

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 3

Title:

Discussion Regarding Massage Establishment Citation and Hearing Notice for Massage World located at 615 South Randall Road, #100, St. Charles

Presenter:

Chief Keegan, Police Department

Meeting: Liquor Control Commission

Date: January 19, 2022

Proposed Cost: \$

Budgeted Amount: \$

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

This is a complaint of violation being brought before the Liquor Control Commission to determine if 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 November 19, 2021, at the establishment of Massage world, which at the time of the violation was located at 2460 E Main St., Suite 106, St. Charles.

This is a continuation from the December 20, 2021 Liquor Control Commission Meeting.

Attachments *(please list):*

Citation and Notice of Hearing , Certificate of Service, Complaint of Violation

Recommendation/Suggested Action *(briefly explain):*

Discussion Regarding Massage Establishment Citation and Hearing Notice for Massage World located at 615 South Randall Road, #100, 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 2021-LC-14
MESSAGE WORLD, LLC, d/b/a MESSAGE WORLD)

CITATION AND NOTICE OF HEARING

TO: MESSAGE WORLD, LLC d/b/a MESSAGE WORLD
615 South Randall Road, #100
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on December 20, 2021, at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal Code of the City of St. Charles.

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local massage establishment license issued to you or impose a fine upon you, or both, by reason of the Complaint of Violation filed by the Chief of Police, James Keegan, a copy of which is attached.

AT WHICH TIME AND PLACE YOU MAY APPEAR AND DEFEND. YOU MAY BE REPRESENTED BY AN ATTORNEY IF YOU SO CHOOSE. ATTACHED HERETO IS AN ARRAIGNMENT FORM, WHICH IS INCORPORATED HEREIN. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING AND IF YOU FAIL TO APPEAR AT THE HEARING, YOU WILL BE FOUND GUILTY OF THE VIOLATION BY DEFAULT AND THE ST. CHARLES LOCAL LIQUOR CONTROL COMMISSIONER WILL DETERMINE THE APPROPRIATE PENALTY.

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.20.150 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, NICHOLAS S. PEPPERS, AT 847/318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT 630/377-4422.

DATED this 9th day of December, 2021.



Lora A. Vitek
Local Liquor Control Commissioner
City of St. Charles

cc: Heather McGuire, City Administrator
Chief of Police, James Keegan

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

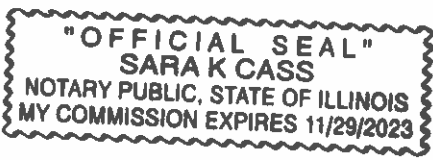
CERTIFICATE OF SERVICE

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 persons to whom it is directed by leaving a copy with said individual as follows: Jon Sellers at 615 S. Park Road
@ 1500 hours on the 10th day of December, 2021.

[Signature] *317

SUBSCRIBED AND SWORN TO
before me this 10th day of December, 2021.

[Signature]
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 2021-LC-14
Massage World, LLC d/b/a Massage World)
615 South Randall Road, #100)
St. Charles, IL 60174)

COMPLAINT OF VIOLATIONS

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 November 19, 2021, at approximately 12:51 p.m., the Licensee, Massage World, LLC, d/b/a Massage World, by and through its employees, officers and/or agents, committed the following violation of the City of St. Charles Massage Establishment Code:

OFFENSES

Violated Section 5.20.030 of the Massage Establishment Act which states:

“No person shall provide a massage to another person as a massage therapist, employee or otherwise, on the premises for which a business license has been issued or is required under 5.20.020 of this chapter unless he or she is a massage therapist.”

Violated Section 5.20.130(E) of the Massage Establishment Act, 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 Act, 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.”

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 a patron’s sexual or genital area.”

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

“No person, owning, operating or managing a massage establishment, shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his or her control or supervision to perform any acts prohibited by this chapter.”

3. That on or about November 19, 2021, at approximately 2:20 p.m., the Licensee, Massage World, LLC, d/b/a Massage World, 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(E) of the Massage Establishment Act, 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 Act, 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.”

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 a patron’s sexual or genital area.”

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

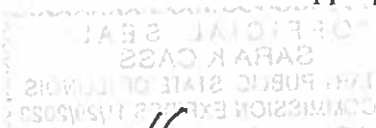
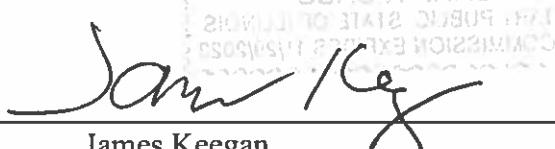
“No person, owning, operating or managing a massage establishment, shall knowingly cause, allow or permit in or about such massage establishment, any agent, employee, or any other person under his or her control or supervision to perform any acts prohibited by this chapter.”

4. On or about the violation date of November 19, 2021, Massage World, LLC, d/b/a Massage World, was operating under a Massage License issued by the City of St. Charles.

5. That the acts detailed in Sections 2-5 of this Complaint of Violation each are prohibited and are in violation of and contrary to Sections 5.20.030, 5.20.130(E), 5.20.130(F), 5.20.130(G), 5.20.130(H) and 5.20.130(J) of the St. Charles Municipal Code.

6. That the Licensee, Massage World, LLC, d/b/a Massage World, 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 Massage World, LLC, d/b/a Massage World, as the Massage Business Commissioner shall deem appropriate under the circumstances.



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

Nicholas S. Peppers
Attorney for the City of St. Charles
Storino, Ramello & Durkin
9501 West Devon Avenue, Suite 800
Rosemont, Illinois 60018
(847) 318-9500

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 7th day of December, 2021.



NOTARY PUBLIC

