

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 5

Title:

Discussion Regarding Massage Establishment Citation and Hearing Notice for Shangri-La Massage &amp; Spa, 2015 Dean Street, St. Charles

Presenter:

Chief Keegan, Police Department

Meeting: Liquor Control Commission

Date: February 6, 2017

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

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 January 11, 2017 at the establishment of Shangri-La Massage & Spa, 2015 Dean Street, Ste. 7A, St. Charles.

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

Citation and Notice of Hearing  
Complaint of Violation

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

Discussion regarding massage establishment Citation and Hearing Notice for Shangri-La Massage & Spa, 2015 Dean Street, St. Charles.

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 MESSAGE )  
ESTABLISHMENT LICENSE OF: )  
 ) Case Number 2017-LC-01  
SHANGRI-LA MASSAGES & SPA )

**CITATION AND NOTICE OF HEARING**

TO: SHANGRI-LA MASSAGES & SPA  
2015 Dean Street, Suite 7A  
St. Charles, IL 60174

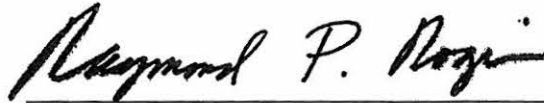
**PLEASE TAKE NOTICE THAT** on February 6, 2017 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal 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 24<sup>th</sup> day of January, 2017.



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: SYZHEN JIANG at 2015 DEAN  
ST SUITE 7A on the 25 day of January, 2017.



SUBSCRIBED AND SWORN TO  
before me this 25 day of January, 2017.

France Cevallos  
NOTARY PUBLIC



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 2017-LC-01  
Shangri-La Massage & Spa )  
2015 Dean Street, Ste. 7A )  
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 January 11, 2017, at approximately 7:41 p.m., the Licensee, Shangri-La Massage & Spa, by and through its employees, officers and/or agents, committed the following violations of the St. Charles Massage Establishment Code:

**OFFENSES**

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

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

Violated Section 5.20.110(A) of the Massage Establishment Code 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.”

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

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

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

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

3. On or about January 17, 2017, at approximately 9:35 p.m., the Licensee, Shangri-La Massage & Spa, by and through its employees, officers and/or agents committed the following violation:

Violated Section 5.20.110(A) of the Massage Establishment Code 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

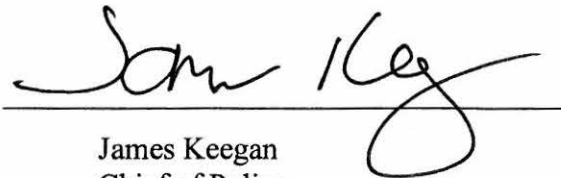
supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this chapter by any agent or employee of the licensee shall constitute a violation by the licensee.”

4. On or about January 11, 2017 and January 17, 2017, Shangri-La Massage & Spa was operating under a Massage License issued by the City of St. Charles.

5. That the acts detailed in Section 2 and Section 3 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), 5.20.130(E), 5.20.130(F) and 5.20.110(A) of the St. Charles Municipal Code.

6. That the Licensee, Shangri-La Massage & Spa, 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 Shangri-La Massage & Spa as the Massage Business Commissioner shall deem appropriate under the circumstances.



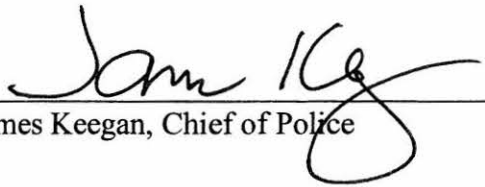
James Keegan  
Chief of Police  
City of St. Charles, Illinois

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 24 day of January, 2017.

  
NOTARY PUBLIC







# Case Report Summary



Print Date/Time: 01/20/2017 15:56  
Login ID: kschult  
Case Number: 2017-00000870

ST CHARLES POLICE DEPARTMENT  
ORI Number: IL0451400

## Case

Case Number: 2017-00000870      Incident Type: 1505 PROSTITUTION  
Location: 2015 DEAN ST 17A      Occurred From: 01/11/2017 20:54  
SAINT CHARLES, IL 60174      Occurred Thru: 01/11/2017 20:54  
Reporting Officer ID: 0053 - Grove      Disposition:  
Disposition Date:  
Reported Date: 01/11/2017 20:54 Wednesday

## Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	1505	720 ILCS 5.0/11-14	PROSTITUTION	1

## Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	CUI, HONGBO	43W399 LAKEWOOD CIR		ASIAN/PACIFIC ISLANDER	FEMALE	
OTHER PERSON	1	JIANG, LIFA	SUGAR GROVE, IL 60554 509 CONSERVATORY LN Aurora, IL 60502		ASIAN/PACIFIC ISLANDER	FEMALE	47 40

## Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
21145 A	CUI, HONGBO	2015 DEAN ST 17A SAINT CHARLES, IL 60174	01/11/2017 21:37		47

## Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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## Vehicles

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

On 011117 at approx. 2054 hrs I responded to Shangri La spa located at 2015 Dean St unit 17A to assist the State Police Task Force. See State Police report #16-14623NE. I took Hongbro Cui,FA, , for 1 class A misdemeanor count of Prostitution. Cui was transported to the PD where she was charged with the offense of Prostitution. Cui was processed and released with a court date of 020917 after being released on her personal recognizance.

Cleared by adult arrest.

CG 314  
RC#321

**OfficerID: alamela, Narrative****Prostitution**

On 01/12/2017, I was informed of this incident and requested to conduct follow up investigation regarding possible violations of the City of St. Charles Massage Establishment License. At 1100 hours, I went to Shangri La to meet with the owner and sole manager of the establishment, Lifa Jiang. I was met by the receptionist, Li Jiexing. Li informed me that Lifa was not at the business. I asked Li when Lifa would be arriving to work and she stated that she did not know. I left my contact information for Li and requested that Lifa contact me when she arrives.

At 1230 hours, I received a call from the owner and manager of Shangri La, Lifa Jiang. I asked Lifa if she was aware of what occurred at her establishment and she stated that she was. I asked Lifa if she was working at the time of this incident and she stated that she was not. Lifa stated that she was not at work on that date. Lifa stated that she was called and informed of what occurred and responded out to the establishment. At that point, I ended my conversation with Lifa.

On this date (01/16/2017), I spoke James Hyun, (773-720-2500) who advised that he was an attorney that was contacted by Lifa. I informed James that I had contacted Lifa to verify if she was working at the time of the arrest. James stated that he spoke with Lifa who informed him that she was not working at the time of the incident and that her son had a Table Tennis Tournament. James stated that one of the employees contacted Lifa after the arrest. James stated that Lifa informed him that she responded to the St. Charles Police Department and picked up the arrestee, Ms. Cui. Besides confirming that Lifa Jiang, the owner and sole manager of Shangri La was not working on the date of this incident, James could not provide me with any further information.

**\*\*NOTE\*\*** It should be noted that on 10/25/2016, Lifa contacted me and requested to update her employee roster. Lifa advised that she hired Hongbo Cui as a new massage therapist. Lifa provided me with all of Ms. Cui's information including her Massage Therapist License #227.011914. I ran Ms. Cui's Massage Therapist License through the Illinois Department of Financial & Professional Regulation website, which came back "Active" with no record of discipline. I reviewed Lifa's Massage Establishment application and file and she only listed herself as the manager. Lifa did not hire anyone else as a manager for the establishment.

After obtaining the above information, it has been determined that the following violations have occurred:

**5.20.110 - Conditions and Restrictions of Licenses**

1. 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 requirement does not apply to premises in which massage services are performed by a licensed massage therapist by appointment only.

**5.20.130 - Prohibited Acts and Conditions**

G. 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.

H. 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.

This case remains cleared by adult arrest.

Cleared by Adult Arrest

DL#340