CITY OF ST. CHARLES ILLINOIS • 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	**Agenda Item Number: 9**
	Title:	Discussion Regarding a Complaint of Violation and Hearing Notice for Tap House Grill, 3341 West Main Street, St. Charles
	Presenter:	Police Chief Keegan

Meeting: Liquor Control Commission **Date**: October 17, 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 liquor license issued or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of offenses happening on or about September 22, 2022, at the establishment of Tap House Grill, 3341 West Main Street, St. Charles.

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

Discussion Regarding a Complaint of Violation and Hearing Notice for Tap House Grill, 3341 West 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:

TAP HOUSE GRILL,
3341 West Main Street
St. Charles, Illinois 60174

Case Number 2022-LC-8

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 September 22, 2022, at approximately 6:22 p.m., the Licensee, Tap House Grill, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 3341 West Main Street, St. Charles, Illinois:

OFFENSE

Served alcoholic liquor to a person under the age of 21 years.

3. On or about September 22, 2022, Tap House Grill was operating under a Class B liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Section 5.08.250(19)1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Tap House Grill, 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 Tap House Grill as the Commission shall deem appropriate under the circumstances.

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 Keegan, Chief of Police

Subscribed and Sworn to before me
this 3rd day of October, 2022

Notary Public

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

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 2022-LC-8
TAP HOUSE GRILL)

NOTICE OF HEARING

TO: Tap House Grill
3341 West Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on October 17, 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 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 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 OR 847/318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT 630/377-4422.

DATED this 3rd day of October 2022.

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

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

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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 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: TABITHA MITCHELL (GM) at TAPHOUSE GRILL 3341 W. MAIN ST. ST. CHARLES IL 60175 on the 4TH day of OCTOBER, 2022.

#371

SUBSCRIBED AND SWORN to before me this 4th day of October, 2022.

Sara K Cass
NOTARY PUBLIC

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

ARRAIGNMENT FORM

Case Number 2022-LC-8

I, Scott Ward, as agent for Tap House Grill, being a licensee charged with a violation of Chapter 5.08.250(19)1 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1 *et seq.*, at **3341 West Main Street, 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.

TAP HOUSE GRILL

Signature: By: [signature]

Date: 10/7/22

Subscribed and sworn to before me
this 7th day of October, 2022.

[signature]
Notary Public

CHRISTINE M TURNER
OFFICIAL SEAL
Notary Public, State of Illinois
My Commission Expires
March 31, 2024

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

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