitution charges? Is that correct?

THE INTERPRETER: She says she didn't understand what they were saying.

MR. MILLER: Okay. No more questions.
MAYOR ROGINA: Can I -- Counsel, I want to
get clarity on that last question that you asked.
Repeat that last question you asked her.
MR. MILLER: Well, I should say --
MAYOR ROGINA: You can --
MR. MILLER: I think she said she didn't
understand the question.
So subsequent if she, in fact, pled
guilty -- which isn't the case -- I don't think she has an understanding of being able to --

MAYOR ROGINA: I'll sustain your objection originally.

THE INTERPRETER: Can I interrupt a little bit?

MAYOR ROGINA: In a minute.
But, Counsel, maybe through you we can get an answer. We didn't get an answer on the diversion program.

And I'm just wondering if, through you --

MR. MILLER: I don't think that's
dispositive in this matter, quite frankly, whether she entered a diversion program or not. That's not one of the charges being offered here --

MAYOR ROGINA: I understand that.
MR. MILLER: -- to revoke the license.
MAYOR ROGINA: But on direct when counsel
asked the question, you didn't object to that, and
I thought to myself, "Well" --
MR. MILLER: I didn't.
MAYOR ROGINA: -- "you're going to allow
that to come in," and then she -- as I recall, she said she didn't understand the question about the diversion program.

So I guess we'll leave that sit as is and we'll move on.

MR. MILLER: Okay.
MAYOR ROGINA: Is that fair?
MEMBER SILKAITIS: May I ask a question?
MR. MILLER: That's fair.
MAYOR ROGINA: Yes.
MEMBER SILKAITIS: What was your question
to her? What was your question to her?
MR. MILLER: Did she plead guilty to

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any -- let me clarify -- solicitation charge. MEMBER SILKAITIS: But your question was prostitution charge.

MR. MILLER: Well, it's the same thing. MEMBER SILKAITIS: Okay. So -- and she
did not answer the question; correct?
MAYOR ROGINA: She said she didn't
understand the question.
MEMBER SILKAITIS: She didn't understand
the question.
MAYOR ROGINA: All right.
MR. MILLER: I'll strike the question.
MAYOR ROGINA: All right, Counsel.
Thanks.
Redirect?
MR. O'NEIL: Just one.
MAYOR ROGINA: Please.
REDIRECT EXAMINATION BY COUNSEL FOR THE CLAIMANT BY MR. O'NEIL:

Q Were you arrested on May 26th, 2015, for solicitation of prostitution?

THE INTERPRETER: "Solicitation"?
May --
MR. O'NEIL: May 26th, 2015.

MR. MILLER: I'm going to object to that
question. I'm not sure --
THE INTERPRETER: She said -- she said
they -- they -- she did. They withdraw the charge
because she didn't do what they said she did.
MAYOR ROGINA: They withdrew the charge?
All right.
THE INTERPRETER: She didn't -- so they withdraw the charge to her.

MAYOR ROGINA: All right.
MR. O'NEIL: Nothing further.
MAYOR ROGINA: Anything else for her, this
witness?
MR. MILLER: No further questions.
MAYOR ROGINA: You may step down.
Thank you.
THE INTERPRETER: Sorry if I did wrong.
MAYOR ROGINA: Call your next witness,
Mr. O'Neil.
MR. O'NEIL: I call Special Agent Mike
Young of the Illinois State Police.
MAYOR ROGINA: Mike Young?
MR. O'NEIL: Common spelling, Y-o-u-n-g.
MAYOR ROGINA: Very good.

Mr. Young?
THE WITNESS: Yes, sir.
MR. O'NEIL: Maybe we can get you a chair
without -- well --
THE WITNESS: It's okay.
MEMBER GEHM: Is he --
MAYOR ROGINA: Is he okay? Tight
quarters.
THE WITNESS: A little bit.
MICHAEL YOUNG,
having been duly sworn, testified as follows:
DIRECT EXAMINATION BY COUNSEL FOR THE CLAIMANT BY MR. O'NEIL:

Q Sir, state your name for the record.
A Special Agent Michael Young, Y-o-u-n-g.
Q And, Mr. Young, obviously -- what is your occupation?

A I'm a special agent with the Illinois State Police, North Central Narcotics Task Force.

Q Okay. And how long have you been a sworn peace officer for the state of Illinois?

A Approximately 8 1/2 years.
Q All right. And as a special agent, what areas do you look into -- you said you're with the

North Central Narcotics Task Force, but you're not confined to that task force; is that correct?

A No. We investigate narcotics
investigations; obviously, prostitution
investigations; felony charges, that sort of thing. Misdemeanors.

Q Okay. And I want to draw your attention to January 11th of 2017 in the evening. Do you recall that evening?

A Yes.
Q And do you recall what your assignment was that night?

A I was acting in an undercover capacity to enter the Shangri-La Massage parlor and conduct an investigation into a complaint of prostitution.

Q All right. And prior to going to that location, what, if anything, did you do to prepare yourself?

A I'm not sure I understand.
Q Okay. At some point you were going in to investigate a complaint of prostitution.

Did you procure United States currency in order to consummate a deal in the event one was made?

A I did.
Q What did you do?
A I received officially advanced funds from my supervisor, were signed over to me.

I photocopied those official advanced funds prior to entering the establishment.

Q Why did you photocopy the official
advanced funds?
A To record the serial numbers and the denominations.

Q And those serial numbers that you photocopied, you then use them after a transaction is made?

A Yes. They are recorded.
Q When you walked into the establishment at 2015 Dean Street, how were you dressed?

A In normal, everyday clothes. My exact attire $I$ don't recall exactly.

Q You weren't in a coat and tie with your badge hanging on it?

A No, sir.
Q Okay. As you walked in the door, what did you see?

A There was a front desk, which I do not
recall anybody standing at. The lobby was empty.
Q And how -- did you just stand there? Did you sit down? What did you do?

A I believe I stood at the counter and
waited. And a young lady came from the back and spoke to me.

Q Okay. When a young lady came from the back, can you tell the Board here, the Commission, what she was wearing?

A She was wearing a long sweater-type dress and no shoes. MAYOR ROGINA: You said "no shoes"? THE WITNESS: Correct.

Q And how far down her body would you say the sweater went?

A I believe it was in the area of the knee, but I couldn't -- I can't remember exactly the length.

Q Did you have a conversation with her?
A Yes.
Q What did she say to you and what did you say to her?

A I asked for a 30-minute massage, and she said it would be $\$ 45$. I provided $\$ 60$ United

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States currency, official advanced funds, at which point she said that she would have to get me change.

Q Okay. And when she said she had to go get change, what did you do?

A I asked her if she wanted me to follow her and she said yes. She showed me to Room No. 10, showed me where a white robe was, and said that I could shower.

I removed my clothes, placed the white robe on, and walked towards the shower. She had mentioned that she had turned the shower on for me.

Q When you say you removed your clothes, did you remove all of your clothes?

A Yes, I did.
Q So when you went to the shower, all you had on was a white robe?

A Correct.
Q How long did you stay in the shower?
A A couple minutes. I couldn't tell you exactly.

Q After you got out of the shower, what did you do?

A I returned to Room No. 10.
Q Do you recall approximately what time it was that you returned to Room No. 10?

A I believe it was 8:10. I'm not a hundred percent sure, though.

Q All right. When you were back in the room -- you went in by yourself?

A I believe so.
Q And at some point did the woman who met you at the front desk before enter the room?

A Yes.
Q What did you do?
A I removed the white robe and laid on the table, face down.

Q You removed the robe? And you had no clothes on underneath?

A Correct.
Q Did she tell you to put the robe on or to put a towel over any part of yourself?

A No.
Q Over -- did she cover any part of your genitals?

A No.
Q Were you laying on your stomach or on your

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back or on your side?
A On my stomach.
Q As you were laying on your stomach, what did you experience?

A I believe she started to massage my lower extremities, my legs.

Q Did she apply any sort of cream, oil, any sort of lubricant?

A Yes. She applied oil.
Q And can you describe what exactly she was massaging on your legs and what portion of your lower extremities?

A My thighs up to about approximately my buttocks.

Q Now, are there any markings on your body that would draw her attention?

A Yes.
Q What do you have?
A I have numerous tattoos, tattoos on my left leg from my hip to my foot, as well as from my back -- on my back from approximately my shoulder to just above my buttocks and as well as my right arm.

Q Now, as she's massaging your legs up to
your buttocks, what was the lighting like in the room?

A It was dim.
Q At any point were the lights turned down further?

A Yes, they were.
Q What prompted the lights being turned down?

A I believe it was when we had a
conversation about what else I wanted.

Q Okay.
A I didn't -- I said I didn't understand.
Again -- she asked me again, "What do you want?"
I said I didn't understand.
So she asked me to turn over to my back.
And --
Q Let's -- let me ask a question prior to you turning over.

As you're laying on your stomach getting a massage, did you hear her do something or feel something?

A I don't think I know -- I don't remember. I'm sorry.

Q All right. Let me ask you this: At some
point did you look over at a lounge chair in the corner of the room?

A Yes, I did.
Q When you had entered the room that
night -- when you had entered the room after
taking the shower, were there any articles of
clothing in that chair?

A No, there was not.
Q As she started asking "What else do you
want?" did you happen to see the chair?
A Yes. There was a pair of what appeared to be women's jean shorts placed on the chair.

Q And when you say "jean shorts," are they necessarily short-cut shorts?

A Yes.
Q So it's possible she could have had them underneath the long sweater?

A Correct.
Q At some point during the massage she asked you to turn over; is that correct?

A Yes.
Q What did she say as you turned over?
A I believe she asked me again what
I wanted.

Q As you turned over, were you still naked?
A Yes, I was.
Q So at this point your genitals were exposed to her?

A Yes.
Q Did she continue the massage of your lower body after you turned over?

A Yes. It was up on the front of my thighs.
Q Would you stand up and show the Commissioners where she massaged your thighs and to what point she went.

A It was up to approximately this area up here.

Q So indicating, for the record, up almost to the hips, over the thighs, up and around the pelvic area?

A Yes.
Q Do you want to show counsel?
A (Indicating.)
Q At that point what did she say to you?
A I believe our conversation turned to whether I wanted a hand job, I believe. I don't recall exactly.

Q And do you recall what you asked her, what
the cost was?

A Yes. I believe she said it was a hundred dollars and that she could take her clothes off, at which point $I$ said that $I$ didn't agree with that, it was too expensive.

She asked me how much it cost me the last time I was within Shangri-La, and I said that it was not offered to me. She asked why. At that point I said I didn't know, and she speculated that the last girl was scared.

So we had a conversation about the cost of what the hand job would be. I said 20 , she said 40, at which point $I$ said, "Well, how much for sex?"

Q And when you said "How much for sex?" what were you implying there?

A Sexual intercourse.
Q And when you asked her how much for sex, how did she respond?

A "\$125."
Q How did you respond to that?
A I said, "I have a hundred."
At which point she had -- excuse me -went over to the shorts -- I'm sorry. Let me
back up.
We had a conversation about whether I had a condom or not. I said I did not. I asked her if she had a condom, and she retrieved one from the pair of shorts that were sitting on the red lounge chair.

She retrieved the condom and removed it from the package and began to place it on my penis.

And I told her that I didn't want to do this because I was married, at which point she asked me if I wanted a blow job instead. She began to start and I stopped her immediately, at which point I said, you know, "I -- I don't want to do that. What if I just watch you?" at which point she agreed and laid on the table.

And do you want me to continue?
Q And what did she do?
A I'm sorry?
Q And what did she do?
A She had to touch herself, at which point
I covered myself with my hands, and we had a conversation while she was touching herself.

Q And as she's touching herself, did she
make any suggestions to you?
A Yes. She asked if $I$ wanted to jerk off on the table.

MAYOR ROGINA: Repeat.
A (Continuing.) I wanted -- she asked if I wanted to jerk off onto the table, at which point I said, no, I was fine where I was at.

Q Did she ask you if you were a police officer?

A She did.
Q And what did you -- how did you respond?
A After some conversation I told her no. We did kind of have a back-and-forth about it, similar to -- she asked me if I was a police officer, and I said, "You wouldn't know if I was" and kind of had this back-and-forth.

But eventually I said that I was not.
Q So when she took the condom out of the shorts -- first of all, let me back up.

The shorts weren't in that chair when you entered the room after the shower; is that correct?

A Correct.
Q And sometime before the time you saw her
going into the pocket, somehow the shorts got there?

A Correct.
Q As she went to place the condom on your penis, did she touch your penis?

A Yes.
Q Did you provide her with the $\$ 100$ of official advanced funds?

A I did.
Q And what were the denominations of those dollars?

A $\$ 20$ bills.
Q So there were five \$20 bills?
A Yes.
Q So at two points -- you gave her 60 for the massage, she gave you $\$ 15$ change?

A Yes.
Q And for the purported intercourse that you wanted, you gave her a hundred dollars?

A Yes.
Q She accepted -- took that from your hand?
A Yes.
Q I'm going to show you City Exhibit 1.
(City Exhibit 1 marked for
identification.)
Q Do you recognize that exhibit, sir?
A Yes, I do.
Q And what is that?
A That is Ms. Cui, the young lady that conducted the massage as well as negotiated a sex act.

MR. O'NEIL: All right. I'd ask that
Exhibit 1 be entered in evidence.
MAYOR ROGINA: Marked Exhibit 1 placed in evidence, a picture of the individual that he testified he had a massage on that date.
(City Exhibit 1 admitted into evidence.) BY MR. O'NEIL:

Q Now, after you -- I believe you stated that you told her that your time is up.

A Yes.
Q And what did -- what did the woman depicted in Exhibit 1 do?

A After a conversation about, well, time didn't matter, she was the boss -- and I said, "You're the boss?" and she said she was the boss of the room -- we had clothed and I had provided
her money. We continued to have a conversation. She hugged me. She kissed my cheek. And we walked out of the room.

Q When you walked out of the room -- let me ask you this: When you walked into the facility that night, did you see any other woman except for the woman portrayed in Exhibit 1?

A I did not see another woman. I heard a voice.

Q Okay.
A The phone --
Q When you exited the facility that night, was there any person at the front desk or out about the front of the premises?

A Not that I recall.
Q After you went out, did other officers enter the premises?

A Yes, they did.
Q And at that time did you receive a text from Inspector Anyon concerning the person that was being placed under arrest?

A Yes.
Q And did you affirm that was the person that performed or attempted to perform these sex
acts upon you?

A Yes.

MR. O'NEIL: May I have a moment, your

Honor. I'm probably done.

MAYOR ROGINA: Yes. One.

MR. O'NEIL: No further questions of this witness.

MAYOR ROGINA: Thank you.

Mr. Miller, cross-examination.
CROSS-EXAMINATION BY COUNSEL FOR THE LICENSEE

BY MR. MILLER:

Q Officer, good afternoon.

As it relates to the hundred dollars that
you gave the alleged individual in Exhibit 1, what
was the hundred dollars for?

A It was taken in there just as -- it was carried in, obviously, for the purchase of the massage, as well as if $I$ needed to pay for any sex acts.

Q Okay. But the actual hundred dollars that, quote/unquote, "was asked for in relation to a sex act," what sex act was performed for that hundred dollars?

A There was no -- there was an agreed-upon
act for sexual intercourse for $\$ 125$.

Q Okay. But there was no sexual act
actually performed; correct?

A Correct. MR. MILLER: No further questions. MAYOR ROGINA: Redirect? MR. O'NEIL: Very quickly. REDIRECT EXAMINATION BY COUNSEL FOR THE CLAIMANT BY MR. O'NEIL:

Q Did the woman depicted in Chief's
Exhibit 1 touch any part of your body, any sexual or genital area of your body?

A Yes, she did.
Q And at any point did she tell you or -tell you to cover up or make you cover up when you exposed your genitalia?

A No.
MR. O'NEIL: That's it.
MAYOR ROGINA: Recross?
MR. MILLER: Yeah.
MAYOR ROGINA: Scope of the redirect,
obviously.
MR. MILLER: Okay.

RECROSS-EXAMINATION BY COUNSEL FOR THE LICENSEE BY MR. MILLER:

Q Officer, I'm looking at your report. And you just testified that she never -- the alleged perpetrator in Exhibit 1 never advised you to cover up yourself; correct? Isn't that what you just testified to?

A Correct.
Q But, in fact, if I read your report, it says, "Cui stated I should have covered myself.
I stated it was impossible for me to cover myself
with a towel."

A That was --
Q So, in fact, she did say to cover
yourself; correct?

A At the end of the night, yes.
MR. MILLER: No further questions.
MAYOR ROGINA: The answer was "At the end of the night"?

THE WITNESS: Yes. Near the end of the encounter, yes.

MAYOR ROGINA: Eight -- I think that's it, redirect, recross. I think we --

MR. O'NEIL: I'm done.

MAYOR ROGINA: -- can excuse this witness.
Officer, thank you so much. We
appreciate it.
MR. MILLER: Thank you, Officer.
MAYOR ROGINA: Call your next witness.
MR. O'NEIL: I don't have any -- are you
anticipating recalling him as --
MR. MILLER: I don't have any other witnesses.

MR. O'NEIL: All right. Judge, can the
special agent be excused?
MAYOR ROGINA: The special agent can be excused.
(Witness excused.)
MR. O'NEIL: Or you can stay if you want to.
Inspector Anyon.
MAYOR ROGINA: Good evening.
THE WITNESS: Good evening.
MR. O'NEIL: You've been sworn, haven't
you?
THE WITNESS: Yes, I have.
MELINDA ANYON,
having been duly sworn, testified as follows:
/ / /

DIRECT EXAMINATION BY COUNSEL FOR THE CLAIMANT BY MR. O'NEIL:

Q State your name and spell your last for
the record, please.

A Melinda Anyon, A-n-y-o-n.

Q And what is your occupation?

A Police officer.
Q What is your present assignment?

A I'm currently assigned to the Illinois State Police North Central Narcotics Task Force.

Q How many years have you been a peace officer?

A Approximately 11.
Q And but for your present assignment to the Illinois State Police North Central Narcotics Task Force, what is your permanent assignment?

A Approximately two years currently.
Q No, I mean --

A I'm sorry.
Q -- where are you employed normally if
you're not on assignment?
A St. Charles.

Q You're a police officer for the City of
St. Charles?

A Yes.
Q All right. I want to draw your attention
to the evening of January 11th of this year.
Do you recall meeting with Special Agent
Young?
A Yes.
Q And there was a master sergeant for the
State Police?

A Yes.
Q And where did you meet prior to going to
Dean Street?
A St. Charles Police Department.
Q And at that time did you observe the officially advanced funds?

A I did.
Q And did you or did -- did you keep copies
of the money that was run on the copier?
A I did have a copy in my vehicle.
Q All right. At some point you went to
2015 Dean Street; is that correct?
A That is correct.
Q Who did you ride with?
A I was -- I believe I was -- on that night -- I'm sorry. We did a surveillance detail

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a few times so -- I believe I was by myself, but I was part of a surveillance team.

Q But Special Agent Young went separately?
A Correct. He was in his own vehicle by himself.

Q And when you arrived at the premises, at the 2015 Dean, were you there when Special Agent Young entered?

A Yes. I observed him enter the business.
Q Where were you parked?
A I was in the parking lot that is just east of the business.

Q And necessarily at 7:40 in the evening in January it's dark out?

A Yes.
Q Was the front of the business lighted?
A It was.
Q As you sat there, other than seeing the special agent go in, did you see anyone else go in that night?

A I saw one male subject leave that evening. I was not there when he entered.

Q All right. At approximately what time, if you recall, did Special Agent Young exit the
building?
A I do not recall.
Q Okay. A few minutes?
Don't guess. Don't guess. At some point
you saw him exit?
A Correct.
Q And then what did you do?
A He gave a signal that -- that the exchange of money for a sex act was completed.

Q And you entered with whom?
A Master Sergeant Smith.
Q Were there any other St. Charles police officers with you that evening?

A Officer Grove.
Q And when you entered, what did you do?
A I believe initially just Master Sergeant Smith and I entered and encountered Ms. --

Q Cui?
A -- Cui. Thank you.
And I took a picture of her and sent it to Special Agent Young to confirm that that is who, indeed, was in the room with him.

Q At some point did you have a conversation with Lifa Jiang?

A I did.
Q Okay. Do you see her here in this room today?

A I do.
Q Can you point her out and describe an article of clothing, please.

A Sure. She's sitting with a black-and-red plaid shirt, long black hair.

Q And when you spoke to her, was it just the two of you, or was anyone else present?

A I believe Master Sergeant Smith was there, but there was no one else present other than law enforcement.

Q Did you announce who you were?
A Yes.
Q Were you dressed plainclothes or uniform?
A I had a tactical vest that said "Police" with a badge.

Q And what did you say to her and what did she say to you?

A I asked to speak to the manager on duty, and she advised that the manager had to leave earlier in the evening and provided a name.

Q Was that name Ming Ng?

A I believe so.
Q That's -- okay.
A I documented it in my report.
Q When you entered, was there anyone in the area -- the vestibule where you entered?

A No.
Q There was no one at the front desk?
A There was no one at the front desk.
Q At some point did you recover currency?
A I did.
Q Can you tell the Commission what currency you recovered and where?

A There were three $\$ 20$ bills in the cash register at the front of the lobby. There was a desk and there is a cash register there. The three $\$ 20$ bills -- OAF -- which was prerecorded and I had a copy of serial numbers and denominations were located in that cash register.

Q And those numbers matched what you had copied earlier?

A Correct.
Q At some point did you discover other money?

A Yes. We asked Ms. --

Q Cui?
A -- Cui where the money was that she received from her last client. And then she took a key to a locker located within the business, unlocked the locker, and the hundred dollars which was prerecorded -I was able to match that that was, indeed, the hundred dollars that Special Agent Young entered the business with, along with her driver's license and some credit cards, things of -- that were identifiable with her name in that locker.

Q Was there also an expired massage therapist's license in the locker?

A Yes, there was.
Q At some point did you place her under arrest? Or who placed her under arrest?

A I can't recall who actually put
handcuffs -- put her into handcuffs. Officer Grove transported her to St. Charles Police Department for us.

Q And at some point did you ask her to make a statement?

A I did. I advised her of her Miranda rights.

Q Okay. And I'm going to show you what's marked as Chief's Exhibit 3.
(Chief's Exhibit 3 marked for
identification.)
Q Would you take a look at that. First of all, tell me if you recognize that.

A Yes, I do.
Q And what do you recognize that exhibit
to be?
A It's the statement of constitutional rights and waiver.

Q All right. And whose signatures appear on that?

A It is mine and Officer Grove's.
Q All right. And is this -- this is a copy, obviously. Is this in substantially the same condition as the waiver of constitutional rights and waiver was on January 11, 2017?

A Yes, it is.
Q Did you read that form to her?
A I did.
Q Did you have -- and when you read it to her, what did you do to make sure she understood and acknowledged that those rights had been read
to her?
A I asked her to initial next to each right, just indicating that she understood them.

Q Okay. And that's what each $C$ on the left is?

A Correct.
Q I'm curious. At any time that night did
you have any problem communicating with Ms. Jiang
in English -- I mean -- I'm -- strike that.
Did -- when you were back at the -- did
you have any problems communicating with Ms. Jiang in English?

A No, I did not.
MR. O'NEIL: I'm going to ask that
Exhibit 3 be entered into evidence.
MAYOR ROGINA: Exhibit 3, marked, Chief's
Exhibit 3, into evidence.
MR. MILLER: No objection.
MAYOR ROGINA: Thank you.
(Chief's Exhibit 3 admitted into evidence.)
BY MR. O'NEIL:
Q Now, she didn't want to give a statement, did she --

A She did not.

Q -- Ms. Cui.
Now, on January 17th of this year, you
went back out to 2015 Dean Street, didn't you?
A I did.
Q What was the purpose of going there?
A I needed to issue the forfeiture for the funds that were taken from the register that evening.

Q Okay. And perhaps we should explain that. Other than the officially advanced funds, you also found what in the cash register?

A I don't remember the dollar amount, but there was additional currency in that cash register mixed in with the OAF.

Q With the officially advanced funds?
A With the official advanced funds.
Q So you had to serve them with a notice as to what the disposition of that currency could be?

A Correct.
Q Do you recall what time you responded there with Officer Schomer?

A I do not. I don't recall.
Q Okay.
A I did document it in the report.

Q Is there anything that would reflect -refresh your recollection as to what time you arrived at 2015 Dean Street on the night of January 17th?

A My report will reflect that.
MR. O'NEIL: May I approach so she can
refresh her recollection as to the time?
MAYOR ROGINA: Any objection?
MR. MILLER: No objection.
A On the 17th I -- I was there at
approximately 9:35 p.m.
Q Okay. And at that time did you have a
conversation with an employee of Shangri-La?
A I did.
Q Would that be Suzhen, $S-u-z-h-e-n, ~ J i a n g ?$
A That is how she identified herself, yes.
Q All right. Did you have any problem
communicating in English with her?
A No.
Q You don't speak Mandarin, do you?
A No, I do not.
Q Did you ask her where the manager was?
A I did.
Q And what -- how did she respond?

A She stated that there was not a manager there at that time.

Q And this was at 9:35 in the evening?
A Correct.
Q And the business was open?
A It was open.
Q All the lights were on?
A Yes.
MR. O'NEIL: If I may have a moment, your
Honor, I may be done.
I have no further questions.
MAYOR ROGINA: Mr. Miller, before you do
cross, I just want to go back to --
MR. MILLER: Thank you.
MAYOR ROGINA: -- the beginning of this hearing when $I$ may have said "9:35 a.m." And I think the record clearly reflects the fact that it's 9:35 p.m., and we'll proceed with that for the record.

Cross-examination.
MR. MILLER: Thank you.
CROSS-EXAMINATION BY COUNSEL FOR THE LICENSEE

BY MR. MILLER:
Q Officer, on January 11th, after the --

Officer Young left Shangri-La, did you guys have that facility under surveillance?

A Yes.
Q Did you see any vehicles come and go?
A No.
Q So it's quite possible that Ms. Lifa Jiang was actually in the premises since you didn't see any vehicles come and go; is that correct?

A Yes.
Q On the 17th of January, is it possible that Ms. Jiang was actually in the facility and you didn't see her?

A I only encountered one subject at the front counter.

Q But is it possible that she was in the facility and you didn't see her?

MR. O'NEIL: Object. It's asking for speculation.

MAYOR ROGINA: She's -- she can speculate. It's a clear question.

You can answer the question.
A It's possible either way. I only encountered one subject so it's possible.

Q Right.

MR. MILLER: I have no further questions.
MAYOR ROGINA: All right. Redirect?
MR. O'NEIL: None.
MAYOR ROGINA: None.
Officer, thank you so much. Appreciate it.
THE WITNESS: Thank you.
MAYOR ROGINA: Anything further,
Mr. O'Neil?
MR. O'NEIL: If I may have a moment to speak with my client.

MAYOR ROGINA: You may.
MR. O'NEIL: Thank you.
MAYOR ROGINA: Is that a prelude to
another witness or to closing argument?
MR. O'NEIL: That's what I have to find out.
You always talk to your client before you
make a decision on what you're going to do.
MAYOR ROGINA: Take a momentary recess.
(A recess was taken from 5:42 p.m. to
5:43 p.m.)
MR. O'NEIL: At this time, your Honor, the chief rests.

MAYOR ROGINA: Chief rests their case.
All right.

We'll go to Mr. Miller, and you may
call --

MR. MILLER: Your Honor, the Respondent
would like to call Lifa Jiang to the stand.
MAYOR ROGINA: All right. Proceed,
Counselor.
MR. MILLER: Thank you. LIFA JIANG,
after having been duly sworn/affirmed and
testified, through the interpreter testified
further as follows:
FURTHER DIRECT EXAMINATION BY COUNSEL

FOR THE LICENSEE
BY MR. MILLER:
Q Ms. Jiang, is it your policy within the spa not to allow acts of prostitution?

A Yes, it is true.
Q Do you have a company policy whereby, if an employee is found to have solicited prostitution, that they're terminated?

THE INTERPRETER: So she -- she has a policy to terminate -- to terminate -- she has a policy to terminate the person and, also, the person needs to compensate for the loss, if there
are some business losses.

Q Did you terminate Ms. Cui?

THE INTERPRETER: She did fire her right away.

Q When did you terminate her? The next day? THE INTERPRETER: Right away she
terminated her.

MR. MILLER: I have no further questions, your Honor.

MAYOR ROGINA: Cross?

FURTHER CROSS-EXAMINATION BY COUNSEL

FOR THE CLAIMANT

BY MR. O'NEIL:
Q When's the last time you had contact with her?

THE INTERPRETER: The last time? The most recent?

MR. O'NEIL: With Ms. Cui, the most recent time.

THE INTERPRETER: About three months ago, she -- she asked her about -- you know, because of her business loss, she wanted her to -- what's the word? Is it "compensate"? I don't know if it's -- "compensate" is the right word but like,
you know --
MR. O'NEIL: I understand.
THE INTERPRETER: -- because they are
business losses, then she needs to --
Q She wanted some money for losing her job? THE INTERPRETER: Not her. No, no, no.

No. For com- -- the business -MAYOR ROGINA: No, no. Can we clarify here? You asked a question as to the last time
she had contact --
MR. O'NEIL: Correct.
MAYOR ROGINA: -- with Ms. Cui.
MR. O'NEIL: Correct.
THE INTERPRETER: It's three months ago.
MAYOR ROGINA: And the answer I thought
I heard was three months ago.
MR. O'NEIL: Correct.
MAYOR ROGINA: And the reasoning for that
was to seek compen- -- her to seek compensation --
THE INTERPRETER: Right.
MAYOR ROGINA: -- for loss of business.
MR. O'NEIL: Oh, okay.
MAYOR ROGINA: Is that correct? Did
you -- is that the interpreter's --
THE INTERPRETER: Yes. Yes.
MAYOR ROGINA: All right.
MR. O'NEIL: All right. No further
questions.
MAYOR ROGINA: Anything else, Mr. Miller?
MR. MILLER: No, your Honor.
MAYOR ROGINA: Very good.
You may step down.
(Witness excused.)
MAYOR ROGINA: I would ask each lawyer to
take just a quick moment, and then $I$ would like to
hear short closing arguments by each side.
MR. O'NEIL: Before we do that, your
Honor, I would ask the Liquor Control Commission
to take judicial notice of its own minutes of the
meeting of February 6th, 2017, which I have a
copy of.
I can get another copy for you. Do you
have them?
MR. MILLER: I've got a copy of it.
MR. O'NEIL: And I'll refer to them in my
closing argument.
MAYOR ROGINA: All right.

MR. MILLER: I'm going to object to
that -- I'm going to object to that document in
totality --
MAYOR ROGINA: All right.

MR. MILLER: -- standing objection.

It was remanded for hearing. None of that should matter.

MAYOR ROGINA: All right. Let's approach.
(An off-the-record discussion was held.)

MAYOR ROGINA: The objection's sustained.

Mr. O'Neil.

MR. O'NEIL: This is the problem you have when you have too many pieces of paper and trying to keep them orderly.

This is it.

Thank you for your time. Thank you for hearing the evidence in this matter.

Recall this is not a criminal case. It doesn't require proof beyond a reasonable doubt. This is an administrative hearing where proof is by a preponderance of the evidence.

What is a preponderance of the evidence? It's more often defined as more likely true than not or, on the scales of justice that you may see
on TV -- here are the scales of justice. If the chief has met the burden by that much, the case is proven.

So what has to be proved for this case is contained right out of the complaint of violation.

The first one, 5.20.130, is that no person shall place his or her hands, to touch upon with any part of his or her body, to touch a sexual or genital area of another person.

The evidence is unrebutted that the employee of Shangri-La touched the genital area of Special -- of the special agent by placing the condom onto his penis.

The second charge is 5.20.130(H), "No massage therapist" -- et cetera, et cetera -"whether or not for compensation of any form, which would require the touching of the patron's sexual or genital area." That Count 2 is guilty.

No. 3, 5.20.180(B)(10), "The license
holder permits acts of prostitution or solicitation for acts of prostitution to be performed within the premises."

Now, we don't know what the past relationship between Ms. Cui and Ms. Jiang are,
but this we do know: Ms. Cui was in the licensed facility by herself when the agent entered. He saw no one else.

Ms. Cui, by her own admission, was beyond a door -- I actually think she says in another building; she had to go through a door -supervising a table tennis match.

So maybe Ms. Cui is acting as a rogue on her own; maybe not. You never heard her deny that she warned Ms. Cui not to perform any acts of prostitution, that they were trained not to perform any acts of prostitution. All she did, which was self-serving, was sometime thereafter fire her.

Now, it seems to me a person of reasonable experience and reasonable sensitivities, when they hire massage therapists, they look beyond "Do they have a license?"

They would say, "What is your background? Where have you been? Why are you coming to me now? You know these are our rules. We do not touch genital areas. We do not solicit for sex."

We never heard any evidence of the sort that that's the sort of training that this
enterprise takes place in. When they get caught, they get fired, but that's the lack of quality control.

Violation 5.20.110(A), "A licensee of a licensed massage establishment shall" -mandatory, not permissive -- "have the premises supervised at all times when open for business with at least one person who is a licensed massage therapist. The licensee shall personally supervise the business or shall delegate."

Well, now, Ms. Jiang says tonight she was beyond the door, managing the table tennis tournament. There was no one else in the building. She told Inspector Anyon that her husband went home at 5:30. There was no one else on the premises that was supervising. There was Ms. Cui in there running her little gamut of illegal activities.

So in a sense, by commission or omission, she permitted her employee and, therefore, her business to violate this count.
5.20.130(E), again, "A patron's sexual and genital areas, as defined herein, must be covered by towels, cloths" -- et cetera, et cetera --
"when in the presence of a massage therapist or employee."

So what did we hear unrebutted in this case? The special agent went in, took a shower, dried off, put his robe back on, and went back to Room No. 10. When he got back to Room No. 10, he took the robe off. He told you he was completely naked. Ms. Cui walks in and doesn't say "Cover up." She doesn't say that until the end of the transaction is done.

That is a strict liability offense. If a patron wants to uncover themselves, taking off a robe, you give them a towel to cover their genital area. That was not done at all. In fact, I don't think there was any testimony that there was any towels other than in the shower area in the massage room to cover up the genital areas.

Now, the charges from January 17th are quite simple, quite -- not simple but they're not as elaborate and not as specific, not as deep.

Inspector Anyon went out there with Officer Schomer of the St. Charles Police Department to serve the paper -- the papers -- the forfeiture notice for the money that was
intermingled with the officially advanced funds in the cash register at the business.

When she got there, a person with the same last name -- we still don't know who she was -said the manager left at eight o'clock. Now, Officer Anyon and Officer Schomer went there at 9:35. Again, there's a lack of supervision there.

By a preponderance of the evidence, by
both direct and circumstantial evidence, you can discern there is no supervision at this business. It's a free-for-all. Whatever these employees want to do, there's no one there to instruct them, to make sure they're doing it right, to do anything that's correct under the Code.

I would respectfully submit to you that the chief has met the burden of proof with competent evidence on all of the items contained in the complaint of violation, and I would respectfully request that you find the business guilty on all counts.

Thank you.
MAYOR ROGINA: Thank you.
Response, Mr. Miller?
MR. MILLER: Well, preponderance of the
evidence is certainly more likely than not that my client was in the premises both on the 11th and the 17th.

In fact, the officer testified while the facility was under surveillance they didn't see any cars come and go. So at 8:48 they went in; my client was there, nothing to contradict her testimony that she was there on the 11th.

Certainly, on the 17th she was there; however, she instructs the front -- the front office staff to elaborate that she's not available or not there because she's working on a client.

In terms of policies and procedures, knowingly allowing prostitution to exhibit on the premises, she's testified she didn't. They have a company policy; they actually have employees actually execute an agreement. She terminated that employee the day after or shortly after she became aware of it.

Quite frankly, the Petitioner can't meet their burden of proof. This is a rogue employee who perpetrated or allegedly perpetrated an act of solicitation.

My client didn't knowingly allow it; she
has a policy against it; she supervised on the premises both on the 11th and the 17th. She was just in an adjacent office watching table tennis on the 11th.

I respectfully submit to you and the Board that my client's license is valuable to her, it's a source of her -- her single source of income, and she takes it seriously.

We submit to you that you find that she didn't violate, personally, any of the ordinances that the police have accused her of.

Thank you.
MAYOR ROGINA: Mr. Miller, if you may -and I -- the reason I sustained the objection from Mr. O'Neil is the fact that Judge Akemann vacated that last decision so -- and -- vacated the decision and, obviously, basically wiped off the hearing from the face of the earth.

So having said that, I'll ask you the same question I asked previous counsel at that particular hearing, and it simply is this: Do you recognize or accept, as a matter of law, the fact that an employer -- not in a criminal basis; I'm not implying that at all but on a civil basis --

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an employer is responsible for the actions of the employee in the scope of the job?

MR. MILLER: I accept the respondeat superior, which is your analogy to that.

MAYOR ROGINA: Respondeat superior?
MR. MILLER: Yeah.
But that's only, quite frankly, in issues of negligence, not when you're talking about tort law. Tort law is where there's an intentional act. you can't control employees from perpetrating intentional acts.

So if you look at the common law here in
Illinois or any case law, an employer is
responsible for their employee when they commit an act of negligence, certainly not when it's a tort, an intentional, willful act. You cannot hold an employer responsible if they committed an intentional act.

MAYOR ROGINA: That leads me to my second question, which comes from your closing argument.

And that is the fact that -- did you imply in your closing argument that the licensee fired or released the perpetrator of this act or alleged act because of the fact she believed that the act

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was committed?
MR. MILLER: Well, I think her testimony was that she terminated her immediately. And in my closing argument what $I$ advocate for is there's a policy within the scope of her business, which is any allegations of impropriety or solicitation warrants a termination, and that's what she did.

And, mind you, she terminated her the next day when, in fact, those were just allegations. I haven't heard any testimony from anyone that -- and it's certainly not my burden of proof -- that Ms. Cui was found guilty of solicitation.

So, you know, you're innocent until you're proven guilty. My client didn't even wait for that. She exercised her right, as an equitable employer, to terminate the relationship immediately upon these allegations.

MAYOR ROGINA: All right.
Rebuttal?
MR. O'NEIL: Just quickly.
Counsel's stated -- not based on any evidence -- that his client has their employees execute an agreement not to commit any crimes, not
to prostitute themselves.

Where is it? Where's the agreement?

Thank you.

MAYOR ROGINA: All right. I'm going to
thank both Mr. O'Neil and Mr. Miller --

MR. MILLER: Thank you.

MAYOR ROGINA: -- and the members of the

Liquor Commission and I will retire to executive session to discuss this matter.

In accordance with Judge Akemann's order on September 20th, 2017, the following will occur: In 10 to 14 days, I will render a decision in this matter.

If I believe the Petitioner has not met its burden on every count, I will so order the licensee to carry on with business as usual.

If I believe the Petitioner has met his burden on one or more of the named violations of the Massage Establishment Code, per Judge Akemann's order, I will ask if you would like to present a mitigation argument or mitigation document. If an argument, I would hope to schedule within two weeks of the order. If a document, I would like it presented within

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two weeks of the order.
Any final questions?
MR. MILLER: No, your Honor. I appreciate
the opportunity to do that in mitigation.
MAYOR ROGINA: All right.
Then thank you to Mr. O'Neil, Mr. Miller,
and the witnesses who presented testimony.
And may I entertain a motion to move to
executive session.
MEMBER GEHM: So moved.
MEMBER VITEK: Second.
MEMBER CARRIGNAN: Second.
MAYOR ROGINA: Seconded, I think -- Lora
got in on the second. Seconded by Vitek.
We need to call the roll, then, Tracey.
CLERK CONTI: Silkaitis.
MEMBER SILKAITIS: Yes.
CLERK CONTI: Carrignan.
MEMBER CARRIGNAN: Yes.
CLERK CONTI: Vitek.
MEMBER VITEK: Yes.
CLERK CONTI: Gehm.
MEMBER GEHM: Yes.
MAYOR ROGINA: Thank you.

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We'll move to executive session.
(Off the record at 6:05 p.m.)

CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 22nd day of November, 2017.

My commission expires July 3, 2021.


NOTARY PUBLIC IN AND FOR ILLINOIS

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