

**MINUTES
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, DECEMBER 20, 2021, 4:30 PM**

1. Call to Order.

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

2. Roll Call.

Present: Bancroft, Pietryla, Zollers

Absent: Gehm

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on November 15, 2021.

Motion Ald. Pietryla, second by Ald. Bancroft to accept and place on file minutes of the Liquor Control Commission meeting held on November 15, 2021.

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

4. Recommendation to approve a Proposal for a D-2 Liquor License Application for St. Charles Hospitality LLC dba Hilton Garden Inn, located at 4070 E Main Street, St. Charles.

Chief Keegan explained that there is a sales agreement pending from the receivership to a new owner. The closing date is to be determined and is dependent on the liquor license approval.

Motion by Pietryla second by Ms. Zollers to recommend the approval of a Proposal for a D-2 Liquor License Application for St. Charles Hospitality LLC dba Hilton Garden Inn, located at 4070 E Main Street, St. Charles.

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

5. Discussion Regarding Massage Establishment Citation and Hearing Notice for Massage World located at 615 South Randall Road, #100, St. Charles.

Commissioner Vitek shared that proper notice was provided for the citation. She then read the following complaint allegation into the record.

COMPLAINT OF VIOLATIONS

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. That on or about November 19, 2021, at approximately 12:51 p.m., the Licensee, Massage World, LLC, d/b/a Massage World, by and through its employees, officers and/or agents, committed the following violation of the City of St. Charles Massage Establishment Code:

OFFENSES

Violated Section 5.20.030 of the Massage Establishment Act which states:

“No person shall provide a massage to another person as a massage therapist, employee or otherwise, on the premises for which a business license has been issued or is required under 5.20.020 of this chapter unless he or she is a massage therapist.”

Violated Section 5.20.130(E) of the Massage Establishment Act, which states:

“A patron’s sexual and genital areas, as defined herein, must be covered by towels, cloths or similar nontransparent garments, including undergarments, when in the presence of a massage therapist or employee.”

Violated Section 5.20.130(F) of the Massage Establishment Act, which states:

“No person, knowingly, in a massage establishment, shall expose or fail to conceal his or her sexual and genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, knowingly, in a massage establishment, to expose the sexual or genital parts, or any portion thereof, of any other person.”

Violated Section 5.20.130(G) of the Massage Establishment Act, which states:

“No person, knowingly, in a massage establishment, shall place his or her hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of another person.”

Violated Section 5.20.130(H) of the Massage Establishment Act, which states:

“No massage therapist or employee shall perform or offer or agree to perform any act, whether or not for compensation of any form, which would require the touching of a patron’s sexual or genital area.”

Violated Section 5.20.130(J) of the Massage Establishment Act, which states:

“No person, owning, operating or managing a massage establishment, shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his or her control or supervision to perform any acts prohibited by this chapter.”

3. That on or about November 19, 2021, at approximately 2:20 p.m., the Licensee, Massage World, LLC, d/b/a Massage World, by and through its employees, officers and/or agents, committed the following violations of the St. Charles Massage Establishment Code:

OFFENSES

Violated Section 5.20.130(E) of the Massage Establishment Act, which states:

“A patron’s sexual and genital areas, as defined herein, must be covered by towels, cloths or similar nontransparent garments, including undergarments, when in the presence of a massage therapist or employee.”

Violated Section 5.20.130(F) of the Massage Establishment Act, which states:

“No person, knowingly, in a massage establishment, shall expose or fail to conceal his or her sexual and genital parts, or any portion thereof, to any other person. It shall also be unlawful for any person, knowingly, in a massage establishment, to expose the sexual or genital parts, or any portion thereof, of any other person.”

Violated Section 5.20.130(G) of the Massage Establishment Act, which states:

“No person, knowingly, in a massage establishment, shall place his or her hands upon, to touch with any part of his or her body, to fondle in any manner, or to massage, a sexual or genital area of another person.”

Violated Section 5.20.130(H) of the Massage Establishment Act, which states:

“No massage therapist or employee shall perform or offer or agree to perform any act, whether or not for compensation of any form, which would require the touching of a patron’s sexual or genital area.”

Violated Section 5.20.130(J) of the Massage Establishment Act, which states:

“No person, owning, operating or managing a massage establishment, shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his or her control or supervision to perform any acts prohibited by this chapter.”

4. On or about the violation date of November 19, 2021, Massage World, LLC, d/b/a Massage World, was operating under a Massage License issued by the City of St. Charles.

5. That the acts detailed in Sections 2-5 of this Complaint of Violation each are prohibited and are in violation of and contrary to Sections 5.20.030, 5.20.130(E), 5.20.130(F), 5.20.130(G), 5.20.130(H) and 5.20.130(J) of the St. Charles Municipal Code.

6. That the Licensee, Massage World, LLC, d/b/a Massage World, 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 5.20.150 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the Massage Business Commission, hold a hearing on this matter and take such action against Massage World, LLC, d/b/a Massage World, as the Massage Business Commissioner shall deem appropriate under the circumstances.

James Keegan, Chief of Police

City of St. Charles, Illinois

She then explained that the purpose of today’s hearing is for the respondent/licensee to appear, enter its plea, and show cause why the license of the respondent should not be suspended or revoked, and/or fines imposed based on allegations that the licensee at the licensed premises violated various provisions of the St. Charles City Code as detailed in the complaint.

The responded is represented by its attorney, Peter Buh, 524 W. State Street, Geneva, Illinois, states that he was retained within the past 15 minutes. He requests that this matter be continued until January 19, 2022. At that time the matter will be resolved.

The item was continued for further review at the January 19, 2022 at 4:00 pm Liquor Control Commission Meeting.

6. Public Comment – none.

7. Adjournment.

Motion by Ald. Pietryla, second by Ald. Bancroft to adjourn the meeting at 4:40 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**

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