



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Hearing Notice for Still Waters Spa located at 2075 Prairie Street, St. Charles

Presenter: Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (5/16/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is a complaint of 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 massage establishment license or impose a fine, or both, by reason of the Complain of Violation filed by the Chief of Police, James Keegan, of offenses happening on or about April 29, 2016 at the establishment of Still Waters Spa, 2075 Prairie Street, St. Charles.

Attachments: *(please list)*

Citation and Notice of Hearing
Memo
Letter from Attorneys Office of Bochte, Kuzniar & Navigato, LLP

Recommendation / Suggested Action *(briefly explain):*

Discussion Regarding Massage Establishment Citation and Hearing Notice for Still Waters Spa located at 2075 Prairie Street, St. Charles

For office use only:

Agenda Item Number: 11

COPY

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 MASSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-06
STILL WATERS SPA, LLC)

CITATION AND NOTICE OF HEARING

TO: STILL WATERS SPA, LLC
2075 Prairie Street, 104
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on May 16, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal Code of the City of St. Charles.

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local massage establishment 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) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING AND IF YOU FAIL TO APPEAR AT THE HEARING, YOU WILL BE FOUND GUILTY OF THE VIOLATION BY DEFAULT AND THE ST. CHARLES LOCAL LIQUOR CONTROL COMMISSIONER WILL DETERMINE THE APPROPRIATE PENALTY.

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.20.150(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILLES, AT 630/377-4422.

DATED this ____ day of May, 2016.



Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Keegan

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

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: STEVEN ALLEN DER & YANLIN ZHANG at S.C.P.O.
11:50 hrs on the 5th day of May, 2016.

ALP 0-340

SUBSCRIBED AND SWORN TO
before me this 5th day of May, 2016.

Sarak Cass
NOTARY PUBLIC



COPY

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 MASSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-06
Still Waters Spa, LLC)
2075 Prairie Street, 104)
St. Charles, IL 60174)

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois and files this complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

2. That on or about April 29, 2016, at approximately 12:28 p.m., the Licensee, Still Waters Spa, LLC, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

OFFENSE

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

“No person shall advertise, promote, or refer to himself or herself as a massage therapist as herein defined without being a massage therapist as provided in this chapter or Illinois statute.”

Violated Section 5.20.110(A) of the Massage Establishment Act which states:

“Supervision. A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this

chapter by any agent or employee of the licensee shall constitute a violation by the licensee.”

3. On or about April 29, 2016, Still Waters Spa, LLC was operating under a Massage License issued by the City of St. Charles.

4. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and are in violation of and contrary to Sections 5.20.130(D) and 5.20.110(A) of the St. Charles Municipal Code.

5. That the Licensee, Still Waters Spa, LLC 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 Still Waters Spa, LLC as the Massage Business Commissioner shall deem appropriate under the circumstances.



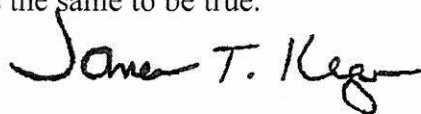
James Keegan
Chief of Police
City of St. Charles, Illinois

John M. McGuirk
Attorney for the City of St. Charles
Hoscheit, McGuirk, McCracken
& Cuscaden, P.C.
1001 East Main Street, Suite G
St. Charles, IL 60174
630/513-8700

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

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.

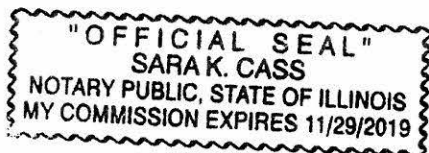


James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 3rd day of May, 2016.



NOTARY PUBLIC



ARRAIGNMENT FORM

I, Steve Allender, as agent for Still Waters Spa, LLC being a licensee charged with a violation of Chapter 5.16 of the Municipal Code of the City of St. Charles at 2075 Prairie Street, 104, 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.

Still Waters Spa, LLC

Signature:

By: [Signature]

Date:

05/12/16

Subscribed and sworn to before me

This 12TH day of MAY, 2016.

[Signature]
Notary Public



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

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

LICENSE NO:

8341-1

VALID FROM

05 01 2016

TO

04 30 2017

MESSAGE LICENSE

ACCOUNT NUMBER

44070

SEAL

UNDER THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES, THIS CERTIFICATE WHEN PROPERLY VALIDATED, AFFIRMS THAT THE APPROPRIATE LICENSE FEE HAS BEEN PAID

LICENSEE: Still Waters Spa, LLC
2076 Prairie Street
Suite 104
St. Charles IL 60174

MAYOR *Raymond P. Roggi*

CITY CLERK *Nancy Garrison*

STILL WATERS SPA, LLC

ANNUAL QUARTER DAILY

DATE ISSUE

MONTH	DAY	YEAR
05	01	2016

DATE DUE

MONTH	DAY	YEAR
04	30	2016

DATE EXPIRES

MONTH	DAY	YEAR
04	30	2017

AMOUNT DUE

\$250.00

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

LICENSE NO: **8341-1**

VALID FROM

05	01	2015
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 TO

04	30	2016
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MESSAGE LICENSE

ACCOUNT NUMBER:

44070

SEAL

UNDER THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES, THIS CERTIFICATE WHEN PROPERLY VALIDATED, AFFIRMS THAT THE APPROPRIATE LICENSE FEE HAS BEEN PAID

LICENSEE: **Still Waters Spa, LLC**
 2076 Prairie Street
 Suite 104
 St. Charles IL 60174

STILL WATERS SPA, LLC

MAYOR: *Raymond P. Rogin*

CITY CLERK: *Nancy Garrison*

ANNUAL QUARTER DAILY

DATE ISSUE		
MONTH	DAY	YEAR
09	28	2015

DATE DUE		
MONTH	DAY	YEAR
04	30	2015

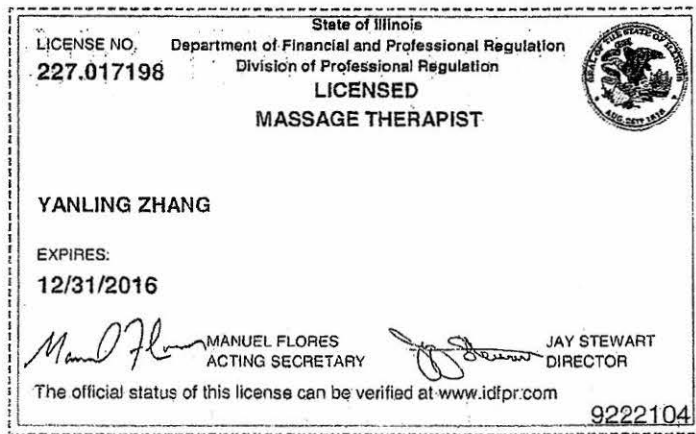
DATE EXPIRES		
MONTH	DAY	YEAR
04	30	2016

AMOUNT DUE
\$250.00



Cut on Dotted Line ✂

For further reference, the Department is now providing a personal customer identification "Contact Number" which you may use in lieu of your social security number or FEIN number when contacting the Department. Your number is: 3842585



Cut on Dotted Line ✂

State of Illinois

Department of Financial and Professional Regulation
Division of Professional Regulation

LICENSE NO.
227.016181

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

EXPIRES:
12/31/2016

LICENSED
MASSAGE THERAPIST

YUFEN FAN
932 W 35TH ST
CHICAGO, IL 60609



Manuel Flores

MANUEL FLORES
ACTING SECRETARY



Jay Stewart

JAY STEWART
DIRECTOR

The official status of this license can be verified at www.idfpr.com

9328800

For further reference, the Department is now providing a personal customer identification "Contact Number" which you may use in lieu of your social security number or FEIN number when contacting the Department. Your number is: 3772209

State of Illinois	
LICENSE NO.	Department of Financial and Professional Regulation
227,016181	Division of Professional Regulation
LICENSED	
MASSAGE THERAPIST	
YUFEN FAN	
EXPIRES:	
12/31/2016	
	MANUEL FLORES ACTING SECRETARY
	JAY STEWART DIRECTOR
The official status of this license can be verified at www.idfpr.com	
9328800	

Cut on Dotted Line >



Case Report Summary



Print Date/Time: 05/09/2016 13:21
Login ID: kschult
Case Number: 2016-00009288

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2016-00009288 Incident Type: 5000 ALL OTHER CRIM OFFENSES
Location: 2075 PRAIRIE ST 104 Occurred From: 04/29/2016 12:28
SAINT CHARLES, IL 60174 Occurred Thru: 04/29/2016 12:36
Reporting Officer ID: 0048 - Lamela Disposition:
Disposition Date:
Reported Date: 04/29/2016 12:57 Friday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	5000	225 ILCS 57.0/30-B	VIOLATE MASSAGE LICENSING ACT	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	XIUQIN, JI	2048 WESSEL CT SAINT CHARLES, IL 60174	(312)918-7985	ASIAN/PACIFIC ISLANDER	FEMALE	50
OTHER PERSON	1	NIEDZWIEDZ, ROBERT S	2048 WESSEL CT SAINT CHARLES, IL 60174	(630)945-0059	WHITE	MALE	54
OTHER PERSON	2	ALLENDER, STEVEN F	4202 N GALENA RD PEORIA, IL 61614	(309)643-4510			55
OTHER PERSON	3	ZHANG, YANLING	809 BARBRA AVE SOUTH ELGIN, IL 60177	(309)643-4510	ASIAN/PACIFIC ISLANDER	FEMALE	49
WITNESS	1	BEETER, RYAN	211 N RIVERSIDE AVE SAINT CHARLES, IL 60174	(630)377-4435			

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
20490 A	XIUQIN, JI	2075 PRAIRIE ST 104 SAINT CHARLES, IL 60174	04/29/2016 12:57		50

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
04/29/2016	EVIDENCE	CURRENCY			2 - 50 Dollar bills	20111	1

Chain of Custody

Date	Transaction	From	From Role	To	To Role
05/02/2016 09:00	Type: Intake Code: INITIAL Tag Number: Remarks:	0057-Dave Ketelsen	DETECTIVE	0131-Richard Sullivan	PROPERTY OFFICER

Vehicles

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

On 04/25/2016, I conducted a brief background investigation for STILL Waters Spa who had applied to renew their Massage Establishment License. While conducting the background investigation, I made contact with the owner of the business, Yanling Zhang. I asked Yanling if I would be able to conduct an inspection of the business, which is required for the background investigation. Yanling stated that she was not at STILL Waters Spa, however, the business was open. I informed Yanling that I would be en route to STILL Waters Spa to conduct the inspection and that I would contact her with any areas of concern.

At approximately 1130 hours, I went to STILL Waters Spa and conducted an inspection. The business floor plan has not changed since the date of the initial background investigation. There was an Asian female sitting behind the desk in the waiting room. The Asian female did not speak English.

During the inspection, the female Asian called Yanling and was speaking Chinese. I then spoke with Yanling and asked who the female employee was. Yanling stated that the female was her friend and not an employee. Yanling stated that the female resides close to the business. Yanling stated that she instructed her friend to open the business but not to give any massages. Yanling assured me that her friend was not giving massages to customers. I asked Yanling to instruct the female Asian to produce identification and Yanling stated that she could not understand me. Yanling does not speak English very well. During the phone conversation, the call disconnected. I took photographs of what I observed. Prior to leaving, I instructed the female Asian to close the business since there was no one there who possessed a valid State of Illinois Massage Therapist License.

On 04/29/2016, the St. Charles Police Department conducted a Massage Establishment Compliance Check at STILL Waters Spa, located at 2075 Prairie Street #104 in St. Charles, Illinois. CSO Ryan Beeter agreed to be the U/C to conduct this compliance check. CSO Beeter's assignment was to enter STILL Waters Spa and request a (1) hour massage and ensure / evaluate their legal compliance. CSO Beeter was given \$100.00 (\$50 - S/N: IB 07247951 B, \$50 - S/N: AK 60469782 A), which was photographed and recorded.

Prior to going to STILL Waters Spa, I informed CSO Beeter that there was a female Asian employee who was not a licensed Massage Therapist at the business and that she should not be providing anyone with massages. I showed CSO Beeter a photograph of the subject that was taken during the inspection. I provided CSO Beeter with instructions to allow the female Asian to begin the massage. I instructed CSO Beeter to quickly end the massage and to notify me if this subject attempts to provide him with a massage.

Detective Ketelsen, Detective Bauwens, Detective Schuessler, Commander Gatlin and I followed CSO Beeter to STILL Waters Spa. At 1228 hours, I observed CSO Beeter enter STILL Waters Spa. During this time, I did not observe anyone else enter or exit from the business.

At 1236 hours, I observed CSO Beeter exit STILL Waters Spa. I observed CSO Beeter enter his vehicle. CSO Beeter notified me via radio and stated, "It's a go." Detective Schuessler and I met with CSO Beeter in the parking lot of STILL Waters Spa. CSO Beeter stated that he paid the female Asian who was in the picture I showed him \$100 (2 \$50 bills) for a (1) hour massage. CSO Beeter advised that the female Asian gave him \$40 back in change. CSO Beeter advised that the female Asian was wearing a blue shirt and blue jeans. CSO Beeter also stated that there was another female Asian inside of the business.

At that point, Detective Ketelsen, Detective Bauwens, Detective Schuessler, Commander Gatlin and I approached the business. As I was walking up to the front door, I observed the (2) Asian females walking away from the door. As I entered the business, both subjects were walking fast north down the hallway towards the rear door. The female Asian that began to give CSO Beeter a massage stopped in the hallway and said "Hi!" The second female Asian exited through the rear north door. Detective Schuessler and Detective Bauwens met with the second female Asian while I spoke with the subject who provided CSO Beeter with a massage.

The employee walked me into the first room on the east side of the business, which had a massage table in it. Along the wall I noticed a clear plastic bag that contained female clothing that was sitting on top of a suit case. The employee provided me with her passport and she was identified as Ji Xiuqin. I confirmed that this was the same subject that I had met on 04/25/2016 during the business inspection. It appeared that Ji was residing inside of the business. (See attached photos) I requested CSO Beeter to enter the business and he identified Ji as the subject who provided him with a massage. (See CSO Beeter's Supplementary Report) Ji did not speak English and only spoke Chinese. Ji made contact with Yanling's husband, Steven Allender. I spoke with Steven and informed him of what occurred. I informed Steven that Ji was going to be arrested and charged with Violating the Massage License Act. Ji provided Detective Ketelsen with the (2) \$50 bills that CSO Beeter gave her for the massage. (See Detective Ketelsen's Supplementary Report) Ji was taken into custody and transported to the St. Charles Police Department. The (2) \$20 bills that were given to CSO Beeter for change were left on the front desk and they were photographed.

I then met with Detective Bauwens who was with the second female Asian. She provided me with her passport and she was identified as Jia Xiaoling (dob) . Jia did not speak English and also only spoke Chinese. Jia was instructed to leave the premises and she complied.

Investigators cleared from the business and responded back to the St. Charles Police Department. Detective Ketelsen, Detective

Bauwens and Detective Schuessler processed Ji. While doing so, Detective Ketelsen spoke with Ji's boyfriend, Robert Niedzw regarding Ji's place of residency and obtained other personal information.

I ran Ji through the Illinois Department of Financial and Professional Regulations for a Massage Therapist License, which showed "No Record". (See attached IDFPD document) I also made contact with the I.C.E. Law Enforcement Support Line and ran an Immigration Alien Query on Ji. I later received a response stating that Ji was legally admitted into the US on 02/18/2016 and is admitted until 08/17/2016. (See attached LEADS/NCIC document) I prepared Ji's charging documents and provided her with a copy of her complaint form. Ji was released on a Personal Recognizance and issued a court date of 05/19/2016 at 0900 hours at the Kane County Branch Court. Ji's boyfriend, Robert came to the police department to pick her up. This case is cleared by adult arrest.

Cleared by Adult Arrest
DL#340
JLG315

OfficerID: rbeeter, Narrative

On 042916 at 1228 hours I entered into the business located at 2075 Prairie St "STILL WATERS SPA". Upon entering I was greeted by two female Asians one wearing a red and white shirt with jeans and the other wearing a blue T-shirt and blue jeans (the female earlier identified to me by Det Lamela #340 as not having a massage license) Ji Xiuqin. The female with the blue shirt stood up from a couch and walked me back to the 2nd room on the West side of the building. Once inside the room I asked the female how much for an hour massage and she clearly did not understand me. She then paused and spoke to the other female in a different language and told me it was \$60 dollars for an hour. I then gave her two \$50 bills, the female then quickly returned with two (2) \$20 bills. She then closed the door while I undressed and laid down on the table. Soon after laying down the same female returned to the room and began giving me a back and shoulder massage. I then stopped the massage and told her I needed to leave and that I would "come back later". She then left the room while I got dressed. The female then returned with her phone and started to use a translator app with me. I once again told her that I needed to leave but would be back.

I then exited the business (1236hrs) and went back to my vehicle where I contacted detective lamela via radio and told him it was "a go". I then meet with Lamela and other detectives on scene and identified the female the female that performed my massage.

No further Action
RAB397
JLG315

OfficerID: dketelsen, Narrative

Violation Of Massage Licensing Act / All Other Criminal Offenses

On 042916 I was assisting in booking Ji Xiuqin at the St Charles Police Department. She was allowed to make a phone call and she contacted a male subject. She then handed me the phone and I spoke with a subject who identified himself as being Robert Niedzwiedz. Robert was told why Ji was arrested. I asked him what his address was and if Ji lived with him. He advised that he lived at 2048 Wessel Ct in St Charles, but Ji did not live with him. Robert said that he has been dating Ji for approximately 3 months. He said the whole time that he has been dating Ji she has been living where she works at Still Water Spa.

I advised Robert that Ji was not suppose to be living at this location. I asked if I could use his address on the charging documents and bond form so Ji would be assured of receiving any other mail sent to her regarding her court case. He stated this would be alright.

Upon releasing Ji I met with Robert in front of the SCPD. I explained the documents to Robert since Ji did not speak English. He was shown when and where her court date will be and advised he will help her make this court date.

No Further Action.

DK #328
JLG315

Police Department

Memo

Date: 5/5/2016

To: Commander Jerry Gatlin #315

From: Detective Drew Lamela #340

Re: STILL Waters Spa / Citation and Notice of Hearing

On 05/05/2016, at 1040 hours, I went to STILL Waters Spa to serve the owner, Yanling Zhang with her Citation and Notice of Hearing regarding an arrest that took place at the establishment on 04/29/2016. Upon arrival, I was greeted by an older female Asian subject who did not speak English. I asked the subject for name and she could not answer my question. I asked the subject if Yanling was at the business and she could not answer my question. I walked over to a small desk where Yanling's business license and State of Illinois Massage Therapist is posted. These licenses were the only licenses displayed in the waiting area. I did not locate the female Asian's State of Illinois Massage Therapist License. I pointed to the licenses and asked the female Asian if she had a license and she stated, "Yeah, yeah".

The female Asian then entered the hallway and entered the first room on the east side of the hallway. I followed her into the room and she was calling the owner. As she called the owner, she retrieved her State of Illinois Driver's license from her purse. She handed me her driver's license and her cell phone. I then spoke with Yanling's husband, Steven Allender. I informed Steven of who I was and he immediately stated, "We have a licensed masseuse working right now. She is licensed." I asked Steven for her name and he could not provide me with that information. I asked Steven if he and Yanling were coming to the establishment and he stated that they were 30 minutes away. I informed Steven that I had documents to issue Yanling and asked that he meet with me at the St. Charles Police Department before going to STILL Waters Spa. Steven stated that he and Yanling would meet with me at the police department prior to going to STILL Waters. I then ended my conversation with Steven.

I identified the female Asian employee through her State of Illinois Driver's License as **Yu Fen Fan (dob) 02/13/1959** who resides at 932 W. 35th Street Floor #1 in Chicago, Illinois 60609. (DL#: F500-9605-9644) I returned to the St. Charles Police Department and ran Ms. Fan through the Illinois Department of Financial and Professional Regulation for a Massage Therapist License. Ms. Fan does possess a valid license #227.016181. (See attached copy of IDFPR license)

Service, Courage, Professionalism, Dedication



While at STILL Waters Spa, I noted that the establishment was in violation of the following offenses:

5.02.090 – Display of Licenses

Every person licensed as a massage business under this chapter shall display such license in a prominent place in the public reception area of the massage establishment.

5.20.110 – Conditions and Restrictions of License

A. Supervision

A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this chapter by any agent or employee of the licensee shall constitute a violation by the licensee.

This concludes this memo.

Detective Drew Lamela #340



Illinois Department of Financial and Professional Regulation

Lookup Detail View

Contact

Name	City/State/Zip	DBA/AKA
YUFEN FAN	Chicago, IL 60609-1513	

Contact Information

License

License Number	Description	Status	First Effective Date	Effective Date	Expiration Date	Ever Disciplined
227016181	Licensed Massage Therapist	ACTIVE	09/25/2013	12/22/2014	12/31/2016	N

License Information

Generated on: 5/5/2016 10:56:17 AM

BOCHTE, KUZNIAR & NAVIGATO, LLP

ATTORNEYS AT LAW
2580 FOXFIELD ROAD, SUITE 200
ST. CHARLES, ILLINOIS 60174
www.bknlaw.com

WILLIAM F. BOCHTE
THEODORE L. KUZNIAR
MICHAEL T. NAVIGATO

TELEPHONE
(630) 377-7770

FACSIMILE
(630) 377-3479

May 10, 2016

Sent via email only to jmc@hmcpc.com

John McGuirk
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.
1001 East Main St., Suite G
St. Charles, IL 61074

**Re: Still Water Spa, LLC
St. Charles Case No.: 2016-LC-06**

Dear Mr. McGuirk:

As a follow up to our earlier conversation, I write to advise that this office represents the interests of Still Water Spa, LLC with reference to the above captioned matter. The entitled matter is currently scheduled for hearing before the Local Liquor Control Commission on Monday, May 16, 2016. Unfortunately, my client will be unavailable to attend the hearing due to the fact that her husband is scheduled to have surgery on May 16th and she needs to provide him transportation to the hospital and to stay with him. As such, I am respectfully requesting a continuance to the next available hearing date before the Commission. If need be, I can attend the hearing scheduled for May 16th and formally request a continuance.

Please let me know if the continuance can be secured without my presence and if so, what the new hearing date will be. Otherwise, if my presence is required, please inform me and I will promptly appear on May 16th on behalf of my client.

Thank you in advance for your attention to this matter. Should you have any questions, please do not hesitate to call me.

Very Truly Yours,

BOCHTE, KUZNIAR & NAVIGATO, LLP


MICHAEL T. NAVIGATO

MTN/kg