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# Transcript of Hearing

**Date:** July 17, 2017

**Case:** St. Charles Liquor Commission Hearing

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BEFORE THE LIQUOR CONTROL COMMISSION  
OF THE CITY OF ST. CHARLES

-----X  
In Re: :  
Alibi Bar and Grill, Ltd, :  
12 N. Third Street, St. Charles. :  
-----X

HEARING (Continuing.)  
St. Charles, Illinois  
Monday, July 17, 2017  
4:40 p.m.

Job No. 150431  
Pages: 1 - 32  
Reported by: Jean S. Busse, CSR, RPR  
Notary Public, DuPage County, Illinois

1 Report of proceedings held at the location  
2 of:

3  
4 St. Charles City Hall  
5 2 East Main Street  
6 St. Charles, Illinois 60174  
7 (630) 377-4400  
8  
9  
10

11 Before Jean S. Busse, a Certified  
12 Shorthand Reporter, Registered Professional  
13 Reporter, and a Notary Public in and for the State  
14 of Illinois.  
15  
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Transcript of Hearing  
Conducted on July 17, 2017

1 PRESENT:

2 MAYOR RAYMOND ROGINA, Chairman

3 CLIFF CARRIGNAN, Member

4 RONALD SILKAITIS, Member

5 LORA VITEK, Member

6 ALSO PRESENT:

7 JOHN MC GUIRK, City Attorney

8 MARK KOENEN, City Administrator

9 TRACEY CONTI, Secretary

10 TIMOTHY D. O'NEIL, Counsel

11 DAVE KINTZ, Deputy Chief of Police

12 RICHARD SIMPSON, SR., Pro Se

13 RICHARD SIMPSON, JR., Pro Se

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C O N T E N T S

DIRECT CROSS REDIRECT

TESTIMONY OF CHRIS GROVE

|                |   |    |
|----------------|---|----|
| BY MR. O'NEIL  | 7 |    |
| BY MR. SIMPSON |   | 14 |
| BY MR. O'NEIL  |   | 15 |

TESTIMONY OF ZACHARY NARAMORE

|                     |    |    |
|---------------------|----|----|
| BY MR. SIMPSON      | 16 |    |
| BY MR. SIMPSON, JR. | 18 |    |
| BY MR. O'NEIL       |    | 18 |

REBUTTAL TESTIMONY OF CHRIS GROVE

|                |    |    |
|----------------|----|----|
| BY MR. O'NEIL  | 25 |    |
| BY MR. SIMPSON |    | 25 |

E X H I B I T S

(Not Attached to Transcript)

|                               | MARKED | RECEIVED |
|-------------------------------|--------|----------|
| Chief's Exhibit 1, Photograph | 9      | 11       |

1 P R O C E E D I N G S

2 MAYOR ROGINA: Okay. Item 6. This is a  
3 continuation of a hearing regarding a liquor license  
4 violation and citation being brought before the  
5 Liquor Control Commission to determine whether the  
6 St. Charles Local Liquor Control Commission,  
7 pursuant to this authority, shall revoke or suspend  
8 the local liquor license issued to the Alibi Bar and  
9 Grill or impose a fine or both by reason of a  
10 Complaint of Violation filed by the Chief of Police  
11 for allowing a patron to exit the premises with  
12 alcohol at 12 North Third Street, St. Charles,  
13 Illinois, in violation of Section 5.08.25 ORS of the  
14 St. Charles Municipal Code, Liquor Control Act 1934.

15 The licensee in this particular  
16 matter last month pled not guilty in this matter and  
17 asked for a due process hearing. As such, we will  
18 conduct that.

19 With that, Mr. O'Neil, I believe you would  
20 start the process out. So we'll go from there.

21 MR. O'NEIL: Thank you, Mr. Mayor, Ladies  
22 and Gentlemen.

23 The Chief isn't here, but the Deputy Chief  
24 is here in his stead. I will be calling Officer

1 Grove.

2 Do you want an opening statement? I'd  
3 just as soon waive it.

4 MAYOR ROGINA: I think basically the  
5 statement I made is very clear as to what the  
6 alleged violation is and the fact that we have a not  
7 guilty plea and now we're into a due process  
8 hearing.

9 MR. O'NEIL: Do we have someone on behalf  
10 of the Respondent present?

11 MAYOR ROGINA: Mr. Simpson, you represent  
12 yourself pro se?

13 MR. SIMPSON: Yes.

14 MAYOR ROGINA: Mr. Simpson represents  
15 himself pro se in the matter.

16 MR. O'NEIL: Officer Grove, if you'd step  
17 up and be sworn, please.

18 (Witness duly sworn.)

19 MR. O'NEIL: Step over by the mic, please.

20 MAYOR ROGINA: It would be good if you're  
21 up in front of the microphone. Mr. O'Neil is pretty  
22 loud; but so the court reporter gets everything  
23 down, it's good to have a microphone.

24 Proceed, please.

1 CHRIS GROVE,  
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. O'NEIL:

5 Q Would you state your full name for the  
6 record and spell your last name?

7 A Officer Chris Grove, G-r-o-v-e.

8 Q And Officer Grove, what is your  
9 occupation?

10 A Police officer for the City of  
11 St. Charles.

12 Q How long have you been a sworn police  
13 officer for the City of St. Charles?

14 A 21 years.

15 Q I want to draw your attention to the early  
16 morning hours of May 28th of this year at  
17 approximately 1:42 in the morning.

18 Do you recall where you were?

19 A Yes.

20 Q Where were you?

21 A I was outside of the bars downtown on the  
22 west side of town. I was on the west side bar  
23 checks on Third Street.

24 Q Specifically what corner of Third Street



1 were you sitting at?

2 A Third and Cedar.

3 Q Were you stationary or moving?

4 A I was stationary.

5 Q And what direction was your squad car  
6 facing?

7 A Facing southbound.

8 Q Are you familiar with the location of the  
9 Alibi Bar and Grill?

10 A Yes.

11 Q Is it true that's on the southeast corner  
12 of Cedar Street and Third Street?

13 A Yes.

14 Q And as you sat there -- first of all, do  
15 you know what the closing hours were early on Sunday  
16 morning, May 28th, for the bars in town?

17 A 2:00 a.m. is the closing time.

18 Q And when is last call, to your knowledge?

19 A 1:40 a.m.

20 Q At approximately 1:42 a.m. what if  
21 anything unusual -- now, I understand sometimes you  
22 see a lot of things unusual, but particular to this,  
23 what if anything unusual did you see?

24 A I saw a gentleman outside of the Alibi Bar

1 sitting on the partial wall consuming a bottle of  
2 Miller Lite.

3 (Chief's Exhibit 1 marked for  
4 identification.)

5 Q I'm going to show you Chief's Exhibit  
6 No. 1 and hand one to the Respondent.

7 Do you recognize what is depicted in that  
8 photograph?

9 A Yes.

10 Q Does that photograph truly and accurately  
11 depict the condition of the Alibi Bar and Restaurant  
12 on or about May 28, 2017, at 1:42 a.m.?

13 A Yes.

14 Q And with respect to this photograph, can  
15 you take this pen and mark an X where you saw the  
16 gentleman sitting on the retaining wall?

17 A (Indicating.)

18 Q We'll circle it. All right.

19 Did you approach the gentleman?

20 A Yes.

21 Q And as you approached him, what did he  
22 have in his hand?

23 A A 12-ounce bottle of Miller Lite.

24 Q That retaining wall is approximately how

1 high off the ground?

2 A Say maybe 3 or 4 feet.

3 Q Do you know what property that retaining  
4 wall attaches to?

5 A The Alibi.

6 Q It's not City property?

7 A No.

8 Q And the gentleman, as you approached him,  
9 where were his feet?

10 A Hanging over the edge of the wall.

11 Q As his feet were hanging over the edge of  
12 the wall, what were they hanging over?

13 A The sidewalk.

14 Q The City sidewalk?

15 A Yes.

16 Q Now, also in Exhibit No. 1, there are two  
17 entrances to the Alibi Restaurant, one on Cedar and  
18 one on Third Street; is that correct?

19 A Right.

20 Q At that time had you seen the person  
21 sitting on the wall coming from any other location  
22 with a beer in his hand?

23 A No.

24 Q You didn't see him come, say, from the

1 back of Alley 64?

2 A No.

3 Q You didn't see him come from Dawn's Beach  
4 Hut?

5 A No.

6 Q You didn't see him come from The Filling  
7 Station?

8 A No.

9 MR. O'NEIL: I'm going to ask that Chief's  
10 Exhibit 1 be admitted so you can follow along.

11 MAYOR ROGINA: Mr. Simpson, do you have  
12 any objection to that? Do you want to take a look  
13 at that or a copy of it?

14 MR. SIMPSON: He gave me a copy. It's  
15 just a picture of the outside of the building.

16 MAYOR ROGINA: Fine. It will be admitted  
17 without objection.

18 (Chief's Exhibit 1 for identification was  
19 received in evidence.)

20 MR. O'NEIL: This one is the original with  
21 the X on it. It's kind of hard to see the others.  
22 It's just a copy.

23 BY MR. O'NEIL:

24 Q As you approached the gentleman, did you

1 obtain his identify?

2 A Yes.

3 Q How did he identify himself?

4 A With a State of Illinois driver's license.

5 Q What was his name?

6 A Zachary Naramore, I believe.

7 Q Did you take his driver's license?

8 A Yes.

9 Q And did you run him through LEADS?

10 A Yes.

11 Q Was he wanted on any warrants?

12 A No.

13 Q What was his date of birth?

14 A I don't know.

15 Q All right. But he was not a minor?

16 A No.

17 Q Did you ask him where he was served or

18 where he obtained the 12-ounce bottle of Miller

19 Lite?

20 A Yes.

21 Q How did he respond?

22 A He responded that he got it at the Alibi.

23 Q How full was the bottle of Miller Lite?

24 A I would say half full.

1           Q     Just so we're not assuming anything, is  
2 Miller Lite an alcoholic beverage governed by the  
3 liquor laws of the State of Illinois and City of  
4 St. Charles?

5           A     Yes.

6           Q     Did you grab the bottle of beer?

7           A     Yes.

8           Q     What was the temperature?

9           A     It was still cold.

10          Q     Approximately half full?

11          A     Yes.

12          Q     What did you do with it?

13          A     I poured it out on the sidewalk.

14          Q     At that time did any of the employees or  
15 the ownership of Alibi come out to assess what was  
16 going on?

17          A     No.

18          Q     Have you had a conversation with anyone  
19 from Alibi concerning the citation since that event?

20          A     No.

21                MR. O'NEIL:  If I may have a moment, I may  
22 be done.  I have no further questions of this  
23 witness.

24                MAYOR ROGINA:  Do you want to

1 cross-examine the officer?

2 CROSS EXAMINATION

3 BY MR. SIMPSON:

4 Q When you approached him --

5 MR. O'NEIL: Your Honor, before he starts,  
6 could we identify the gentleman standing behind  
7 Mr. Simpson?

8 MAYOR ROGINA: For the record, for the  
9 court reporter, if we do it both once we've covered  
10 everybody.

11 So why don't you identify yourself for the  
12 court reporter, he'll identify himself for the court  
13 reporter, and then we'll proceed with cross  
14 examination. Go ahead.

15 MR. SIMPSON: Rich Simpson, Sr.

16 MR. SIMPSON, JR.: Rich Simpson, Jr., also  
17 from Alibi.

18 MAYOR ROGINA: Now Mr. Simpson.

19 MR. SIMPSON: I guess on this corner --  
20 this corner is City property, not my property, just  
21 to clarify that.

22 MAYOR ROGINA: You have to elevate the  
23 questions.

24 THE COURT REPORTER: Use the microphone,

1 please.

2 BY MR. SIMPSON:

3 Q I guess when you came up and questioned  
4 the subject and you asked him where he came from --  
5 I guess it's easy enough for you to make a  
6 confusion. Alibi and Alley are very similar in  
7 names. And when the guy is telling you that he came  
8 out of Alley, I'm thinking that maybe you just  
9 perceived it was Alibi because he was in front of  
10 Alibi.

11 A No.

12 MR. SIMPSON: No. Okay.

13 I have no further questions at this point.

14 REDIRECT EXAMINATION

15 BY MR. O'NEIL:

16 Q Just to clarify, he never said he came out  
17 of Alley 64, did he?

18 A Correct.

19 Q He said he came out of Alibi?

20 A Yes.

21 MR. O'NEIL: No further questions.

22 MAYOR ROGINA: Anything further for the  
23 officer?

24 MR. O'NEIL: No, your Honor.



1                   MAYOR ROGINA: Thank you, Officer. You  
2 may step down.

3                   (Witness excused.)

4                   MAYOR ROGINA: Do you have anybody else to  
5 call?

6                   MR. O'NEIL: No, sir.

7                   MAYOR ROGINA: Okay. Then we'll proceed  
8 to your case. You may call your witness.

9                   MR. SIMPSON: I'd like to call Zachary  
10 Naramore as a witness.

11                   MAYOR ROGINA: For the court reporter,  
12 just give your name and address for the record.  
13 I'll swear you in.

14                   THE WITNESS: Zachary Naramore,  
15 Z-a-c-h-a-r-y N-a-r-a-m-o-r-e.

16                   MAYOR ROGINA: Raise your right hand.

17                   (Witness duly sworn.)

18                   MAYOR ROGINA: All right. Proceed,  
19 Mr. Simpson.

20                                   ZACHARY NARAMORE,  
21 having been duly sworn, testified as follows:

22                                   DIRECT EXAMINATION

23 BY MR. SIMPSON:

24                   Q     On the night when you were sitting out in

1 front and the officer approached you and he asked  
2 you about the bar, at that point you had come from  
3 Alibi -- you came from Alley, walked around and sat  
4 down in front of the Alibi?

5 A Yes, sir.

6 Q Then he took the beer from you, poured it  
7 out, and you informed him that you came out of Alley  
8 and you were there waiting for friends?

9 A I didn't specifically say what bar. I  
10 said, "A bar." I didn't specifically say what bar  
11 it was. I said, "A bar." Then from there they  
12 continued with giving me my ticket.

13 MAYOR ROGINA: If I may, in the course of  
14 this case it's much more important that the Hearing  
15 Officer can ask you a question.

16 You're stating that the testimony of the  
17 officer, who said you said it was the Alibi, you're  
18 refuting that at this point?

19 THE WITNESS: Yes.

20 MAYOR ROGINA: All right. Continue.

21 BY MR. SIMPSON:

22 Q And then you came out of Alley?

23 A Yeah, I came out of Alley, and -- go  
24 ahead.

1 MR. SIMPSON: All right. And I guess to  
2 validate that he came out of Alley --

3 MAYOR ROGINA: You can make that in  
4 closing argument if you want. The purpose of this  
5 is question and answer. Continue with the witness.

6 Do you have anything else?

7 DIRECT EXAMINATION

8 BY MR. SIMPSON, JR.:

9 Q What bar were you at that night?

10 A We were at Alley 64.

11 Q At any point in time were you in Alibi?

12 A No.

13 MR. SIMPSON, JR.: No further questions.

14 MAYOR ROGINA: Anything further?

15 MR. SIMPSON: No.

16 MAYOR ROGINA: Cross?

17 CROSS EXAMINATION

18 BY MR. O'NEIL:

19 Q Mr. Naramore --

20 A Yes.

21 Q -- how old are you?

22 A 28.

23 Q And what do you do for a living?

24 A I'm a laborer.

1 Q Where are you a laborer?

2 A Chicago.

3 Q You live in Sandwich; is that correct?

4 A Aurora. I just recently moved.

5 Q You moved since May 28th?

6 A No. It was before that. I haven't  
7 switched my license over yet to my new address.

8 Q I see. Are you familiar with the  
9 Simpsons, either of these gentlemen?

10 A I never met them.

11 Q How did you know about this hearing today?

12 A Through Facebook, social media.

13 Q Who contacted you about this hearing  
14 today?

15 A Rich.

16 Q All right. What did he say to you?

17 A He says, "There's a hearing." At first he  
18 asked me, "Do you remember the night of" -- the  
19 date, and I said, "Yes." He like wanted the  
20 low-down because he got a fine -- or a ticket saying  
21 that he's going to be fined a certain amount of  
22 money and could be license revoked. He was  
23 wondering if I could make an appearance to come and  
24 give my -- he wanted the story. I gave him the

1 story.

2 Then he's like, "Would you mind coming  
3 in to court and giving your side of the story?"

4 Q I see. And why didn't you come forward to  
5 Officer Grove of the St. Charles Police Department  
6 and say, "Hey, you're wrong. I didn't say that"?

7 A It never crossed my mind to do it. I just  
8 waited until the court hearing.

9 Q You saw an injustice. You decided not to  
10 call the police who issued the citation; is that  
11 correct?

12 A No. It's because it never crossed my  
13 mind. I got my punishment. So when they came to  
14 me, I said, "Yeah, I'll help you anytime you want,"  
15 but I'm not going to race up here and go to the  
16 officer.

17 Q And you actually already paid your \$100  
18 fine on the ticket that was issued to you for  
19 drinking outside of Alibi?

20 A Yes.

21 Q And you were sitting on the wall outside  
22 Alibi; is that correct?

23 A Yes.

24 Q How long had you been sitting there?

1 A They got me within a few minutes.

2 Q Within a few minutes?

3 A Yes.

4 Q And did you see the squad car in the  
5 corner?

6 A No, I didn't because then they wouldn't  
7 have caught me with that beer.

8 Q Because you don't want to get caught  
9 breaking the law; right?

10 A Oh, right.

11 Q All right. And would you agree with me  
12 that -- which door of Alley? You came out the  
13 backside of Alley?

14 A Yeah. I came out where the -- whatever it  
15 was -- the outside porch area.

16 Q You walked down Cedar Street to the  
17 corner?

18 A Uh-huh.

19 Q That's a yes?

20 A Yes.

21 Q All right. And that's well lit at night  
22 at 1:42 in the morning, isn't it?

23 A Yes. I mean, it's got streetlights, and  
24 it's got dark areas.

1 MR. O'NEIL: I have no further questions  
2 of this witness.

3 MAYOR ROGINA: Anything else for the  
4 witness?

5 MR. SIMPSON: No.

6 If we want to go further, he actually has  
7 a copy -- we have a copy of his screenshot running  
8 his credit card at Alley.

9 MR. SIMPSON, JR.: There's no charges from  
10 us.

11 MR. SIMPSON: He has his credit card  
12 showing that they charged it.

13 MAYOR ROGINA: You're saying you have a  
14 copy of a screenshot of his credit card at Alley?

15 MR. SIMPSON: His bank statement showing  
16 that he charged the alcohol at Alley.

17 MAYOR ROGINA: Any response?

18 MR. O'NEIL: It's irrelevant. He may have  
19 been at Alley; he might have gone to Alibi. Who  
20 knows?

21 MAYOR ROGINA: Is there a time on that?

22 MR. SIMPSON: No.

23 MAYOR ROGINA: You would not -- I'll let  
24 you talk, too.

1                   You would not disagree with me he could  
2 have been at Alley at some point in the evening and  
3 charged a beer?

4                   MR. SIMPSON: Absolutely.

5                   MAYOR ROGINA: Do you have a copy of it?

6                   THE WITNESS: Yeah. What I'm saying is  
7 that statement that I have that shows the date  
8 doesn't show the time or anything, just the date.

9                   MAYOR ROGINA: Right. I'm not disputing  
10 the fact -- nobody here is disputing the fact you  
11 could have been at Alley at some point in the  
12 evening.

13                   THE WITNESS: Yes.

14                   MAYOR ROGINA: Nothing further of this  
15 witness?

16                   MR. SIMPSON: Nothing.

17                   MAYOR ROGINA: I have a couple questions  
18 for you.

19                   Thank you. You may step back.

20                   Before we get to any closing arguments, I  
21 have a question to ask both you and your son.

22                   Is it not true that about two months  
23 before this incident, you and your son had a meeting  
24 with me and Chief Keegan in my office? Is that



1 correct?

2 MR. SIMPSON: Correct.

3 MAYOR ROGINA: All right. And at that  
4 meeting we discussed an incident that happened in  
5 your bar that's of the exact same ilk as this  
6 particular incident, namely, consumption of alcohol  
7 outside; is that correct?

8 MR. SIMPSON: Yes.

9 MAYOR ROGINA: All right. And at that  
10 time we discussed with you the fact that we were  
11 going to issue a warning letter and suggested that  
12 there was not going to be any more tolerance for  
13 this; is that correct?

14 MR. SIMPSON: Yes.

15 MAYOR ROGINA: All right. I've asked  
16 those questions. We did go through that. There was  
17 a warning letter issued.

18 MR. O'NEIL: I would like to call Officer  
19 Grove for a quick rebuttal.

20 MAYOR ROGINA: All right. Officer?  
21 In rebuttal?

22 MR. O'NEIL: Yes.

23 (Witness previously sworn.)

24 CHRIS GROVE,

1 having been previously sworn, testified further as  
2 follows:

3 DIRECT EXAMINATION

4 BY MR. O'NEIL:

5 Q Officer Grove, you understand you're still  
6 under oath?

7 A Yes.

8 Q With respect to your position on the  
9 corner of Cedar and Third, had a gentleman exited  
10 Alley, walked down the street with a beer and sat on  
11 the wall, you would have seen him walking down the  
12 street with a beer in his hand?

13 A Correct.

14 MR. O'NEIL: No further questions.

15 MAYOR ROGINA: Anything else for the  
16 officer, Mr. Simpson?

17 MR. SIMPSON: Yes.

18 CROSS EXAMINATION

19 BY MR. SIMPSON:

20 Q If you were sitting in your squad car on  
21 the other corner and we have 50 people coming out of  
22 the door, there would be a lot of confusion there  
23 along with another 200 coming out here.

24 The confusion of being able to identify

1 would be extremely hard with hundreds of people out  
2 on that street; true?

3 A It is busy.

4 MR. SIMPSON: Yes.

5 MAYOR ROGINA: All right. The question  
6 was asked and the answer was given.

7 MR. SIMPSON: Thank you.

8 MR. O'NEIL: No further questions.

9 MAYOR ROGINA: All right. Mr. O'Neil?

10 And then after that, Mr. Simpson, if you'd  
11 like to make any closing remarks, sir, you certainly  
12 can. Mr. Simpson, you'll be allowed to follow.

13 MR. O'NEIL: Officer Grove was in a  
14 position to observe. That's why I asked him on  
15 direct if he saw anyone coming from Alley 64 or from  
16 Dawn's Beach Hut. He had a clear opportunity to  
17 observe.

18 The witness, who was contacted,  
19 apparently, through social media, could have called  
20 and said, "Hey, you've got it wrong. I bought the  
21 beer at Alley 64 and Alibi is not guilty," but they  
22 didn't do that.

23 What would a normal prudent person do in  
24 that circumstance? Yes, he did plead guilty for the

1 citation outside Alibi by his own admission. He  
2 admitted that he was there and that he drank  
3 alcohol.

4 Again, this is not a criminal case. It's  
5 a preponderance of the evidence standard, what's  
6 more likely true than not. You take the relative  
7 assessment of the credibility of the witnesses.

8 Officer Grove doesn't have an axe to grind  
9 with anybody. He told you what he saw. He saw  
10 Mr. Naramore sitting on the wall outside Alibi  
11 drinking a beer. He said Mr. Naramore said he got  
12 it in Alibi. He also told you if he would have  
13 walked from Alley 64 with a beer in his hand, he was  
14 in a perfect position to see it.

15 It didn't happen. It's a fabrication.  
16 I'd ask you to find that the Chief has met his  
17 burden. Thank you.

18 MAYOR ROGINA: Thank you.

19 Response, Mr. Simpson?

20 MR. SIMPSON: I think as it clearly  
21 states, the subject stated that was not in my bar.  
22 He came out of Alley. The officer was parked in his  
23 car across the street, did not have a clear view to  
24 identify where he came from. Otherwise, he would

1 have stated that as such.

2 With a crowd of 200 people out there, it's  
3 hard to identify somebody walking through a crowd to  
4 say where he came from. He was in his car. He  
5 observed him sitting on the wall outside my  
6 building, you know? He was not there. We've  
7 checked our stuff.

8 Like he said, he has a credit card  
9 statement showing he was in Alley. He just wasn't  
10 there, you know? I think, you know, it's easy for  
11 the officer just to perceive that if he was sitting  
12 on my wall outside the building, that he came out of  
13 my building.

14 MAYOR ROGINA: Would your position be that  
15 from a licensee's point of view -- you heard the  
16 testimony of Officer Grove?

17 MR. SIMPSON: Yes.

18 MAYOR ROGINA: Is it your position Officer  
19 Grove heard the wrong thing? Is that your position?

20 MR. SIMPSON: Yes.

21 MAYOR ROGINA: All right. Thank you.

22 MR. O'NEIL: May I have a quick rebuttal?

23 MAYOR ROGINA: You're allowed that. You  
24 have a right to rebut the closing arguments of the

1 defense.

2 MR. O'NEIL: You're entitled to assess the  
3 evidence that's in evidence. There is nothing in  
4 evidence as to the number of people out there that  
5 night, just a statement made by this gentleman, who  
6 we don't even know if he was there. We don't know  
7 how many people were there, let alone 200 people.

8 This credit card statement is not in  
9 evidence as well, and I believe the witness says it  
10 doesn't show the date and time of the purchase. As  
11 the Commissioner inquired, he could have sat at  
12 Alley all night and made purchases, gone to Alibi  
13 and bought the beer.

14 So again, it's more likely true than not  
15 that's the standard, and you have to do it on what's  
16 in evidence at this hearing, not on conjecture, not  
17 on closing arguments that are not based on the  
18 evidence.

19 Thank you.

20 MAYOR ROGINA: Thank you. All right. The  
21 rebuttal gets the last word.

22 MR. SIMPSON: Okay. I can't say nothing  
23 on that?

24 MAYOR ROGINA: No. Rebuttal gets the last

1 word. Thank you.

2 I will tell Mr. Simpson and Mr. O'Neil, as  
3 I told them in the first hearing, there is no  
4 decision today but in 10 to 14 days. We'll go into  
5 executive session to discuss the matter. No need to  
6 stand around.

7 MR. SIMPSON: Thank you.

8 MR. O'NEIL: As I always ask, your Honor,  
9 may I be excused?

10 MAYOR ROGINA: You may be excused. Thank  
11 you.

12 Before we go, before any motion to go into  
13 executive session, is there any other business  
14 before the Liquor Commission?

15 Hearing none, Mr. Silkaitis?

16 MEMBER SILKAITIS: Motion that we go into  
17 executive session to discuss the items on the agenda  
18 through Section 5, Illinois CS120/2(C)(4).

19 MAYOR ROGINA: The motion is to go into  
20 executive session.

21 Is there a second on that motion?

22 MEMBER CARRIGNAN: Seconded.

23 MEMBER VITEK: Second.

24 MAYOR ROGINA: I need the roll call.

1 SECRETARY CONTI: Silkaitis.

2 MEMBER SILKAITIS: Yes.

3 SECRETARY CONTI: Carrignan.

4 MEMBER CARRIGNAN: Yes.

5 SECRETARY CONTI: Vitek.

6 MEMBER VITEK: Yes.

7 MAYOR ROGINA: Since it's going to take  
8 you a while to break down, otherwise I'd have the  
9 executive session. It will take you a while to take  
10 your equipment down. We'll go into the conference  
11 room.

12 (Off the record at 5:06 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Jean S. Busse, the officer before whom  
3 the foregoing proceedings were taken, do hereby  
4 certify that the foregoing transcript is a true and  
5 correct record of the proceedings; that the  
6 testimony was taken by me stenographically and  
7 thereafter reduced to typewriting under my  
8 direction; and that I am neither counsel for,  
9 related to, nor employed by any of the parties to  
10 this case and have no interest, financial or  
11 otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand and affixed my notarial seal this 18th day of  
14 July, 2017.

15

16

*Jean S. Busse*

17

18

Certified Shorthand Reporter

19

20

21 My Commission Expires July 25, 2017.

22

23

24

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# Transcript of Hearing

**Date:** July 17, 2017

**Case:** St. Charles Liquor Commission Hearing

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BEFORE THE LIQUOR CONTROL COMMISSION  
OF THE CITY OF ST. CHARLES

-----X  
In Re: :  
Alibi Bar and Grill, Ltd, :  
12 N. Third Street, St. Charles. :  
-----X

HEARING (Continuing.)  
St. Charles, Illinois  
Monday, July 17, 2017  
4:40 p.m.

Job No. 150431  
Pages: 1 - 32  
Reported by: Jean S. Busse, CSR, RPR  
Notary Public, DuPage County, Illinois

1 Report of proceedings held at the location  
2 of:

3  
4 St. Charles City Hall  
5 2 East Main Street  
6 St. Charles, Illinois 60174  
7 (630) 377-4400

8  
9  
10  
11 Before Jean S. Busse, a Certified  
12 Shorthand Reporter, Registered Professional  
13 Reporter, and a Notary Public in and for the State  
14 of Illinois.

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Transcript of Hearing  
Conducted on July 17, 2017

1 PRESENT:

2 MAYOR RAYMOND ROGINA, Chairman

3 CLIFF CARRIGNAN, Member

4 RONALD SILKAITIS, Member

5 LORA VITEK, Member

6 ALSO PRESENT:

7 JOHN MC GUIRK, City Attorney

8 MARK KOENEN, City Administrator

9 TRACEY CONTI, Secretary

10 TIMOTHY D. O'NEIL, Counsel

11 DAVE KINTZ, Deputy Chief of Police

12 RICHARD SIMPSON, SR., Pro Se

13 RICHARD SIMPSON, JR., Pro Se

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C O N T E N T S

DIRECT CROSS REDIRECT

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| BY MR. SIMPSON |   | 14 |
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| BY MR. SIMPSON |    | 25 |

E X H I B I T S

(Not Attached to Transcript)

|                               | MARKED | RECEIVED |
|-------------------------------|--------|----------|
| Chief's Exhibit 1, Photograph | 9      | 11       |

1 P R O C E E D I N G S

2 MAYOR ROGINA: Okay. Item 6. This is a  
3 continuation of a hearing regarding a liquor license  
4 violation and citation being brought before the  
5 Liquor Control Commission to determine whether the  
6 St. Charles Local Liquor Control Commission,  
7 pursuant to this authority, shall revoke or suspend  
8 the local liquor license issued to the Alibi Bar and  
9 Grill or impose a fine or both by reason of a  
10 Complaint of Violation filed by the Chief of Police  
11 for allowing a patron to exit the premises with  
12 alcohol at 12 North Third Street, St. Charles,  
13 Illinois, in violation of Section 5.08.25 ORS of the  
14 St. Charles Municipal Code, Liquor Control Act 1934.

15 The licensee in this particular  
16 matter last month pled not guilty in this matter and  
17 asked for a due process hearing. As such, we will  
18 conduct that.

19 With that, Mr. O'Neil, I believe you would  
20 start the process out. So we'll go from there.

21 MR. O'NEIL: Thank you, Mr. Mayor, Ladies  
22 and Gentlemen.

23 The Chief isn't here, but the Deputy Chief  
24 is here in his stead. I will be calling Officer

1 Grove.

2 Do you want an opening statement? I'd  
3 just as soon waive it.

4 MAYOR ROGINA: I think basically the  
5 statement I made is very clear as to what the  
6 alleged violation is and the fact that we have a not  
7 guilty plea and now we're into a due process  
8 hearing.

9 MR. O'NEIL: Do we have someone on behalf  
10 of the Respondent present?

11 MAYOR ROGINA: Mr. Simpson, you represent  
12 yourself pro se?

13 MR. SIMPSON: Yes.

14 MAYOR ROGINA: Mr. Simpson represents  
15 himself pro se in the matter.

16 MR. O'NEIL: Officer Grove, if you'd step  
17 up and be sworn, please.

18 (Witness duly sworn.)

19 MR. O'NEIL: Step over by the mic, please.

20 MAYOR ROGINA: It would be good if you're  
21 up in front of the microphone. Mr. O'Neil is pretty  
22 loud; but so the court reporter gets everything  
23 down, it's good to have a microphone.

24 Proceed, please.

1 CHRIS GROVE,  
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. O'NEIL:

5 Q Would you state your full name for the  
6 record and spell your last name?

7 A Officer Chris Grove, G-r-o-v-e.

8 Q And Officer Grove, what is your  
9 occupation?

10 A Police officer for the City of  
11 St. Charles.

12 Q How long have you been a sworn police  
13 officer for the City of St. Charles?

14 A 21 years.

15 Q I want to draw your attention to the early  
16 morning hours of May 28th of this year at  
17 approximately 1:42 in the morning.

18 Do you recall where you were?

19 A Yes.

20 Q Where were you?

21 A I was outside of the bars downtown on the  
22 west side of town. I was on the west side bar  
23 checks on Third Street.

24 Q Specifically what corner of Third Street

1 were you sitting at?

2 A Third and Cedar.

3 Q Were you stationary or moving?

4 A I was stationary.

5 Q And what direction was your squad car  
6 facing?

7 A Facing southbound.

8 Q Are you familiar with the location of the  
9 Alibi Bar and Grill?

10 A Yes.

11 Q Is it true that's on the southeast corner  
12 of Cedar Street and Third Street?

13 A Yes.

14 Q And as you sat there -- first of all, do  
15 you know what the closing hours were early on Sunday  
16 morning, May 28th, for the bars in town?

17 A 2:00 a.m. is the closing time.

18 Q And when is last call, to your knowledge?

19 A 1:40 a.m.

20 Q At approximately 1:42 a.m. what if  
21 anything unusual -- now, I understand sometimes you  
22 see a lot of things unusual, but particular to this,  
23 what if anything unusual did you see?

24 A I saw a gentleman outside of the Alibi Bar

1 sitting on the partial wall consuming a bottle of  
2 Miller Lite.

3 (Chief's Exhibit 1 marked for  
4 identification.)

5 Q I'm going to show you Chief's Exhibit  
6 No. 1 and hand one to the Respondent.

7 Do you recognize what is depicted in that  
8 photograph?

9 A Yes.

10 Q Does that photograph truly and accurately  
11 depict the condition of the Alibi Bar and Restaurant  
12 on or about May 28, 2017, at 1:42 a.m.?

13 A Yes.

14 Q And with respect to this photograph, can  
15 you take this pen and mark an X where you saw the  
16 gentleman sitting on the retaining wall?

17 A (Indicating.)

18 Q We'll circle it. All right.

19 Did you approach the gentleman?

20 A Yes.

21 Q And as you approached him, what did he  
22 have in his hand?

23 A A 12-ounce bottle of Miller Lite.

24 Q That retaining wall is approximately how

1 high off the ground?

2 A Say maybe 3 or 4 feet.

3 Q Do you know what property that retaining  
4 wall attaches to?

5 A The Alibi.

6 Q It's not City property?

7 A No.

8 Q And the gentleman, as you approached him,  
9 where were his feet?

10 A Hanging over the edge of the wall.

11 Q As his feet were hanging over the edge of  
12 the wall, what were they hanging over?

13 A The sidewalk.

14 Q The City sidewalk?

15 A Yes.

16 Q Now, also in Exhibit No. 1, there are two  
17 entrances to the Alibi Restaurant, one on Cedar and  
18 one on Third Street; is that correct?

19 A Right.

20 Q At that time had you seen the person  
21 sitting on the wall coming from any other location  
22 with a beer in his hand?

23 A No.

24 Q You didn't see him come, say, from the

1 back of Alley 64?

2 A No.

3 Q You didn't see him come from Dawn's Beach  
4 Hut?

5 A No.

6 Q You didn't see him come from The Filling  
7 Station?

8 A No.

9 MR. O'NEIL: I'm going to ask that Chief's  
10 Exhibit 1 be admitted so you can follow along.

11 MAYOR ROGINA: Mr. Simpson, do you have  
12 any objection to that? Do you want to take a look  
13 at that or a copy of it?

14 MR. SIMPSON: He gave me a copy. It's  
15 just a picture of the outside of the building.

16 MAYOR ROGINA: Fine. It will be admitted  
17 without objection.

18 (Chief's Exhibit 1 for identification was  
19 received in evidence.)

20 MR. O'NEIL: This one is the original with  
21 the X on it. It's kind of hard to see the others.  
22 It's just a copy.

23 BY MR. O'NEIL:

24 Q As you approached the gentleman, did you



1 obtain his identify?

2 A Yes.

3 Q How did he identify himself?

4 A With a State of Illinois driver's license.

5 Q What was his name?

6 A Zachary Naramore, I believe.

7 Q Did you take his driver's license?

8 A Yes.

9 Q And did you run him through LEADS?

10 A Yes.

11 Q Was he wanted on any warrants?

12 A No.

13 Q What was his date of birth?

14 A I don't know.

15 Q All right. But he was not a minor?

16 A No.

17 Q Did you ask him where he was served or

18 where he obtained the 12-ounce bottle of Miller

19 Lite?

20 A Yes.

21 Q How did he respond?

22 A He responded that he got it at the Alibi.

23 Q How full was the bottle of Miller Lite?

24 A I would say half full.

1           Q     Just so we're not assuming anything, is  
2 Miller Lite an alcoholic beverage governed by the  
3 liquor laws of the State of Illinois and City of  
4 St. Charles?

5           A     Yes.

6           Q     Did you grab the bottle of beer?

7           A     Yes.

8           Q     What was the temperature?

9           A     It was still cold.

10          Q     Approximately half full?

11          A     Yes.

12          Q     What did you do with it?

13          A     I poured it out on the sidewalk.

14          Q     At that time did any of the employees or  
15 the ownership of Alibi come out to assess what was  
16 going on?

17          A     No.

18          Q     Have you had a conversation with anyone  
19 from Alibi concerning the citation since that event?

20          A     No.

21               MR. O'NEIL:  If I may have a moment, I may  
22 be done.  I have no further questions of this  
23 witness.

24               MAYOR ROGINA:  Do you want to

1 cross-examine the officer?

2 CROSS EXAMINATION

3 BY MR. SIMPSON:

4 Q When you approached him --

5 MR. O'NEIL: Your Honor, before he starts,  
6 could we identify the gentleman standing behind  
7 Mr. Simpson?

8 MAYOR ROGINA: For the record, for the  
9 court reporter, if we do it both once we've covered  
10 everybody.

11 So why don't you identify yourself for the  
12 court reporter, he'll identify himself for the court  
13 reporter, and then we'll proceed with cross  
14 examination. Go ahead.

15 MR. SIMPSON: Rich Simpson, Sr.

16 MR. SIMPSON, JR.: Rich Simpson, Jr., also  
17 from Alibi.

18 MAYOR ROGINA: Now Mr. Simpson.

19 MR. SIMPSON: I guess on this corner --  
20 this corner is City property, not my property, just  
21 to clarify that.

22 MAYOR ROGINA: You have to elevate the  
23 questions.

24 THE COURT REPORTER: Use the microphone,

1 please.

2 BY MR. SIMPSON:

3 Q I guess when you came up and questioned  
4 the subject and you asked him where he came from --  
5 I guess it's easy enough for you to make a  
6 confusion. Alibi and Alley are very similar in  
7 names. And when the guy is telling you that he came  
8 out of Alley, I'm thinking that maybe you just  
9 perceived it was Alibi because he was in front of  
10 Alibi.

11 A No.

12 MR. SIMPSON: No. Okay.

13 I have no further questions at this point.

14 REDIRECT EXAMINATION

15 BY MR. O'NEIL:

16 Q Just to clarify, he never said he came out  
17 of Alley 64, did he?

18 A Correct.

19 Q He said he came out of Alibi?

20 A Yes.

21 MR. O'NEIL: No further questions.

22 MAYOR ROGINA: Anything further for the  
23 officer?

24 MR. O'NEIL: No, your Honor.

1                   MAYOR ROGINA: Thank you, Officer. You  
2 may step down.

3                   (Witness excused.)

4                   MAYOR ROGINA: Do you have anybody else to  
5 call?

6                   MR. O'NEIL: No, sir.

7                   MAYOR ROGINA: Okay. Then we'll proceed  
8 to your case. You may call your witness.

9                   MR. SIMPSON: I'd like to call Zachary  
10 Naramore as a witness.

11                   MAYOR ROGINA: For the court reporter,  
12 just give your name and address for the record.  
13 I'll swear you in.

14                   THE WITNESS: Zachary Naramore,  
15 Z-a-c-h-a-r-y N-a-r-a-m-o-r-e.

16                   MAYOR ROGINA: Raise your right hand.

17                   (Witness duly sworn.)

18                   MAYOR ROGINA: All right. Proceed,  
19 Mr. Simpson.

20                                   ZACHARY NARAMORE,  
21 having been duly sworn, testified as follows:

22                                   DIRECT EXAMINATION

23 BY MR. SIMPSON:

24                   Q     On the night when you were sitting out in

1 front and the officer approached you and he asked  
2 you about the bar, at that point you had come from  
3 Alibi -- you came from Alley, walked around and sat  
4 down in front of the Alibi?

5 A Yes, sir.

6 Q Then he took the beer from you, poured it  
7 out, and you informed him that you came out of Alley  
8 and you were there waiting for friends?

9 A I didn't specifically say what bar. I  
10 said, "A bar." I didn't specifically say what bar  
11 it was. I said, "A bar." Then from there they  
12 continued with giving me my ticket.

13 MAYOR ROGINA: If I may, in the course of  
14 this case it's much more important that the Hearing  
15 Officer can ask you a question.

16 You're stating that the testimony of the  
17 officer, who said you said it was the Alibi, you're  
18 refuting that at this point?

19 THE WITNESS: Yes.

20 MAYOR ROGINA: All right. Continue.

21 BY MR. SIMPSON:

22 Q And then you came out of Alley?

23 A Yeah, I came out of Alley, and -- go  
24 ahead.

1 MR. SIMPSON: All right. And I guess to  
2 validate that he came out of Alley --

3 MAYOR ROGINA: You can make that in  
4 closing argument if you want. The purpose of this  
5 is question and answer. Continue with the witness.

6 Do you have anything else?

7 DIRECT EXAMINATION

8 BY MR. SIMPSON, JR.:

9 Q What bar were you at that night?

10 A We were at Alley 64.

11 Q At any point in time were you in Alibi?

12 A No.

13 MR. SIMPSON, JR.: No further questions.

14 MAYOR ROGINA: Anything further?

15 MR. SIMPSON: No.

16 MAYOR ROGINA: Cross?

17 CROSS EXAMINATION

18 BY MR. O'NEIL:

19 Q Mr. Naramore --

20 A Yes.

21 Q -- how old are you?

22 A 28.

23 Q And what do you do for a living?

24 A I'm a laborer.

1 Q Where are you a laborer?

2 A Chicago.

3 Q You live in Sandwich; is that correct?

4 A Aurora. I just recently moved.

5 Q You moved since May 28th?

6 A No. It was before that. I haven't  
7 switched my license over yet to my new address.

8 Q I see. Are you familiar with the  
9 Simpsons, either of these gentlemen?

10 A I never met them.

11 Q How did you know about this hearing today?

12 A Through Facebook, social media.

13 Q Who contacted you about this hearing  
14 today?

15 A Rich.

16 Q All right. What did he say to you?

17 A He says, "There's a hearing." At first he  
18 asked me, "Do you remember the night of" -- the  
19 date, and I said, "Yes." He like wanted the  
20 low-down because he got a fine -- or a ticket saying  
21 that he's going to be fined a certain amount of  
22 money and could be license revoked. He was  
23 wondering if I could make an appearance to come and  
24 give my -- he wanted the story. I gave him the



1 story.

2 Then he's like, "Would you mind coming  
3 in to court and giving your side of the story?"

4 Q I see. And why didn't you come forward to  
5 Officer Grove of the St. Charles Police Department  
6 and say, "Hey, you're wrong. I didn't say that"?

7 A It never crossed my mind to do it. I just  
8 waited until the court hearing.

9 Q You saw an injustice. You decided not to  
10 call the police who issued the citation; is that  
11 correct?

12 A No. It's because it never crossed my  
13 mind. I got my punishment. So when they came to  
14 me, I said, "Yeah, I'll help you anytime you want,"  
15 but I'm not going to race up here and go to the  
16 officer.

17 Q And you actually already paid your \$100  
18 fine on the ticket that was issued to you for  
19 drinking outside of Alibi?

20 A Yes.

21 Q And you were sitting on the wall outside  
22 Alibi; is that correct?

23 A Yes.

24 Q How long had you been sitting there?

1 A They got me within a few minutes.

2 Q Within a few minutes?

3 A Yes.

4 Q And did you see the squad car in the  
5 corner?

6 A No, I didn't because then they wouldn't  
7 have caught me with that beer.

8 Q Because you don't want to get caught  
9 breaking the law; right?

10 A Oh, right.

11 Q All right. And would you agree with me  
12 that -- which door of Alley? You came out the  
13 backside of Alley?

14 A Yeah. I came out where the -- whatever it  
15 was -- the outside porch area.

16 Q You walked down Cedar Street to the  
17 corner?

18 A Uh-huh.

19 Q That's a yes?

20 A Yes.

21 Q All right. And that's well lit at night  
22 at 1:42 in the morning, isn't it?

23 A Yes. I mean, it's got streetlights, and  
24 it's got dark areas.

1 MR. O'NEIL: I have no further questions  
2 of this witness.

3 MAYOR ROGINA: Anything else for the  
4 witness?

5 MR. SIMPSON: No.

6 If we want to go further, he actually has  
7 a copy -- we have a copy of his screenshot running  
8 his credit card at Alley.

9 MR. SIMPSON, JR.: There's no charges from  
10 us.

11 MR. SIMPSON: He has his credit card  
12 showing that they charged it.

13 MAYOR ROGINA: You're saying you have a  
14 copy of a screenshot of his credit card at Alley?

15 MR. SIMPSON: His bank statement showing  
16 that he charged the alcohol at Alley.

17 MAYOR ROGINA: Any response?

18 MR. O'NEIL: It's irrelevant. He may have  
19 been at Alley; he might have gone to Alibi. Who  
20 knows?

21 MAYOR ROGINA: Is there a time on that?

22 MR. SIMPSON: No.

23 MAYOR ROGINA: You would not -- I'll let  
24 you talk, too.

1                   You would not disagree with me he could  
2 have been at Alley at some point in the evening and  
3 charged a beer?

4                   MR. SIMPSON: Absolutely.

5                   MAYOR ROGINA: Do you have a copy of it?

6                   THE WITNESS: Yeah. What I'm saying is  
7 that statement that I have that shows the date  
8 doesn't show the time or anything, just the date.

9                   MAYOR ROGINA: Right. I'm not disputing  
10 the fact -- nobody here is disputing the fact you  
11 could have been at Alley at some point in the  
12 evening.

13                   THE WITNESS: Yes.

14                   MAYOR ROGINA: Nothing further of this  
15 witness?

16                   MR. SIMPSON: Nothing.

17                   MAYOR ROGINA: I have a couple questions  
18 for you.

19                   Thank you. You may step back.

20                   Before we get to any closing arguments, I  
21 have a question to ask both you and your son.

22                   Is it not true that about two months  
23 before this incident, you and your son had a meeting  
24 with me and Chief Keegan in my office? Is that

1 correct?

2 MR. SIMPSON: Correct.

3 MAYOR ROGINA: All right. And at that  
4 meeting we discussed an incident that happened in  
5 your bar that's of the exact same ilk as this  
6 particular incident, namely, consumption of alcohol  
7 outside; is that correct?

8 MR. SIMPSON: Yes.

9 MAYOR ROGINA: All right. And at that  
10 time we discussed with you the fact that we were  
11 going to issue a warning letter and suggested that  
12 there was not going to be any more tolerance for  
13 this; is that correct?

14 MR. SIMPSON: Yes.

15 MAYOR ROGINA: All right. I've asked  
16 those questions. We did go through that. There was  
17 a warning letter issued.

18 MR. O'NEIL: I would like to call Officer  
19 Grove for a quick rebuttal.

20 MAYOR ROGINA: All right. Officer?  
21 In rebuttal?

22 MR. O'NEIL: Yes.

23 (Witness previously sworn.)

24 CHRIS GROVE,

1 having been previously sworn, testified further as  
2 follows:

3 DIRECT EXAMINATION

4 BY MR. O'NEIL:

5 Q Officer Grove, you understand you're still  
6 under oath?

7 A Yes.

8 Q With respect to your position on the  
9 corner of Cedar and Third, had a gentleman exited  
10 Alley, walked down the street with a beer and sat on  
11 the wall, you would have seen him walking down the  
12 street with a beer in his hand?

13 A Correct.

14 MR. O'NEIL: No further questions.

15 MAYOR ROGINA: Anything else for the  
16 officer, Mr. Simpson?

17 MR. SIMPSON: Yes.

18 CROSS EXAMINATION

19 BY MR. SIMPSON:

20 Q If you were sitting in your squad car on  
21 the other corner and we have 50 people coming out of  
22 the door, there would be a lot of confusion there  
23 along with another 200 coming out here.

24 The confusion of being able to identify

1 would be extremely hard with hundreds of people out  
2 on that street; true?

3 A It is busy.

4 MR. SIMPSON: Yes.

5 MAYOR ROGINA: All right. The question  
6 was asked and the answer was given.

7 MR. SIMPSON: Thank you.

8 MR. O'NEIL: No further questions.

9 MAYOR ROGINA: All right. Mr. O'Neil?

10 And then after that, Mr. Simpson, if you'd  
11 like to make any closing remarks, sir, you certainly  
12 can. Mr. Simpson, you'll be allowed to follow.

13 MR. O'NEIL: Officer Grove was in a  
14 position to observe. That's why I asked him on  
15 direct if he saw anyone coming from Alley 64 or from  
16 Dawn's Beach Hut. He had a clear opportunity to  
17 observe.

18 The witness, who was contacted,  
19 apparently, through social media, could have called  
20 and said, "Hey, you've got it wrong. I bought the  
21 beer at Alley 64 and Alibi is not guilty," but they  
22 didn't do that.

23 What would a normal prudent person do in  
24 that circumstance? Yes, he did plead guilty for the

1 citation outside Alibi by his own admission. He  
2 admitted that he was there and that he drank  
3 alcohol.

4 Again, this is not a criminal case. It's  
5 a preponderance of the evidence standard, what's  
6 more likely true than not. You take the relative  
7 assessment of the credibility of the witnesses.

8 Officer Grove doesn't have an axe to grind  
9 with anybody. He told you what he saw. He saw  
10 Mr. Naramore sitting on the wall outside Alibi  
11 drinking a beer. He said Mr. Naramore said he got  
12 it in Alibi. He also told you if he would have  
13 walked from Alley 64 with a beer in his hand, he was  
14 in a perfect position to see it.

15 It didn't happen. It's a fabrication.  
16 I'd ask you to find that the Chief has met his  
17 burden. Thank you.

18 MAYOR ROGINA: Thank you.

19 Response, Mr. Simpson?

20 MR. SIMPSON: I think as it clearly  
21 states, the subject stated that was not in my bar.  
22 He came out of Alley. The officer was parked in his  
23 car across the street, did not have a clear view to  
24 identify where he came from. Otherwise, he would



1 have stated that as such.

2 With a crowd of 200 people out there, it's  
3 hard to identify somebody walking through a crowd to  
4 say where he came from. He was in his car. He  
5 observed him sitting on the wall outside my  
6 building, you know? He was not there. We've  
7 checked our stuff.

8 Like he said, he has a credit card  
9 statement showing he was in Alley. He just wasn't  
10 there, you know? I think, you know, it's easy for  
11 the officer just to perceive that if he was sitting  
12 on my wall outside the building, that he came out of  
13 my building.

14 MAYOR ROGINA: Would your position be that  
15 from a licensee's point of view -- you heard the  
16 testimony of Officer Grove?

17 MR. SIMPSON: Yes.

18 MAYOR ROGINA: Is it your position Officer  
19 Grove heard the wrong thing? Is that your position?

20 MR. SIMPSON: Yes.

21 MAYOR ROGINA: All right. Thank you.

22 MR. O'NEIL: May I have a quick rebuttal?

23 MAYOR ROGINA: You're allowed that. You  
24 have a right to rebut the closing arguments of the

1 defense.

2 MR. O'NEIL: You're entitled to assess the  
3 evidence that's in evidence. There is nothing in  
4 evidence as to the number of people out there that  
5 night, just a statement made by this gentleman, who  
6 we don't even know if he was there. We don't know  
7 how many people were there, let alone 200 people.

8 This credit card statement is not in  
9 evidence as well, and I believe the witness says it  
10 doesn't show the date and time of the purchase. As  
11 the Commissioner inquired, he could have sat at  
12 Alley all night and made purchases, gone to Alibi  
13 and bought the beer.

14 So again, it's more likely true than not  
15 that's the standard, and you have to do it on what's  
16 in evidence at this hearing, not on conjecture, not  
17 on closing arguments that are not based on the  
18 evidence.

19 Thank you.

20 MAYOR ROGINA: Thank you. All right. The  
21 rebuttal gets the last word.

22 MR. SIMPSON: Okay. I can't say nothing  
23 on that?

24 MAYOR ROGINA: No. Rebuttal gets the last

1 word. Thank you.

2 I will tell Mr. Simpson and Mr. O'Neil, as  
3 I told them in the first hearing, there is no  
4 decision today but in 10 to 14 days. We'll go into  
5 executive session to discuss the matter. No need to  
6 stand around.

7 MR. SIMPSON: Thank you.

8 MR. O'NEIL: As I always ask, your Honor,  
9 may I be excused?

10 MAYOR ROGINA: You may be excused. Thank  
11 you.

12 Before we go, before any motion to go into  
13 executive session, is there any other business  
14 before the Liquor Commission?

15 Hearing none, Mr. Silkaitis?

16 MEMBER SILKAITIS: Motion that we go into  
17 executive session to discuss the items on the agenda  
18 through Section 5, Illinois CS120/2(C)(4).

19 MAYOR ROGINA: The motion is to go into  
20 executive session.

21 Is there a second on that motion?

22 MEMBER CARRIGNAN: Seconded.

23 MEMBER VITEK: Second.

24 MAYOR ROGINA: I need the roll call.

1 SECRETARY CONTI: Silkaitis.

2 MEMBER SILKAITIS: Yes.

3 SECRETARY CONTI: Carrignan.

4 MEMBER CARRIGNAN: Yes.

5 SECRETARY CONTI: Vitek.

6 MEMBER VITEK: Yes.

7 MAYOR ROGINA: Since it's going to take  
8 you a while to break down, otherwise I'd have the  
9 executive session. It will take you a while to take  
10 your equipment down. We'll go into the conference  
11 room.

12 (Off the record at 5:06 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

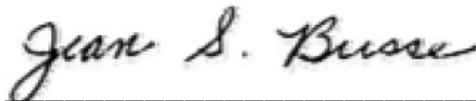
2 I, Jean S. Busse, the officer before whom  
3 the foregoing proceedings were taken, do hereby  
4 certify that the foregoing transcript is a true and  
5 correct record of the proceedings; that the  
6 testimony was taken by me stenographically and  
7 thereafter reduced to typewriting under my  
8 direction; and that I am neither counsel for,  
9 related to, nor employed by any of the parties to  
10 this case and have no interest, financial or  
11 otherwise, in its outcome.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand and affixed my notarial seal this 18th day of  
14 July, 2017.

15

16

17



18

Certified Shorthand Reporter

19

20

21 My Commission Expires July 25, 2017.

22

23

24

Transcript of Hearing  
Conducted on July 17, 2017

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