



**AGENDA ITEM EXECUTIVE SUMMARY**

**Agenda Item Number: 7**

**Title:**

Discussion Regarding a Complaint of Violation and Hearing Notice for Spotted Fox Ale House, located at 3615 E Main Street, St. Charles.

**Presenter:**

Police Chief Keegan

**Meeting:** Liquor Control Commission

**Date:** June 19, 2023

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 liquor license issued or impose a fine upon by reason of the Complaint of Violation filed by the Police Department for failure to timely pay prior alcohol tax payments, failure to fingerprint current manager, and failure to display current liquor license on-premises, at the establishment of Spotted Fox Ale House, located at 3615 E Main Street, St. Charles.

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

Citation, Notice of Hearing, and Arraignment Form

Discussion Regarding a Complaint of Violation and Hearing Notice for Spotted Fox Ale House, located at 3615 E Main 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 LIQUOR )  
LICENSE OF: )  
 ) Case Number 2023-LC-05  
ST. CHARLES SPORTS, LLC )  
d/b/a SPOTTED FOX ALE HOUSE )  
3615 East Main Street )  
St. Charles, Illinois 60174 )

**NOTICE OF HEARING**

TO: ST. CHARLES SPORTS, LLC  
d/b/a SPOTTED FOX ALE HOUSE  
3615 East Main Street  
St. Charles, Illinois 60174


**PLEASE TAKE NOTICE THAT** on June 19, 2023 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 5.08.0958 and 5.08.320 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1, *et seq.*

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local liquor 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) BUSINESS DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) BUSINESS DAYS PRIOR TO THE HEARING AND/OR 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 COMMISSION 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 5.08.320(B) 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 E-MAIL [NPEPPERS@SRD-LAW.COM](mailto:NPEPPERS@SRD-LAW.COM) OR 847/318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT 630/377-4422.**

DATED this 9th day of June, 2023.

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

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

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

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

IN THE MATTER OF THE LIQUOR )  
LICENSE OF: )  
 ) Case Number 2023-LC-05  
ST. CHARLES SPORTS, LLC )  
d/b/a SPOTTED FOX ALE HOUSE )  
3615 East Main Street )  
St. Charles, Illinois 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. As of the date hereof, the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Ale House, by and through its employees, officers and/or agents, committed the following offenses in or upon the licensed premises at 3615 East Main Street, St. Charles, Illinois:

**OFFENSE**

Failure to timely (i) pay the City alcohol tax for the tax period ending April 30, 2023, due May 1, 2023, and (ii) prior late fee for failure to timely pay prior alcohol tax payments as prescribed by, contrary to and in violation of (i) Section 508.250(23) of the St. Charles Municipal Code, and (ii) Section 3.42.09 of the City Council's Alcohol Tax Ordinance.

**OFFENSE**

Pursuant to Section 5.08.180(A) and (E) and 5.08.070(12) of the St. Charles Municipal Code, failure to fingerprint current manager of the Licensee for the licensed premises.

**OFFENSE**

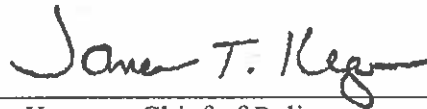
Pursuant to Section 5.08.210, failure by Licensee to cause a current license to be displayed in plain view in a conspicuous place on the licensed premises.

3. As of the date hereof, St. Charles Sports, LLC d/b/a Spotted Fox Ale House is operating under a Class B liquor license and a 1:00 a.m. late night permit issued by the City of St. Charles, said license expiring on April 30, 2023.

4. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and are in violation of and contrary to (i) Sections 5.08.250(23) of the St. Charles Municipal Code, the Liquor Control Act of 1934 and Section 349.09 of the City's Alcohol Tax Ordinance, (ii) Sections 5.08.180(A) and (E) and 5.08.070(12) of the St. Charles Municipal Code, and (iii) Section 5.08.210 of the St. Charles Municipal Code.

5. That the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Ale House, 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 of the St. Charles Municipal Code, that the Local Liquor Control Commission hold a hearing on this matter and take such action against St. Charles Sports, LLC d/b/a Spotted Fox Ale House as the Commission shall deem appropriate under the circumstances.



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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

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 9<sup>th</sup> day of June, 2023

Sara K Cass  
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 serve a copy of the Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: Michael Upton at 4:38 pm on the 9<sup>th</sup> day of June, 2023.

 #352

SUBSCRIBED AND SWORN to before me  
this 9<sup>th</sup> day of June, 2023.

Sara K Cass  
NOTARY PUBLIC

