

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-11
3 Star Oil and Food Mart, Inc.)

CITATION AND NOTICE OF HEARING

TO: 3 Star Oil and Food Mart, Inc.
1023 West Main Street
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)
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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: JAFAR JAFFARI at 0956
_____ on the 8 day of December, 2016.

Muhammad Hussain #311

SUBSCRIBED AND SWORN TO
before me this 8th day of December, 2016.

Sara K. Cass
NOTARY PUBLIC



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IN THE MATTER OF THE)
TOBACCO LICENSE OF:)
) Case Number 2016-LC-11
3 Star Oil and Food Mart, Inc.)
1023 West 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.

2. On or about November 22, 2016, 3 Star Oil and Food Mart, Inc., was operating under a Tobacco License issued by the City of St. Charles.

3. That on or about November 22, 2016, at approximately 5:40 p.m., the Licensee, 3 Star Oil and Food Mart, Inc., by and through its employees, officers and/or agents, committed the following violation of the St. Charles Liquor Code:

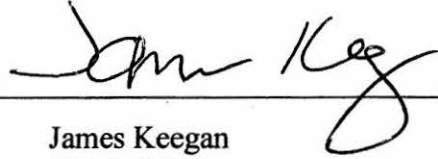
OFFENSE

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, 3 Star Oil and Food Mart, Inc., 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 3 Star Oil and Food Mart, Inc., as the Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink, appearing to read "James Keegan", is 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

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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 11:26
 Login ID: kschult
 Case Number: 2016-00026988

ST CHARLES POLICE DEPARTMENT
 ORI Number: IL0451400

Case

Case Number: 2016-00026988
 Location: 1023 W MAIN ST
 SAINT CHARLES, IL 60174
 Reporting Officer ID: 0080 - Bauwens

Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
 Occurred From: 11/22/2016 17:45
 Occurred Thru: 11/22/2016 17:45
 Disposition:
 Disposition Date:
 Reported Date: 11/22/2016 18:18 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	HYDER, SYED A	1130 ANNANDALE DR ELGIN, IL 60123				41

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
21048 A	HYDER, SYED A	1023 W MAIN ST SAINT CHARLES, IL 60174	11/22/2016 18:18	CITED/SUMMONED	41

Property

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

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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OfficerID: ebauwens, Narrative

See O/I 16-26984 for narrative.

Case Closed Adult Arrest - Local Ordinance
EB 316
JLG315

OfficerID: ebauwens, Arrest Narrative

JLG315