



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Hearing Notice for Best Massage, 2774 E Main 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 (4/4/16)

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 violations 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 upon by reason of the Complaint of Violation filed by the Police Department of multiple offenses happening on or about March 15, 2016 at the establishment of Best Massage, 2774 E Main Street, St. Charles.

Attachments: *(please list)*

Citation and Notice of Hearing

Recommendation / Suggested Action *(briefly explain):*

Discussion regarding Massage Establishment Citation and Hearing Notice for Best Massage, 2774 E Main Street, St. Charles.

For office use only:

Agenda Item Number: 4

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-03
BEST MESSAGE)

CITATION AND NOTICE OF HEARING

TO: BEST MESSAGE
2774 E. Main Street
St. Charles, IL 60174

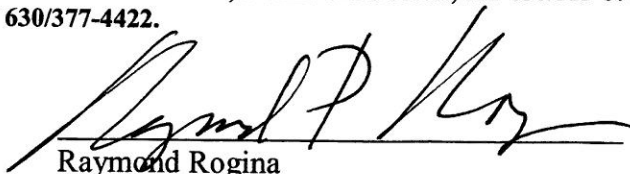
PLEASE TAKE NOTICE THAT on April 4, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal Code of 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, 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 NILES, AT 630/377-4422.

DATED this 2 day of March, 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: Xiaoli Hao Kendall at 10:25 am
_____ on the 22nd day of March, 2016.

Q.P. Li #340

SUBSCRIBED AND SWORN TO
before me this 22nd day of March, 2016.

Sara K Cass
NOTARY PUBLIC

NOTE: I SPOKE WITH OWNER'S DAUGHTER
Shanshan Fan and explained
CITATION to her via Cell phone,
owner ^{Li} Ling, not available.

Q.P. Li #340



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-03
Best Massage)
2774 E. Main Street)
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 March 15, 2016, at approximately 12:40 p.m., the Licensee, Best Massage, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

OFFENSES

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 the patron’s sexual or genital area.”

Violated Section 5.20.180(B)(10) of the Massage Establishment Act which states:

“The license holder permits acts of prostitution or solicitations for acts of prostitution to be performed within the premises ...”

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 March 15, 2016, Best Massage 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 each are prohibited and are in violation of and contrary to Sections 5.20.130(G), 5.20.130(H), 5.20.180(B)(10) and 5.20.130(D) of the St. Charles Municipal Code.

5. That the Licensee, Best Massage, 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 Best Massage 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

Best Massage



Case Report Summary



Print Date/Time: 03/22/2016 09:48
Login ID: kschult
Case Number: 2016-00005814

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2016-00005814
Location: 2774 E MAIN ST
SAINT CHARLES, IL 60174
Reporting Officer ID: 0048 - Lamela

Incident Type: 1505 PROSTITUTION
Occurred From: 03/15/2016 12:40
Occurred Thru: 03/15/2016 13:25
Disposition:
Disposition Date:
Reported Date: 03/15/2016 13:34 Tuesday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	1505	720 ILCS 5.0/11-14	PROSTITUTION	1
2	State	5000	225 ILCS 57.0/30-B	VIOLATE MESSAGE LICENSING ACT	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	HU, XINNIAN	236 W 23RD ST		ASIAN/PACIFIC ISLANDER	FEMALE	
COMPLAINANT	1		CHICAGO, IL 60616 211 RIVERSIDE AVE SAINT CHARLES, IL 60174	(630)377-4435			50

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
20392 A	HU, XINNIAN	2774 E MAIN ST SAINT CHARLES, IL 60174	03/15/2016 13:58		50

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
03/16/2016	EVIDENCE	CURRENCY			2 - \$10 dollar bills, 1 - \$50 dollar bill	20017	1

Chain of Custody

Date	Transaction	From	From Role	To	To Role
03/16/2016 15:26	Type: Intake	0057-Dave Ketelsen	DETECTIVE	0131-Richard Sullivan	PROPERTY OFFICER
	Code: INITIAL				
	Tag Number:	20017			
	Remarks:				

Vehicles

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

On 03/15/2016, the St. Charles Police Department conducted a Massage Establishment Compliance Check at Best Massage, located at 2774 E. Main Street in St. Charles, Illinois. [redacted] agreed to be the U/C to conduct this compliance check. [redacted]'s assignment was to enter Best Massage and request a (1) hour massage and ensure / evaluate their legal compliance. [redacted] was given \$70.00 (USC), which was photographed and recorded. Detective Ketelsen, Detective Bauwens and I conducted surveillance in the area of Best Massage.

At 1240 hours, I observed [redacted] enter Best Massage. During this time, I did not observe anyone else enter or exit the business.

At 1325 hours, I observed [redacted] exit Best Massage. [redacted] approached me in the parking lot and advised that he paid a female Asian employee \$60 (1-\$50.00 bill & 1-\$10.00) and received a massage. [redacted] informed that during the massage, the female Asian employee began touching his penis and testicles. [redacted] stated that the female Asian employee agreed to perform a sexual act (hand to penis) on him for \$60. [redacted] stated that after he agreed to receiving the sex act, he immediately got dressed and left the business. [redacted] stated that there were (2) female Asians inside of the business and that the employee wearing a black shirt and black pants provided him with the massage. [redacted] further advised that he gave the employee a \$10.00 tip.

Detective Ketelsen, Detective Bauwens, [redacted] and I then entered the business. We were met by the female Asian employee now known as Xinnian Hu. Xinnian Hu was wearing all black clothing. The other female Asian was wearing a blue flowered shirt. [redacted] immediately advised that Xinnian Hu was the employee who provided him with the massage and agreed to perform a sexual act on him. Xinnian Hu did not speak English and only spoke Mandarin Chinese. I asked the other female employee (unknown name) to contact the business owner and she made contact with the owner's daughter, [redacted] who speaks English. I spoke with [redacted] and informed her of this incident. I asked [redacted] to translate to Xinnian that she was under arrest for prostitution. I asked [redacted] if Xinnian was a licensed Massage Therapist and she stated that she was not. [redacted] informed Xinnian that she was under arrest and stated that she would come to the police department to pick her up. Detective Ketelsen was able to retrieve the \$70.00 that [redacted] paid for the massage and tip. (\$50.00 S/N: JK 20234457 A, \$10.00 S/N: ID 63241250 A, \$10.00 S/N: JA 53789127 A)

Xinnian was taken into custody and transported to the St. Charles Police Department. I contacted Language Line and I was informed that they did not have a Mandarin Chinese interpreter on duty. I was unable to interview Xinnian. Xinnian was processed and charged with Prostitution. I logged onto the Illinois Department of Financial & Professional Regulations. I ran Xinnian to check for a Massage Therapist License which came back "No Record". (See attached IDFPR Document) Xinnian was then charged with Violating the Massage Act / License Required. Xinnian posted \$150.00 bond and paid \$50.00 for the processing fee. Xinnian was issued a court date of 04/21/2016 at 0900 hours at the Kane County Branch Court. (See [redacted]'s Supplementary Report and Detective Ketelsen's Supplementary Report) This case is cleared by adult arrest.

NOTE: This was the first arrest at this location.

Cleared by Adult Arrest
DL#340
JLG315