

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 7

Title:

Discussion regarding Tobacco Establishment Citation and Hearing Notice for 7-Eleven Store #30153 located at 51 Randall Road, St. Charles, IL 60174

Presenter:

Police Chief Keegan

Meeting: Liquor Control Commission

Date: December 19, 2016

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 for St. Charles Shell 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 November 22, 2016 .

The owner of 7-Eleven has submitted an arraignment for with a plead of "Guilty – not requesting a hearing".

Attachments (*please list*):

Citation Notice of Hearing
Complaint of Violation
Arraignment Form

Recommendation/Suggested Action (*briefly explain*):

Discussion regarding Tobacco Establishment Citation and Hearing Notice for 7-Eleven Store #30153 located at 51 Randall Road, St. Charles, IL 60174.

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-10
7-Eleven Store #30153)

CITATION AND NOTICE OF HEARING

TO: 7-Eleven Store #30153
51 Randall Road
St. Charles, IL 60174

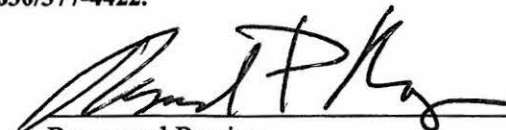
PLEASE TAKE NOTICE THAT on December 19, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.08.320, 5.16.070 and 5.16.080 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 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 6th day of December, 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)

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: VAQAR AHMAD at 1010
_____ on the 8 day of December, 2016.

Matthew Hinde #311

SUBSCRIBED AND SWORN TO
before me this 9th day of December, 2016.

Sara K. Cass
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)
TOBACCO LICENSE OF:)
) Case Number 2016-LC-10
7-Eleven Store #30153)
51 Randall Road)
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. On or about November 22, 2016, 7-Eleven Store #30153, was operating under a Tobacco License issued by the City of St. Charles.

3. That on or about November 22, 2016, at approximately 4:50 p.m., the Licensee, 7-Eleven Store #30153, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Liquor Code:

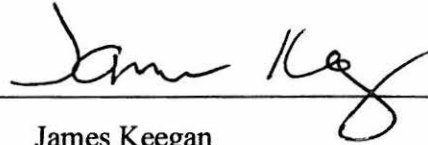
OFFENSE

Sold tobacco to a minor in violation of Section 5.16.070 of the St. Charles Municipal Code.

4. That the act detailed in Section 3 of this Complaint of Violation each are prohibited and are in violation of and contrary to Sections 5.16.070 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, 7-Eleven Store #30153, 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 7-Eleven Store #30153, as the Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink, appearing to read "James Keegan", written over a horizontal line.


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 8th day of December, 2016.



NOTARY PUBLIC





Case Report Summary



Print Date/Time: 12/12/2016 11:28
 Login ID: kschult
 Case Number: 2016-00026984

ST CHARLES POLICE DEPARTMENT
 ORI Number: IL0451400

Case

Case Number: 2016-00026984	Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
Location: 51 S RANDALL RD SAINT CHARLES, IL 60174	Occurred From: 11/22/2016 16:50
Reporting Officer ID: 0080 - Bauwens	Occurred Thru: 11/22/2016 16:50
	Disposition:
	Disposition Date:
	Reported Date: 11/22/2016 16:54 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	FENIL, SURTI	600 E BLAIR ST WEST CHICAGO, IL 60185		ASIAN/PACIFIC ISLANDER	MALE	19

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
21047 A	FENIL, SURTI	51 S RANDALL RD SAINT CHARLES, IL 60174	11/22/2016 16:54	CITED/SUMMONED	19

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
-----	------	--------------	-----------	-------	-------	---------------	-------

OfficerID: ebauwens, Narrative

On 11/22/16 Det. Ketelsen and I conducted tobacco compliance checks for businesses located on the west side of St. Charles. A Civilian Special Agent (CSA) was utilized for this operation. Before the start of the operation, the CSA was instructed on the proper procedures. The CSA did not have any type of identification or monies on her person prior to the operation. The CSA was provided funds to use as she attempted to purchase Tobacco products from the business checked for compliance.

The CSA was able to purchase a pack of Newport Box cigarettes from the 7-11 located at 51 S Randall Rd. The clerk was identified as Fenil, Surti. He was the only employee working during this time. Upon speaking with Fenil, I advised him that he just sold a pack of cigarettes to a minor. He advised me that he was sorry and that he forgot to ask to see her ID. I did issue him an NTA on a Uniform Traffic Citation for prohibited sales of tobacco to a minor. He was given a court date of 12/15/16 at 0900 at the Kane County Branch Court and was released at the scene. The pack of Newport cigarettes were collected and will be entered into evidence.

The CSA also purchased a pack of Newport Box Cigarettes from the 3 Star Oil and Food Mart located at 1023 W. Main St. The clerk, only employee on scene, was identified as Hyder, Syed A. Upon entering the store, I advised Syed that he just sold a pack of cigarettes to a minor. He was very apologetic and requested a warning. He did advise me that he never requested to see the CSA's identification. I did issue Syed a NTA on a Uniform Traffic Complaint for prohibited sale of tobacco to a minor. He was given a court date of 12/16/16 at 0900 hours at the Kane County Branch Court and was released on scene. The pack of Newport Cigarettes was collected and will be entered into evidence.

The following locations refused to sell tobacco to the CSA:

7-11, 1705 W Main St.
BP GAS, 1505 Lincoln Hwy.
BP GAS, 1660 W. Main St.
J&S World Liquors, 311 N 2nd St.
LaVita Cigar, 2015 Dean St.
Liquor N Wine, 2460 W Main St.
Lundeens Liquor, 1315 W Main St.
Meijer, 855 S. Randall Rd.
Meijer Gas, 865 S Randall Rd
One Stop Liquor, 1401 Prairie St.
Osco Drug, 2038 Prairie St.
St. Charles Shell, 307 W Main St.
St. Charles Min Mart, 710 S 3rd St.
Tobacco Square, 2075 Prairie St.
Walgreens, 3351 W Main St.

This case is closed, adult arrest - Local Ordinance
EB 316
JLG315

OfficerID: ebauwens, Arrest Narrative

JLG315

ARRAIGNMENT FORM

I, SAJID AHMED, as agent for 7-Eleven Store #30153, 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 **51 Randall Road, 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.

7-Eleven Store #30153

Signature: By: S. AHMED

Date: 12 - 9 - 16

Subscribed and sworn to before me

This 9th day of December, 2016.

Elsa Schultz
Notary Public



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