



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

**Title:** Discussion Regarding Tobacco Citation and Hearing Notice for STD Enterprises, Inc., d/b/a 7 Eleven

**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 (3/21/16)

<b>Estimated Cost:</b>		<b>Budgeted:</b>	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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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 cigarette license issued for 7 Eleven or impose a fine upon by reason of the Complaint of Violation filed by the City of St. Charles Liquor Control Commission and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act 720 ILCS 675/1 et seq. of an occurrence on or about February 22, 2016 .

**Attachments:** *(please list)*

Citation Notice of Hearing  
Complaint of Violation

**Recommendation / Suggested Action** *(briefly explain):*

Discussion regarding Tobacco Citation and Hearing Notice for STD Enterprises, Inc., d/b/a 7 Eleven.

<i>For office use only:</i>	<i>Agenda Item Number: 5</i>
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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 TOBACCO )  
LICENSE OF: )  
 ) Case Number 2016-LC-02  
STD ENTERPRISES, INC. )  
d/b/a 7 ELEVEN )

**CITATION AND NOTICE OF HEARING**

TO: STD Enterprises, Inc.,  
d/b/a 7 Eleven  
1705 W. Main Street  
St. Charles, IL 60174


**PLEASE TAKE NOTICE THAT** on March 21, 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 5.08.320, 5.16.070 and 5.16.080 of the Municipal Code of the City of St. Charles and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act 720 ILCS 675/1 et seq.

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 cigarette 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 5.16.180(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 26 day of February, 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 )

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF  
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE )  
CIGARETTE )  
LICENSE OF: )  
 ) Case Number 2016-LC-02  
STD Enterprises, Inc. )  
d/b/a 7 Eleven )  
1705 W. 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 February 22, 2016, at approximately 4:40 p.m., the Licensee, STD Enterprises, Inc., d/b/a 7 Eleven, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Liquor Code:

**OFFENSE**

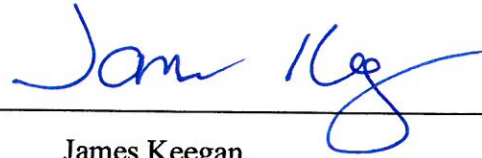
Sold tobacco to a minor in violation of Sections 5.16.070 and 5.16.100 of the St. Charles Municipal Code.

3. On or about February 22, 2016, STD Enterprises, Inc., d/b/a 7 Eleven was operating under a Cigarette 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 5.16.070 and 5.16.100 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. That the Licensee, STD Enterprises, Inc., d/b/a 7 Eleven, 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 5.08.320, 5.16.170 and 5.16.180 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the tobacco Commission, hold a hearing on this matter and take such action against STD Enterprises, Inc., d/b/a 7 Eleven as the Commissioner shall deem appropriate under the circumstances.



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

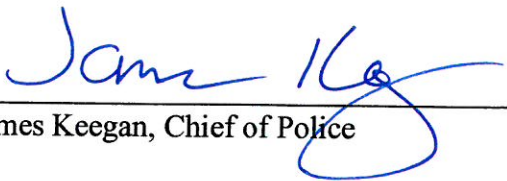
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John M. McGuirk  
Attorney for the City of St. Charles  
Hoscheit, McGuirk, McCracken  
& Cuscaden, P.C.  
1001 East Main Street, Suite G  
St. Charles, IL 60174  
630/513-8700

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 20<sup>th</sup> day of February, 2016.

  
\_\_\_\_\_  
NOTARY PUBLIC



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: ALEX RIEGLING at 1705 W. MAIN STREET, ST. CHARLES (12:32 PM) on the 26 day of February, 2016.

  
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SUBSCRIBED AND SWORN TO  
before me this 26 day of February, 2016.

France Cevallos  
NOTARY PUBLIC



## ARRAIGNMENT FORM

I, \_\_\_\_\_, as agent for STD Enterprises, Inc., d/b/a 7 Eleven, being a licensee charged with a violation of Chapter 5.16 of the Municipal Code of the City of St. Charles and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, et seq. at **1705 W. Main Street, 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.

STD Enterprises, Inc., d/b/a 7 Eleven

Signature: By: \_\_\_\_\_

Date: \_\_\_\_\_

Subscribed and sworn to before me

This \_\_\_\_\_ day of March, 2016.

\_\_\_\_\_  
Notary Public

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



# Case Report Summary



Print Date/Time: 03/18/2016 09:27  
Login ID: kschult  
Case Number: 2016-00004088

ST CHARLES POLICE DEPARTMENT  
ORI Number: IL0451400

## Case

Case Number: 2016-00004088  
Location: 1705 W MAIN ST  
SAINT CHARLES, IL 60174  
Reporting Officer ID: 0057 - Ketelsen

Incident Type: 1715 SALE OF TOBACCO/MINORS  
Occurred From: 02/23/2016 12:26  
Occurred Thru: 02/23/2016 16:40  
Disposition:  
Disposition Date:  
Reported Date: 02/23/2016 12:26 Tuesday

## Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	1715	5-16-060	SALES OF TOBACCO TO MINOR	1

## Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	PETERS, RICHARD T	135 WALNUT DR 108 SAINT CHARLES, IL 60174		WHITE	MALE	35

## Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
20341 A	PETERS, RICHARD T	1705 W MAIN ST SAINT CHARLES, IL 60174	02/23/2016 12:27	CITED/SUMMONED	35

## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
02/23/2016	EVIDENCE	OTHER PROPERTY			CAMEL CIARETTES AND RECEIPT	19982	1

## Chain of Custody

Date	Transaction	From	From Role	To	To Role
02/24/2016 09:10	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: dketelsen, Narrative

### Sale of Tobacco to Minor (Tobacco Compliance Checks)

On 022216 the St Charles Police Department conducted a tobacco compliance inspection throughout the city of St Charles. At approximately 1640hrs Detective Bauwens and I went to 7/11 at 1705 W Main Street with a confidential informant (C/I). The C/I was provided with official advanced funds from the police department. With this money the C/I entered the 7/11 under the surveillance of Detective Bauwens. Once inside the C/I was able to purchase one pack of Camel cigarettes. The C/I exited the store with the pack of cigarettes in her hand and proceeded directly back to the car we came in, and then turned over the cigarettes to me. The C/I said that she was not asked for identification or what her date of birth was before the sale of the cigarettes to her.

The C/I said that the clerk that sold it to her appeared to be about 30, had a beard, and was wearing a black "Green Lantern" t-shirt. Detective Bauwens then came back to the car and essentially described the same subject as the C/I did as being the sales clerk. He also advised it appeared that this subject was the only one working.

I then entered 7/11 and identified myself to the sales clerk, Richard T Peters. I advised him that the subject that he just sold the Camel cigarettes to was only 17 years of age. He then told me that he did not ask her for any identification because he thought he recognized her as someone he had sold cigarettes to before. He admitted selling the cigarettes to her and was able to provide me the receipt for this transaction. I advised Peters that I would be issuing him a citation for Sale Of Tobacco To A Minor. Peters had no further questions.

The cigarettes and receipt were entered into evidence.

Cleared By Adult Arrest. Local Ordinance.

DK #328