	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 Jim Keegan, Director of Finance William Hannah	
Meeting: Liquor Control Commission Date: July 17, 2023			
Proposed Cost: \$		Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>
TIF District: Choose an item.			
Executive Summary (if not budgeted, please explain): <p>This Complaint of Violation is being brought before the Liquor Control Commission on July 17, 2023 to determine whether the 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 St. Charles Finance Director William Hannah for failure to timely pay the City alcohol tax and late fee for the tax period ending May 31, 2023, due June 2023. Additionally, the licensee failed to timely pay the fine and costs imposed by the Order dated June 27, 2023, served upon them on June 29, 2023 (Exhibit A).</p>			
Attachments (please list): Complaint of Violation, Notice of Hearing, Certificate of Service, June 27, 2023 Order			
Recommendation/Suggested Action (briefly explain): 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 COMMISSION
OF THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE LIQUOR)
LICENSE OF:)
) Case Number 2023-LC-06
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, William Hannah, Finance Director 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 Director of Finance 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 pay the City alcohol tax and late fee for the tax period ending May 31, 2023, due June 30, 2023, 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

Failure to timely pay the fine and costs imposed by the Order issued and dated June 27, 2023, pursuant to Section 5.08.320 of the St. Charles Municipal Code, served upon Licensee on June 29, 2023, said Order attached hereto as Exhibit "A".

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, 2024.

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, and (ii) Section 5.08.320 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, William Hannah, Finance Director, 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.




William Hannah, Finance Director
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.



William Hannah, Finance Director

Subscribed and Sworn to before me
this 12th day of July, 2023



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 LIQUOR)
LICENSE OF:)
) Case Number 2023-LC-06
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 July 17, 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 Chapter 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 Finance Director, William Hannah, 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) DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) 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 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 OR 847/318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT 630/377-4422.

DATED this 12th day of July, 2023.



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

cc: Heather McGuire, City Administrator
William Hannah, Finance Director

EXHIBIT A

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-L.C-05
St. Charles Sports, LLC)
d/b/a Spotted Fox Alehouse)
3615 East Main Street)
St. Charles, IL 60174)

ORDER

THIS CAUSE COMING ON TO BE HEARD before the Local Liquor Control Commissioner of the City of St. Charles and the Local Liquor Control Commissioner having heard the evidence presented, the following findings of fact are made:

1. That the Licensee, St. Charles Sports, LLC d/b/a Spotted Fox Alehouse, was charged with violating (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.
2. That the Licensee was given proper notice of the proceedings.
3. That the Licensee failed to submit its Arraignment form, but appeared before the Local Liquor Control Commissioner on June 19, 2023, admitting to the allegations contained in the Complaint of Violation but was offered and did provide testimony to mitigate any penalty.
4. That the Liquor Commissioner considered this matter at the June 19, 2023 meeting.

IT IS HEREBY ORDERED AS FOLLOWS:

That the Licensee shall pay to the City of St. Charles a fine of \$1,000.00, plus costs of \$500.00, for a total of \$1,500.00, in accordance with Section 5.08.320(A) of the St. Charles Municipal Code), with the amount of \$250.00 in fines plus the \$500.00 costs due and payable within seven (7) days from the date of

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this Order and the balance of \$750.00 in fines shall be deferred. The Licensee shall be placed on probation, beginning immediately, and extending to the due date for remittance of the alcohol taxes until January 1, 2024 ("Probation Period"). If there is no violation of the timely alcohol tax remittance requirements under City Code by the Licensee during that Probation Period, the deferred fine of \$750.00 shall be waived. Otherwise, should the Licensee fail to make any such timely payments to the City during the Probation Period, the deferred \$750.00 fine shall immediately become due and payable.

Dated at St. Charles, Illinois this 27th day of June, 2023.

ENTER: -


Cora A. Vitek,
Local Liquor Commissioner

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STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DUPAGE)

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 Alehouse)
3615 East Main Street)
St. Charles, IL 60174)

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did serve a copy of the
attached Order to whom it is directed by leaving a copy with said individual as follows:

Marwan Taib at 1603 hours on the 29th day of
June, 2023.

13 374
Subscribed and sworn to before me
this 29 day of June, 2023

France L. Cevallos
Notary Public



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ILLINOIS

Jesse White - Secretary of State
DRIVER'S LICENSE



43-125-1007

02/04/2012

1. JAMES
2. MANNAN

3. CLASS: D SEX: M
4. EYES: BROWN HAIR: BROWN

5. DOB: 03/22/1970 HEIGHT: 5'06"
6. WEIGHT: 145 LBS. BLOOD TYPE: O-
7. ORGAN DONOR: YES



James Mannan