CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: 6**
	Title:	Discussion Regarding a Tobacco Citation and Hearing Notice for RDK Ventures LLC, #6715, Mac's Convenience Stores, LLC d/b/a Circle K, Located at 2500 E. Main Street, St. Charles.
	Presenter:	Police Chief Keegan

Meeting: City Council	**Date**: June 20, 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 whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local cigarette license issued or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of offences happening on or about May 17, 2022 at the establishment of RDK Ventures LLC, #6715, Mac's Convenience Stores, LLC d/b/a Circle K, located at 2500 E. Main Street, St. Charles.

Attachments (*please list*)**:**
Memo, Citation and Notice of Hearing

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

Discussion Regarding a Tobacco Citation and Hearing Notice for RDK Ventures LLC, #6715, Mac's Convenience Stores, LLC d/b/a Circle K, Located at 2500 E. Main Street, St. Charles.

ARRAIGNMENT FORM

NOTE: THIS FORM MUST BE COMPLETED AND SUBMITTED TO THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE ARRAIGNMENT HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE ARRAIGNMENT 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.

I, Riley DeLano, as agent for RDK Ventures LLC #6715, Mac's Convenience Stores, LLC d/b/a Circle K, being a licensee charged with a violation of Chapter 5.16 of the Municipal Code of the City of St. Charles at **2500 East Main Street, St. Charles, IL 60174**, do hereby:

☐ I admit liability for the allegations set forth in the Complaint, 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.

☑ I admit liability for the allegations set forth in the Complaint. I do not request a mitigation hearing.

☐ Deny the allegations set forth in the Complaint. I request a hearing.

RDK Ventures LLC #6715,
Mac's Convenience Stores, LLC
d/b/a Circle K

By: _____
(Signature)

Date: 6-15-22

Subscribed and sworn to before me
this 15 day of June, 2022.

_____
Notary Public

TORY DALSTROM
Official Seal
Notary Public - State of Illinois
My Commission Expires Dec 4, 2022

Form can be faxed to (630) 377-6034
or e-mailed to the attention of Tracey Conti
at tconti@stcharlesil.gov
Hard copy must follow by U.S. Mail

or

Form can be faxed to (847) 318-9509
or e-mailed to the attention of
Nicholas S. Peppers at
npeppers@srd-law.com
Hard copy must follow by U.S. Mail

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From:	Delano, Riley
To:	Conti, Tracey
Cc:	Delano, Riley
Subject:	Case 2022-LC-3
Date:	Wednesday, June 15, 2022 4:49:46 PM
Attachments:	Case #2022-LC-3.pdf

Tracy,
Attached is the arraignment form for case #2022-LC-3, regarding the underage sale of tobacco at the Circle K located at 2500 E Main St, St Charles, IL 60174. We admit liability and do not request a hearing.
The form says to send the hard copy by mail, could you please confirm the address I should send it to?

I would also like to take this opportunity to address our actions to prevent future violations.

- Our policy is to ID anyone who appears to be under the age of 40
- All of our employees are required to complete training on age restricted products, which covers acceptable forms of identification and our policy of carding anyone under 40
- Our POS system is designed to capture the DOB by either scanning the ID or manually inputting it for customers under the age of 40. If the DOB entered is less than 21 years old, it prevents the sale.
- We voluntarily conduct regular compliance checks using the company BARS (http://www.barsprogram.com/)
- We have a zero tolerance policy for sales to minors, and failed inspections by government agencies result in automatic termination for the employee who completed the sale.

Riley DeLano
Loss Prevention/Safety Manager

e: [redacted]
o: +1 331-251-7370
[redacted]

Circle K - Heartland Division
550 Warrenville Rd. Suite 400
Lisle, IL 60532

Part of Alimentation Couche-Tard

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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 2022-LC-3
RDK Ventures LLC #6715, Mac's Convenience Stores, LLC d/b/a Circle K	)	

CITATION AND NOTICE OF HEARING

TO: RDK Ventures LLC #6715
Mac's Convenience Stores, LLC d/b/a Circle K
2500 East Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on June 20, 2022, 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 Chapters 5.16.070 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 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, NICHOLAS S. PEPPERS, AT (847) 318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT (630) 377-4422.

DATED this 7th day of June, 2022.

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

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

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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: Jay Krihna Desai at 1217 _____ on the 7 day of June, 2022.

SUBSCRIBED AND SWORN TO
before me this 9th day of June, 2022.

NOTARY PUBLIC

"OFFICIAL SEAL"
SARA K CASS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11/29/2023

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Mac's.

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 2022-LC-3
RDK Ventures LLC #6715,	)	
Mac's Convenience Stores, LLC	)	
d/b/a Circle K	)	
2500 East 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.

OFFENSE

2. On or about May 17, 2022, RDK Ventures LLC, #6715, Mac's Convenience Stores, LLC d/b/a Circle K ("Licensee") was operating under a Tobacco License issued by the City of St. Charles.

3. On or about May 17, 2022, at approximately 4:45 p.m., Licensee, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Tobacco Code:

OFFENSE

Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

5. Licensee 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 Sections 5.16.170 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 Licensee as the Commission shall deem appropriate under the circumstances.

James T. Keegan

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

Nicholas S. Peppers
Storino, Ramello & Durkin
9501 West Devon Avenue
Suite 800
Rosemont, Illinois 60018
(847) 318-9500
npeppers@srd-law.com

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 T. Keegan

James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 8th day of June, 2022.

Sara K Cass

NOTARY PUBLIC

"OFFICIAL SEAL"
SARA K CASS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11/29/2023