

**AGENDA**  
**CITY OF ST. CHARLES**  
**LIQUOR CONTROL COMMISSION MEETING**

**MONDAY, MAY 16, 2016**  
**CITY COUNCIL CHAMBERS @ 4:30 PM**  
**2 E MAIN STREET**

1. Call to Order.
2. Roll Call.
3. Motion to accept and approve the minutes of the April 18, 2016 Liquor Control Commission meeting.
4. Recommendation to approve an Ordinance Amending Title 3 “Revenue and Finance”, Chapter 3.42 “Alcohol Tax”, Section 3.42.020 “Definitions”, and Section 3.42.030 “Imposition of Tax” of the St. Charles Municipal Code.
5. Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications – Class D”, and Section 5.08.100 “License Fees; Late Night Permit Fee; Fees Established” for a new D8 license of the St. Charles Municipal Code.
6. Recommendation to approve a proposal of a new Class D-8 liquor application for The Painted Vine Cellar, LLC to be located at 1 W Illinois Street, Ste. 110, St. Charles.
7. Recommendation to approve the Class E-4 Temporary License for this series of three (3) events to be held on the 1<sup>st</sup> Street Plaza. The requested dates are: July 6, August 3, and September 7, 2016 from 5:00 p.m. to dusk. (The businesses involved are ZaZa’s Trattoria , Puebla Modern Mexican, Pizzeria Neo, McNally’s Traditional Irish Pub.)
8. Recommendation to approve a proposal for a Class B liquor license for “Alexander’s Café 64” to be located at 1650 W Main Street, St. Charles (former Gabby’s Restaurant).
9. Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”, 5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions of Licenses”, 5.20.170 “Notices” and 5.20.180 (C) “Revocation or Suspension of Licenses” of the St. Charles Municipal Code.
10. Recommendation to approve a Massage Establishment License for International Massage Association located at 2210 Dean Street #E-1, St. Charles.

Liquor Commission Committee

May 16, 2016

Page 2

11. Discussion regarding Massage Establishment Citation and Hearing Notice for Still Waters Spa located at 2075 Prairie Street, St. Charles.
12. Other Business.
13. Public Comment
14. Executive Session (5 ILCS 120/2 (c)(4)).
15. Adjournment.

**MINUTES  
CITY OF ST. CHARLES, IL  
LIQUOR CONTROL COMMISSION MEETING  
MONDAY, APRIL 18, 2016**

**1. Opening of Meeting**

The meeting was convened by Liquor Commissioner Rogina at 4:30 p.m.

**2. Roll Call**

**Members Present:** Liquor Commissioner Rogina, Robert Gehm, Ald. Payleitner, Ald. Lewis, And Chuck Amenta

**Absent:**

**Others Present:** Police Chief Keegan, Atty. John McGuirk, Mark Koenen, Cmdr. Gatlin, Deputy Chief Kintz, Det. Lamela, CSO Beeter, Cmdr. Beddell, Atty. Tim O'Neil, Atty. Peter K Lee, Interpreter, and Tina Nilles

**3. Court Hearing regarding Massage Establishment Citation for Main Spa, 504 E Main Street, St. Charles.**

**Chrmn. Rogina:** "Section 5.20.150(A) of the St. Charles Municipal Code provides that the local liquor control commission shall serve as the Massage Commissioner and shall be charged with the administration of the Massage Establishment Ordinance. Section 5.20.150(B) of the St. Charles Municipal Code provides that the Massage Commissioner shall conduct a hearing with respect to any violations of the Ordinance and may suspend or revoke any license issued pursuant to the Massage Establishment Ordinance and/or to levy a fine for each violation. This hearing is being conducted by the Massage Commission at the request of the Massage Commissioner.

Main Spa has been charged with the violation of Section 5.20.130(G), 5.20.130(H), 5.20.180(B)(10) and 5.20.110(A) of the St. Charles Municipal Code (Massage Establishment Ordinance) that on March 15, 2016 at approximately 2:57 p.m., the licensee was in violation of those sections."

The licensee has pleaded not guilty. For the record the licensee is present with his attorney, Peter K. Lee and does your client continue their plea of not guilty?

**Atty. Lee:** Yes he does.

**Chrmn. Rogina:** Do you wish then to proceed to a hearing on the charges?

**Atty. Lee:** Yes that's our desire.

**Chrmn. Rogina:** The order of procedure will be as follows:

1. All witnesses that will testify here shall be sworn;
2. The prosecution, Mr. Timothy O'Neil, may present evidence in this case with the right of the licensee to cross-examine;
3. The licensee may present any defense or mitigating evidence with the right of prosecution to cross-examine;
4. A summary of the case may be made by the prosecution;
5. The licensee may make a closing argument;
6. Strict rules of evidence will need not be adhered to although the Commission expects to exercise control over the hearing to insure that relevant or repetitive testimony does not unduly prolong the hearing;
7. A court reporter here is present and will record the proceeding verbatim.

*Please refer to the attached Transcript of Hearing – Main Spa, 504 East Main Street submitted by Planet Depos, LLC.*

**4. Motion to accept and approve the minutes of the April 4, 2016 Special Liquor Control Commission meeting.**

Motion by Mr. Gehm, second by Ald. Payleitner to accept and approve the minutes of the April 4, 2016 Special Liquor Control Commission meeting.

**Voice Vote:** Ayes: Unanimous; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

**Chrmn. Rogina:** We are going to switch the order today and go to items 5 and 6 in order to expedite the requests for a couple of new businesses in the community and then follow with our hearing of item 3.

**5. Recommendation to approve a proposal of a Class B liquor license for a new business Main Street City Pub to be located at 104 E Main Street, St. Charles (former River House BBQ).**

**Chief Keegan:** We have the petitioner, respective owners, here – Peter and Daniella Zaikowski. They are the contract purchasers for the property and are set to close at the end of the month. This location formerly housed the Thirsty Fox and most recently River House BBQ. The building needs work and a buildout is going to take place. They are hoping to open up sometime in late summer. Daniella has experience working both at the Assembly Burger & Pub in Hoffman Estates and most recently the Warmup Room in downtown Elgin by the Riverboat. They want to open up a Class B combination restaurant/bar and are requesting a 1:00 a.m. permit. We reviewed their very comprehensive business plan along with a layout and menu. Their BASSET certification is in order along with a quote for DRAM shop insurance and their background check went smoothly.

**Peter and Daniella Zaikowski, 1572 Mill Crest, Bartlett, IL, soon to be residents of 104 E Main Street.**

**Chrmn. Rogina:** The proposal here is quite thorough and expansive and I will start with Mr. Gehm with any questions.

**Robert Gehm:** I complement you on your detail. My question is the floor plan enclosed only shows six areas for seating. I know the location is small on in the inside, but how does that fit in your business plan?

**Peter Z:** We started out with seating for 24 and 20 at the bar. We are working with Community Development to find out what the capacity would be and that might expand depending on how I work with the City on how many people I can actually fit into the establishment.

**Ald. Paytleitner:** This business plan was prepared for a business called Daniella's?

**Peter Z:** Originally the proposal we did was for another place called Daniella's. We modified it to fit for what would be here in St. Charles except for the name. I might of missed a couple of places as I was in a hurry to submit it.

**Ald. Payleitner:** Did you ever have that place?

**Peter Z:** No, we've been looking for the last three years to find a location and this fits us perfectly.

**Ald. Lewis:** First thing I noticed was the small floorplan of only six tables and I know it's a larger facility than that. Then I read your plan in-depth which is long and repetitive saying the same things in a lot of different ways. What struck me as I got into it is you aren't talking about St. Charles anymore. You're talking about a different area. You're talking about your competition in Fox Lake; so it looked to me like it might have been just cut and pasted for some other location – so I was wondering what that location was.

**Peter Z:** We were looking at a location in Fox Lake and looking at a place in Kenosha. I thought I amended that and I apologize if I've given you the wrong one.

**Ald. Lewis:** You also gave us your revenue income from your first year which included gaming. You couldn't have a gaming license right now when you open up or if it ever comes. Then you talk about having that grant from the City of St. Charles and also talked about that if you weren't productive you would have to close within six months, but I'm not sure if you understand that grant – you have to be open for five years or you have to pay it back. I'm not ready yet. I think at this time you have more work to do before I can pass this along to the Government Operations Committee because I think they might have some of the same questions and wonder why it wasn't addressed here.

**Peter Z:** The exit strategy had me put in there that we applied for an SPA loan and those are the requirements of the Federal government to have the loan in there.

**Ald. Lewis:** But are you aware if your business doesn't stay open for five years, you have to pay it back to the City.

**Peter Z:** Yes, we're looking to retire here, but we had to put that in there for the prerequisite for the SPA loan. They wanted to see all this criteria.

**Ald. Lewis:** You stated at Bartlett you wanted hours starting at 9:00 a.m. for your video gaming. What would be your hours here – the same?

**Peter Z:** No our operation would be 11:00 a.m. until midnight Sunday through Wednesday and 11:00 a.m. to 1:00 a.m. Thursday through Saturday.

**Chuck Amenta:** All my questions were answered off the panel.

**Ald. Payleitner:** Is there another document somewhere that you reapplied for your SPA loan?

**Peter Z:** No that's the document that I submitted to the bank with BMO Harris.

**Ald. Payleitner:** And they were okay with the fact that it wasn't really for this particular property.

**Peter Z:** I'm not sure which one you have – I may have dropped off the wrong one or it's an older version.

**Ald. Lewis:** That's what I'm saying that your plan goes back and forth about St. Charles or Bartlett or someplace else.

**Chrmn. Rogina:** The intent here is to make a recommendation to Government Operations this evening with whatever vote is taken here and then be placed before the Government Operation Committee for further conversation in front of the entire council acting as committee tonight. I entertain a motion for however you want to put it together. I agree his plan is somewhat all over the place, I do support staff in making the right decisions to have everything in order before releasing the license.

**Ald. Lewis:** I understand but I thought what is to be my job on this commission was to send something that was complete and I feel there are too many errors to send to committee.

**Chrmn. Rogina:** We're going to pass it on because that's the purpose of you and Ald. Payleitner acting as committee later on to point out these details and the advice of this particular group. That will be duly noted and passed along here tonight.

**Ald. Lewis:** Who will bring this to committee tonight that was discussed here?

**Chrmn. Rogina:** Chief Keegan will indicate what the vote is as far as your recommendation to grant a license as applied for here or not to grant it from this committee. You are sitting right there in that committee and my guess is they'll hear it.

**Ald. Lewis:** My point is there are other committees where alderman don't sit on them and when discussion is made, how does committee and council get the information of what we discussed if it never gets passed on?

**Chrmn. Rogina:** If you're talking about other commissions, I don't think this is relative to this discussion today.

**Ald. Lewis:** Well Rita and I are here today and will be at tonight's meeting, but if we weren't how would that information get passed along?

**Chrmn. Rogina:** Chief Keegan, anytime he has gone before a committee has expressed what was said here. So far as this commission is concerned the council committee will receive this information whether your presence is there or not.

Motion by Mr. Gehm, second by Mr. Amenta to recommend approval of a proposal of a Class B liquor license for a new business Main Street City Pub to be located at 104 E Main Street, St. Charles (former River House BBQ).

**Roll Call:** Ayes: Gehm, Amenta; Nays: Payleitner, Lewis. Chrmn. Rogina did not vote as Chairman but supports the motion. **Motion Carried.**

**Chief Keegan:** I did have an off line conversation with the applicant and he will bring the correct material to the Government Operations Committee meeting tonight.

**6. Recommendation to approve a proposal of a Class C1 liquor license for a new business Prohibition St. Charles to be located at 1 W Illinois Street, Suite 170, St. Charles.**

**Chief Keegan:** The applicant, Marwan Taib, has two other businesses in St. Charles: Spotted Fox on the east gateway and Charleston on the River that adjoins this location. Marwan took ownership and custody of that building several months ago, has a successful business venture to this point, it's a 4,500-square foot bar with an outdoor patio on the river. There's potential opportunity with the landlord which is Shodeen, to obtain and take custody of the 1,500-square foot building that would be located between Bombshell Blowout and Charleston on the River in the Fox Island Square. This just came to us on Friday, Marwan has signed a letter of intent with Shodeen for a lease contingent upon him receiving a liquor license.

**Marwan Taib, owner of Spotted Fox Alehouse and Charleston on the River, St. Charles.**

**Chrmn. Rogina:** I had a conversation with Marwan last week and he explained to me what his intentions were and I think the Chief articulated that in a broad fashion. I told him to come

forward here tonight and there would be no movement on this matter tonight. He is here to receive input and conversation and then given his timeframe, we've move this onto Government Services April 25 and depending on the recommendations onto City Council for May 2.

**Marwan:** Many of you are familiar with the space that used to be Erik & Me at Fox Island Square. When I took it over, one of the biggest challenges I saw, and I expressed it with Shodeen, was that the site was too big for one restaurant. Its 6,500 square feet and then when you add the outside deck/patio that's 2,400 square feet. So besides Erik & Me 20 years ago, everybody tried and failed. Bistro One West had amazing food and was written up in Chicago Magazine and was very successful; however he just could not afford the rent because as the space is bigger you just keep escalating the rent, and there are only so many tables you can turn at any given time. When I went to Shodeen my biggest concern, in my opinion, is nobody can be successful unless we shrink the space. So I went from 6,400 square feet to 4,200 which is the actual size of Charleston on the River. His biggest concern was the back space. I told him I didn't know what to do yet, but I wanted first right of refusal of the back space once we open Charleston and see how the operations go and see how well we can do. It's good for us and for the town. The town has the best interest to make that building successful. The feedback I've received in the last month is everyone has interest for that building to succeed. It's a landmark in St. Charles, it sits on the river, it's a beautiful site, and so far for the first month we have a great operation. We have an extensive menu, the price point is reasonable and we have families coming back with a kids' menu and family ambience. We had the deck open this weekend and we had 109 reservations – it was unheard of. It was more than Spotted Fox who has been there four years. We are able to pull from Geneva, South Elgin and west of St. Charles to come down unlike what we have on the east side. Our recipe of success on the east side is we get Bartlett, West Chicago, Winfield, and North Aurora. Without those towns, Spotted Fox wouldn't exist today. The timeline I have with Shodeen ends on April 30 and we have to make a decision to move into the back space or it goes to Shodeen. We talked with Wine Exchange, Bombshell, ALE Solution and Kimmer's that there's an opportunity to put something unique for the town in that small little space behind us which is only 1,400 square feet, the back space of Erik & Me/Top Table. Right now it doesn't have an entrance, so we'll have to make an entrance on the sidewalk, we'll share the patio with Charleston on the River because the patio is there. The space is too small for a restaurant and we would just be competing with ourselves.

I had my eyes on Geneva for a while. We compete with Geneva. The last concept that open up is Barrel and Rye; its very small and does very well in the Geneva market. We thought there was a need like that in St. Charles because a lot of my regulars are going to Barrel and Rye consistently for whiskey, bourbon, scotch experience. It's very sophisticated. We have two country clubs in St. Charles and these are people who are looking for that unique experience. I almost though of doing a Moroccan restaurant in that space; small restaurant with low seating like a Marrakesh Palace but it's too ethnic and not a market for that. Every time something different comes to St. Charles, it does well because it doesn't compete with what's existing and it adds value to it. Geneva is showing good signs of success. In the spending reports that come out every year, Geneva is taking \$6M of St. Charles dining money. If we continue to put more quality restaurants in St. Charles and unique places that serves a niche, the gap will close. I've

talked about people who have experienced Barrel and Rye and they are very excited about the experience of the place. It's successful because it's different.

For the proposal we're thinking about high end cocktails, make it upscale. We have the Wine Exchange across from us that has 3,500 club members that come to taste wine Thursday – Saturday. We can work a deal with Wine Exchange to connect together with the wine club, Charleston on the River that does food for families and right behind that we have this whiskey, bourbon, scotch, old fashions, manhattans where people want to go for a cocktail after work or after dinner for a cocktail before they go home. The draw in here is the experience that we're going to provide – it's not going to be your average bar with bar stools. It's going to be a lounge atmosphere, very elegant, very high-end exclusive offering a good experience.

**Chrmn. Rogina:** I went into Charleston for dinner on Saturday and he showed me the space in the back. All that he articulated to you made sense to me. The space is too big for a restaurant so in my opinion he is onto something. I think this is a very interesting idea worthy of our conversation and decision making in moving forward.

**Chuck:** Conceptually I think this is something we need. It's just not another place to go have a drink or a burger. I like the idea and look forward in seeing how this can grow.

**Ald. Lewis:** Did you say food or no food?

**Marwan:** No food. We'll have nuts on the tables

**Ald. Lewis:** You made the comment it would be a place where families would come into?

**Marwan:** We're thinking about a small area with TVs but we haven't gotten into the final stages. The vision here is to connect this place with Charleston.

**Ald. Lewis:** Would there be a pass-through? Would you enter from the parking lot side?

**Marwan:** No pass through and yes enter from the parking lot side.

**Ald. Lewis:** Then you would go outside and share the patio; would that be divided so you can't get to Charleston's patio? Could you buy a drink at either place and share the whole patio?

**Marwan:** Yes.

**Ald. Payleitner:** I like what you're saying and historically what you say is what we get and thank you for that. I have no reason not to trust you moving forward and encourage you to take the next steps.

**Robert:** Just interested in seeing more of the plans.

Motion by Mr. Gehm, second by Ald. Payleitner to move the Prohibition St. Charles concept to Government Services Committee on April 25, 2016 for the purpose of detail in front of the entire Council committee.

**Roll Call:** Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Chrmn. Rogina did not vote as Chairman. **Motion Carried.**

*Chrmn. Rogina: Move back up to item 3.*

7. **Other Business-** none.

8. **Public Comments** – none.

9. **Executive Session (5 ILCS 120/2(c)(4)).**

Motion by Mr. Gehm, second by Mr. Amenta to enter into Executive Session at 5:30 to discuss massage violations.

**Roll Call:** Ayes: Gehm, Payleitner, Lewis, Amenta; Nays: None. Chrmn. Rogina did not vote as Chairman. **Motion Carried.**

Motion by Ald. Payleitner, second by Mr. Gehm to come out of Executive Session at 5:43 p.m.

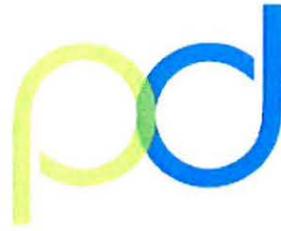
**Voice Vote:** Ayes: Unanimous; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

10. **Adjournment**

Motion to adjourn by Mr. Gehm, second by Ald. Payleitner at 6:44 p.m.

**Voice Vote:** Ayes: Unanimous; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

Item # 3



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Transcript of **Hearing - Main Spa, 504 East Main Street**

**Date:** April 18, 2016

**Case:** St. Charles Liquor Commission Hearing

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| 1 | 1 BEFORE THE LIQUOR CONTROL COMMISSION<br>2 OF THE CITY OF ST. CHARLES<br>3<br>4 -----x<br>5 In Re: :<br>6 Massage Establishment :<br>7 Citation for Main Spa, :<br>8 504 East Main Street. :<br>9 -----x<br>10<br>11 REPORT OF PROCEEDINGS<br>12 St. Charles, Illinois 60174<br>13 Monday, April 18, 2016<br>14 5:02 p.m.<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22 Job No.: 108693<br>23 Pages: 1 - 72<br>24 Reported by: Paula M. Quetsch, CSR, RPR   | 3 |
| 2 | 1 Report of proceedings, held at the location of:<br>2<br>3 ST. CHARLES CITY HALL<br>4 2 East Main Street<br>5 St. Charles, Illinois 60174<br>6 (630) 377-4400<br>7<br>8<br>9<br>10 Before Paula M. Quetsch, a Certified Shorthand<br>11 Reporter, Registered Professional Reporter, and a<br>12 Notary Public in and for the State of Illinois.<br>13<br>14<br>15 PRESENT:<br>16 RAYMOND ROGINA, Commissioner<br>17 CHUCK AMENTA, Member<br>18 ROBERT GEHM, Member<br>19 MAUREEN LEWIS, Member<br>20 RITA ANNE PAYLEITNER, Member<br>21<br>22 ALSO PRESENT:<br>23 JOHN MC QUIRK, Counsel<br>24 TINA NILLES, Secretary | 4 |
| 1 | 1 ON BEHALF OF CHIEF KEEGAN:<br>2 TIMOTHY D. O'NEIL, ESQUIRE<br>3 FOOTE, MIELKE, CHAVEZ & O'NEIL, LLC<br>4 10 West State Street<br>5 Suite 200<br>6 Geneva, Illinois 60134<br>7 (630) 232-7450<br>8<br>9 ON BEHALF OF MAIN SPA:<br>10 PETER K. LEE, ESQUIRE<br>11 5757 North Lincoln Avenue<br>12 Suite 20<br>13 Chicago, Illinois 60659<br>14 (773) 334-8400<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24  | 3 |
| 2 | 1 CONTENTS<br>2 WITNESS DIRECT CROSS REDIRECT RECROSS<br>3 OK KIM<br>4 BY MR. O'NEIL 8 16<br>5 BY MR. LEE 14 17<br>6<br>7 RYAN BEETER<br>8 BY MR. O'NEIL 18<br>9 BY MR. LEE 35<br>10<br>11 ANDREW LAMELA<br>12 BY MR. O'NEIL 40 60<br>13<br>14 JAE SIK KIM<br>15 BY MR. LEE 59 66<br>16 BY MR. O'NEIL 60 66<br>17<br>18 W/D ID EVD<br>19 CHIEF'S EXHIBITS<br>20 Exhibit 1 Diagram 9 22<br>21 Exhibit 2 Photograph 23 24<br>22 Exhibit 3 Miranda Rights Form 49 50<br>23 Exhibit 4 Videotape 52 57<br>24  | 4 |

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| 5 | 1 PROCEEDINGS<br>2 MAYOR ROGINA: With that I want to move to<br>3 Item 3 and start with the introduction.<br>4 Section 5.20.150A of the St. Charles Municipal<br>5 Code provides that the local liquor control<br>6 commissioner shall serve as the Massage Commissioner<br>7 and shall be charged with the administration of the<br>8 Massage Establishment Ordinance.<br>9 Section 5.20.150B of the St. Charles Municipal<br>10 Code provides the Massage Commissioner shall conduct<br>11 a hearing with respect to any violations of the<br>12 ordinance and may suspend or revoke any license<br>13 issued pursuant to the Massage Establishment<br>14 Ordinance and/or to levy a fine for each violation.<br>15 This hearing is being conducted by the<br>16 Massage Commission at the request of the Massage<br>17 Commissioner.<br>18 Main Spa has been charged with a violation of<br>19 Sections 5.20.130.G, 5.20.130.H, 5.20.180.B.10, and<br>20 5.20.110.A of the St. Charles Municipal Code Massage<br>21 Establishment Ordinance in that March 14th, 2016, at<br>22 approximately 2:57 p.m. the licensee was in<br>23 violation of those sections.<br>24 The licensee has pleaded not guilty. | 7 | 1 case may be made by the prosecution. The licensee<br>2 may then make a closing argument.<br>3 Strict rules of evidence will not be adhered<br>4 to, although, the Commission expects to exercise<br>5 control of the hearing, which I will do to make sure<br>6 that irrelevant or repetitive testimony does not<br>7 unduly prolong the hearing. A court reporter here<br>8 is present and will record the proceedings verbatim.<br>9 With that, Mr. Prosecutor, the floor is<br>10 yours to call your first witness.<br>11 MR. O'NEIL: Thank you.<br>12 Point of order, your Honor, my middle<br>13 initial is D, not J.<br>14 MAYOR ROGINA: Well, I tell you -- for the<br>15 record Timothy D. O'Neil.<br>16 MR. O'NEIL: But that's okay. You can call<br>17 me Al if you want. I don't care.<br>18 MAYOR ROGINA: All right. Proceed.<br>19 MR. O'NEIL: All right. A second point of<br>20 order. We have Mr. Lee here pleading not guilty on<br>21 behalf of the client. I would ask the client in its<br>22 corporate or whatever form identify themselves.<br>23 MR. LEE: Sure.<br>24 MAYOR ROGINA: Just simply the name and |
| 6 | 1 For the record, the licensee is present with<br>2 their attorney, Peter J. [sic] Lee. Mr. Lee, would<br>3 you state your name for the record.<br>4 MR. LEE: For the record, Peter K. Lee, by<br>5 the way.<br>6 MAYOR ROGINA: My apologies, sir.<br>7 MR. LEE: No problem.<br>8 MAYOR ROGINA: Peter K. Lee, correcting on<br>9 that. And does your client enter a plea of not<br>10 guilty?<br>11 MR. LEE: Yes, he does.<br>12 MAYOR ROGINA: Do you wish then to proceed<br>13 to a hearing on the charges?<br>14 MR. O'NEIL: Yes, that's our desire.<br>15 MAYOR ROGINA: Then as far as procedure is<br>16 concerned, the order of this proceeding will be as<br>17 follows:<br>18 All witnesses that will testify here shall<br>19 be sworn. The prosecution -- representing the<br>20 prosecution in this case, Timothy J. [sic] O'Neil<br>21 may present evidence in this case with the right of<br>22 licensee to cross-examine. The licensee may present<br>23 any defense or mitigating evidence with the right of<br>24 prosecution to cross-examine. Then a summary of the   | 8 | 1 address for the record.<br>2 MR. O'NEIL: He is here with an interpreter,<br>3 but at least just for the name he can enter that<br>4 part.<br>5 MR. KIM: Jae Kim, 3406 Montrose Avenue,<br>6 Chicago.<br>7 MR. O'NEIL: Thank you, your Honor. I<br>8 represent Chief Keegan on this complaint.<br>9 As my first witness, I will call Ok Kim,<br>10 please. Ma'am, will you step over here and be<br>11 sworn, please.<br>12 MAYOR ROGINA: Do we need an interpreter for<br>13 the oath of swearing in? I'm going to ask you to<br>14 raise your right hand.<br>15 (Witness sworn through interpreter.)<br>16 OK KIM,<br>17 having been sworn, through the interpreter testified<br>18 as follows:<br>19 DIRECT EXAMINATION BY COUNSEL FOR CHIEF KEEGAN<br>20 BY MR. O'NEIL:<br>21 Q Ms. Kim, how old are you?<br>22 A 62.<br>23 Q Okay. And were you employed at the Main Spa<br>24 on March 15th, 2016?   |

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| <p style="text-align: right;">9</p> <p>1     <b>A Yes.</b></p> <p>2     <b>Q</b> And what was your position with Main Spa?</p> <p>3     Were you an employee? Were you an agent? Were you</p> <p>4     an owner?</p> <p>5     <b>A Yes.</b></p> <p>6     <b>Q</b> Okay. Before I ask you anymore questions, I</p> <p>7     feel incumbent to tell you because of the criminal</p> <p>8     charges pending against you that you have the right</p> <p>9     to remain silent and not answer any questions in</p> <p>10    front of this tribunal. Do you understand?</p> <p>11    <b>A Yes.</b></p> <p>12    <b>Q</b> Were you working -- are you going to answer</p> <p>13    my questions truthfully?</p> <p>14    <b>A Yes.</b></p> <p>15    <b>Q</b> And you understand, again, that you have the</p> <p>16    right not to answer my questions?</p> <p>17    <b>A Yes.</b></p> <p>18    <b>Q</b> Okay. Were you working on March 15th, 2016,</p> <p>19    of this year?</p> <p>20    <b>A Yes.</b></p> <p>21    <b>(Chief Exhibit 1 marked for identification.)</b></p> <p>22    <b>Q</b> I'm going to show you Chief Exhibit No. 1.</p> <p>23    Do you recognize what that diagram purports to show?</p> <p>24    <b>A Yes.</b></p>  | <p style="text-align: right;">11</p> <p>1     mutual, though.</p> <p>2     <b>MAYOR ROGINA:</b> All right. Anyone who is</p> <p>3     here who is going to testify later on for the</p> <p>4     prosecution, I would ask them to leave. I accept</p> <p>5     that motion.</p> <p>6     <b>MR. O'NEIL:</b> That's mutual for both or for</p> <p>7     the defense.</p> <p>8     <b>MAYOR ROGINA:</b> Are you going to call any</p> <p>9     other witnesses besides --</p> <p>10    <b>MR. LEE:</b> Mr. Kim.</p> <p>11    <b>MAYOR ROGINA:</b> If he would leave, as well.</p> <p>12    Thank you.</p> <p>13    <b>MR. LEE:</b> Thank you.</p> <p>14    <b>MAYOR ROGINA:</b> Fair enough.</p> <p>15    <b>BY MR. O'NEIL:</b></p> <p>16    <b>Q</b> Do you remember a man coming in about 2:57 in</p> <p>17    the afternoon with a baseball cap, a hoodie, shorts,</p> <p>18    and sandals on?</p> <p>19    <b>A Yes.</b></p> <p>20    <b>Q</b> You understand what I'm saying, don't you?</p> <p>21    <b>A (The witness nodded her head up and down.)</b></p> <p>22    <b>Q</b> On that day you spoke to the man with a hat,</p> <p>23    and you spoke -- conversed with him in English,</p> <p>24    didn't you?</p>   |
| <p style="text-align: right;">10</p> <p>1     <b>Q</b> Okay. What does this diagram purport to</p> <p>2     show? What does it show to you?</p> <p>3     <b>A It's hard to understand --</b></p> <p>4     <b>MAYOR ROGINA:</b> I'm sorry. What is the</p> <p>5     answer to that question? What does the diagram</p> <p>6     purport to show?</p> <p>7     <b>THE INTERPRETER:</b> I mean, she doesn't</p> <p>8     really --</p> <p>9     <b>MR. O'NEIL:</b> I'll withdraw the question.</p> <p>10    <b>Q</b> Does this look like a floor plan of the</p> <p>11    place that you work?</p> <p>12    <b>A I'm not sure but maybe.</b></p> <p>13    <b>Q</b> Okay. Then we'll move along.</p> <p>14    On or about 2:57 in the afternoon that day,</p> <p>15    did a gentleman enter the premises and speak with you?</p> <p>16    <b>A Yes.</b></p> <p>17    <b>Q</b> Was it a rather large, tall gentleman with a</p> <p>18    hat, shorts, and hoodie on, and sandals?</p> <p>19    <b>MR. LEE:</b> Excuse me. If I may interrupt, I</p> <p>20    think it would be inappropriate for any other</p> <p>21    witnesses of the City to be present listening for</p> <p>22    this. I would move that any other witnesses be</p> <p>23    excused at this point.</p> <p>24    <b>MR. O'NEIL:</b> That's fine. I'll make it</p> | <p style="text-align: right;">12</p> <p>1     <b>THE INTERPRETER:</b> Talking to him --</p> <p>2     <b>MR. O'NEIL:</b> Could you speak up, sir? I</p> <p>3     didn't hear you.</p> <p>4     <b>THE INTERPRETER:</b> Oh, sorry. And she asked</p> <p>5     him, "You want a massage," and he said, "Yes," and</p> <p>6     she said, "Price is \$80." He gave her \$100.</p> <p>7     <b>THE COURT REPORTER:</b> He gave her what?</p> <p>8     <b>THE INTERPRETER:</b> \$100. She forgot to give</p> <p>9     him \$20 back.</p> <p>10    <b>MAYOR ROGINA:</b> Counselor, for the</p> <p>11    interpreter, I ask you to speak just a little bit</p> <p>12    louder here so everyone can hear you --</p> <p>13    <b>THE INTERPRETER:</b> Sorry.</p> <p>14    <b>MAYOR ROGINA:</b> -- as we move forward.</p> <p>15    <b>THE INTERPRETER:</b> Okay. She forgot to give</p> <p>16    him \$20 change back.</p> <p>17    <b>THE COURT REPORTER:</b> She forgot?</p> <p>18    <b>THE INTERPRETER:</b> Yes, she forgot.</p> <p>19    <b>BY MR. O'NEIL:</b></p> <p>20    <b>Q</b> And how -- did you ask the man to take his</p> <p>21    clothes off and lay down on the table? Did you ask</p> <p>22    the man with the baseball cap to take his clothes</p> <p>23    off and lay down on the table?</p> <p>24    <b>THE INTERPRETER:</b> She said, "Yes."</p> |

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| <p style="text-align: right;">13</p> <p>1 Q And then did you begin to massage his back?<br/>2 A Yes.<br/>3 Q Okay. And after approximately six to<br/>4 eight minutes did you have any further conversation<br/>5 with him about anything else?<br/>6 A No.<br/>7 MAYOR ROGINA: All right. Before we go any<br/>8 farther, I think we have a microphone that will work<br/>9 a little bit better.<br/>10 Q At any time did you negotiate a price for<br/>11 oral sex with your mouth or sex with your hand?<br/>12 A No.<br/>13 Q At any time did you touch the genital areas<br/>14 of the man that came in?<br/>15 A No. <b>He grabbed my hand and then touched his<br/>16 penis lightly.</b><br/>17 Q So he guided your hand to his penis?<br/>18 A Yes.<br/>19 Q Okay. Did you ask him to turn over on his<br/>20 back before this occurred?<br/>21 A I don't remember.<br/>22 Q You don't remember? Okay. Did you give a<br/>23 statement to the police officers later that day down<br/>24 at the police station?</p>  | <p style="text-align: right;">15</p> <p>1 midafternoon, about 3:00 p.m. at the business you<br/>2 were at -- that's what I'm talking about; okay? --<br/>3 while you were doing the massage, at some point was<br/>4 there some conversation between you and a particular<br/>5 gentleman that was described in your testimony just<br/>6 a few minutes ago?<br/>7 THE INTERPRETER: Is that the full time she<br/>8 massaging?<br/>9 Q I'm talking about the massage that you<br/>10 undertook on March 15th around 3:00 p.m.<br/>11 THE INTERPRETER: When she started.<br/>12 Q I'm asking if while you're doing some<br/>13 massage with the -- with that person, we'll just say<br/>14 undercover for lack of a better word -- was there<br/>15 some conversation with the undercover person?<br/>16 A Not much.<br/>17 Q Did you or did he initiate some conversation,<br/>18 any conversation?<br/>19 A I asked him, <b>"Have you been here before?"</b><br/>20 Q And what was his answer?<br/>21 A <b>Because of my wife, I haven't been here for<br/>22 a while.</b><br/>23 MAYOR ROGINA: He hadn't been there for a<br/>24 while? That's the answer?</p> |
| <p style="text-align: right;">14</p> <p>1 THE INTERPRETER: At the police station?<br/>2 MR. O'NEIL: Yes.<br/>3 THE INTERPRETER: She was scared and she<br/>4 doesn't remember, but she just say, "Yes, yes, yes."<br/>5 Q Do you recall telling Detective Lamela, a<br/>6 shorter guy with short hair, that you negotiated the<br/>7 price of -- excuse the vernacular -- a hand job for<br/>8 \$60 or \$100 for a blow job?<br/>9 THE INTERPRETER: She was scared and she<br/>10 doesn't remember.<br/>11 A I don't remember.<br/>12 MAYOR ROGINA: So we understand this last<br/>13 answer there -- I understood the question. She was<br/>14 scared and didn't give an answer, or she did give an<br/>15 answer to the question?<br/>16 THE INTERPRETER: She doesn't remember.<br/>17 MAYOR ROGINA: All right.<br/>18 MR. O'NEIL: I have no further questions of<br/>19 this witness.<br/>20 MAYOR ROGINA: All right. Any questions,<br/>21 Mr. Lee?<br/>22 CROSS-EXAMINATION BY COUNSEL FOR MAIN SPA<br/>23 BY MR. LEE:<br/>24 Q Ms. Kim, now, going back to March 15th, 2016,</p> | <p style="text-align: right;">16</p> <p>1 THE INTERPRETER: That's what he said.<br/>2 Q Now, did the undercover person ask you to do<br/>3 anything extra for him?<br/>4 A Maybe.<br/>5 THE INTERPRETER: She said, "No, no."<br/>6 MAYOR ROGINA: Maybe what?<br/>7 THE INTERPRETER: She said -- that means<br/>8 "maybe." And she said, "No, no."<br/>9 Q So you said, "No, no" to the undercover<br/>10 officer; is that correct?<br/>11 A Yes.<br/>12 Q Was he very specific about what he wanted?<br/>13 A <b>He grabbed my hand to put on his penis, and<br/>14 "You do," he ask and I said, "No, no."</b><br/>15 Q Did he pay you any extra money?<br/>16 A No.<br/>17 MR. LEE: That's all I have.<br/>18 MAYOR ROGINA: Anything else?<br/>19 MR. O'NEIL: Just a couple.<br/>20 REDIRECT EXAMINATION BY COUNSEL FOR CHIEF KEEGAN<br/>21 BY MR. O'NEIL:<br/>22 Q On the day that you were arrested, is it<br/>23 your testimony again that you don't remember<br/>24 speaking to two officers back at the police station</p>   |

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| 17 | 1 about what happened that day? Is that correct?<br>2 <b>A I was so scared and I cannot remember</b><br>3 <b>anything what we talked about.</b><br>4 Q You were scared because of police officers?<br>5 THE INTERPRETER: She kind of scared to went<br>6 into the police station and she got so scared.<br>7 Q Well, it's not the first time you've been in<br>8 a police station, is it?<br>9 <b>A No.</b><br>10 Q Have you been arrested twice before by the<br>11 Chicago Police Department for prostitution?<br>12 <b>A Once.</b><br>13 <b>MR. O'NEIL: No further questions.</b><br>14 MAYOR ROGINA: Anything else, Mr. Lee?<br>15 RE-CROSS-EXAMINATION BY COUNSEL FOR MAIN SPA<br>16 BY MR. LEE:<br>17 Q You said you were arrested once before. Do<br>18 you remember what the outcome of that case was?<br>19 <b>A Not guilty.</b><br>20 MR. LEE: Thank you.<br>21 MAYOR ROGINA: You can instruct her she can<br>22 step down now.<br>23 Mr. O'Neil, you may call your next witness.<br>24 MR. O'NEIL: I'm going to call Community | 19 | 1 <b>A Eight years.</b><br>2 Q And what is your position with the City of<br>3 St. Charles?<br>4 <b>A Community service officer with the police</b><br>5 <b>department.</b><br>6 Q Would you tell the Liquor Commission<br>7 generally what your duties are day in and day out?<br>8 <b>A Enforce local ordinances, whether they're</b><br>9 <b>parking, animal-related, private property accidents,</b><br>10 <b>responding to not-in-progress calls.</b><br>11 Q And you are not a peace officer; correct?<br>12 <b>A No, sir.</b><br>13 Q I want to draw your attention to March 15th,<br>14 2016. Do you recall what you were doing that day?<br>15 <b>A Yes, sir.</b><br>16 Q And were your ordinary duties on tap that day?<br>17 <b>A No, sir.</b><br>18 Q What was on the agenda for you on that day?<br>19 <b>A I was assisting the investigations section</b><br>20 <b>with massage compliance checks.</b><br>21 Q Okay. Specifically, who were you working with?<br>22 <b>A Detective Lamela.</b><br>23 Q And on that date did you enter the Main Spa<br>24 at 504 East Main Street? |
| 18 | 1 Service Officer Beeter.<br>2 Step up and be sworn, please.<br>3 (Witness sworn.)<br>4 MAYOR ROGINA: Have a seat.<br>5 RYAN BEETER,<br>6 having been duly sworn, testified as follows:<br>7 DIRECT EXAMINATION BY COUNSEL FOR CHIEF KEEGAN<br>8 BY MR. O'NEIL:<br>9 Q Sir, would you state your name and spell<br>10 your last for the court reporter, please.<br>11 <b>A Ryan Beeter, B-e-e-t-e-r.</b><br>12 MAYOR ROGINA: Can you hand him the<br>13 microphone, as well?<br>14 MR. O'NEIL: If you want, I can have him up<br>15 here. Is that easier?<br>16 MAYOR ROGINA: Whatever is easiest for you<br>17 is fine.<br>18 MR. O'NEIL: All right. Don't break into song.<br>19 Q Mr. Beeter, how old are you?<br>20 <b>A I'm 29 years old.</b><br>21 Q And where are you employed?<br>22 <b>A City of St. Charles.</b><br>23 Q How long have you been employed by the City<br>24 of St. Charles?  | 20 | 1 <b>A Yes, sir.</b><br>2 Q When you went in that day, prior to going<br>3 in, did Officer Lamela give you any money?<br>4 <b>A He did.</b><br>5 Q And how much money did he give you?<br>6 <b>A Two \$50 bills.</b><br>7 Q And what did you do with those bills?<br>8 <b>A Placed them in my pocket.</b><br>9 Q How were you dressed?<br>10 <b>A I was dressed in sandals, shorts, a</b><br>11 <b>sweatshirt, and a baseball cap.</b><br>12 Q Okay. And prior to that date, had you ever<br>13 been a customer of Main Spa?<br>14 <b>A No, sir.</b><br>15 Q At approximately a little bit before 3:00,<br>16 how did you get over to 504 East Main?<br>17 <b>A Drove an unmarked vehicle from the police</b><br>18 <b>department to the parking lot.</b><br>19 Q And were there other police officers other<br>20 than Detective Lamela on this compliance check?<br>21 <b>A Yes, sir.</b><br>22 Q And what was their role?<br>23 <b>A They were to watch me enter, watch me exit,</b><br>24 <b>and assist me if I need anything.</b>  |

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| <p style="text-align: right;">21</p> <p>1 Q And prior to entering, had you discussed<br/>2 with Detective Lamela a code word for when you<br/>3 exited the facility as to whether there was<br/>4 compliance or not compliance?<br/>5 <b>A Yes. I was to go back in my vehicle, use my<br/>6 radio to contact him and say whether it was a go or<br/>7 no go.</b><br/>8 Q And "go" means what?<br/>9 <b>A That there was a deal made for a sexual act<br/>10 in exchange of money.</b><br/>11 Q And "no go" being?<br/>12 <b>A That there was no deal made.</b><br/>13 Q All right. So you arrived there at<br/>14 approximately -- what time did you get there,<br/>15 approximately?<br/>16 <b>A I believe it was 2:57.</b><br/>17 Q Okay. And did you exit your car?<br/>18 <b>A I did.</b><br/>19 Q You were not driving an official City of<br/>20 St. Charles vehicle, were you?<br/>21 <b>A I was.</b><br/>22 Q You were?<br/>23 <b>A Yes, an unmarked.</b><br/>24 Q Unmarked, good. And as you got out -- were</p>                         | <p style="text-align: right;">23</p> <p>1 <b>A Rang the doorbell and waited for someone to<br/>2 answer because the door was locked.</b><br/>3 Q Okay. The door was locked. How long was it<br/>4 until someone answered?<br/>5 <b>A About a minute or so.</b><br/>6 Q All right. And when it opened, what -- when<br/>7 the door opened, who was there?<br/>8 <b>A A female Asian wearing a white sleeveless<br/>9 shirt and green pants.</b><br/>10 <b>(Chief's Exhibit 2 marked for identification.)</b><br/>11 <b>BY MR. O'NEIL:</b><br/>12 Q I'm going to show you what's marked as Chief's<br/>13 Exhibit 2 for identification. Do you recognize who<br/>14 is in that photo?<br/>15 <b>A Yes, sir.</b><br/>16 Q And who is that?<br/>17 <b>A That would be the female that answered<br/>18 the door.</b><br/>19 Q Does that photograph substantially and<br/>20 accurately depict the way she looked on<br/>21 March 15th, 2016?<br/>22 <b>A Yes, sir.</b><br/>23 <b>MR. O'NEIL: I'd ask that Exhibit 2 be<br/>24 entered.</b></p>                        |
| <p style="text-align: right;">22</p> <p>1 you familiar with the premises just from the outside<br/>2 before?<br/>3 <b>A Yes, sir.</b><br/>4 Q And I'm going to show you Exhibit 1 that's<br/>5 already been shown to one witness. Does that<br/>6 exhibit truly and accurately depict the layout of<br/>7 the commercial building at 504 East Main Street on<br/>8 March 15th, 2016?<br/>9 <b>A Yes, sir.</b><br/>10 <b>MR. O'NEIL: At this point I'm going to ask<br/>11 that this be introduced so you can follow along<br/>12 because we're going to take some testimony about<br/>13 this exhibit.</b><br/>14 MAYOR ROGINA: Any objection, Mr. Lee?<br/>15 MR. LEE: No objection.<br/>16 MAYOR ROGINA: All right.<br/>17 (Chief's Exhibit 1 admitted into evidence<br/>18 and retained by the Commission.)<br/>19 <b>BY MR. O'NEIL:</b><br/>20 Q Now, I'm going to ask you, sir, looking at<br/>21 Exhibit 1, it says "Main Foyer." Is that where you<br/>22 enter?<br/>23 <b>A Yes, sir.</b><br/>24 Q Prior to entering, what did you do?</p> | <p style="text-align: right;">24</p> <p>1 MR. LEE: No objection.<br/>2 MAYOR ROGINA: It is entered.<br/>3 (Chief's Exhibit 2 admitted into evidence<br/>4 and retained by the Commission.)<br/>5 <b>BY MR. O'NEIL:</b><br/>6 Q Did she invite you in?<br/>7 <b>A Yes, sir.</b><br/>8 Q And what conversation did you have?<br/>9 <b>A Little to none until we entered the<br/>10 message room.</b><br/>11 Q So you entered the main foyer in what's<br/>12 previously been marked as A; correct?<br/>13 <b>A Yes, sir.</b><br/>14 Q And what does Point C indicate?<br/>15 <b>A Point C indicates the main lobby or hallway<br/>16 leading to the message rooms.</b><br/>17 Q Okay. And then what does Point B indicate?<br/>18 <b>A Point B indicates the entrance I used to go<br/>19 into Room No. 2 where I was directed.</b><br/>20 Q All right. Now, to your knowledge -- first<br/>21 of all, you went into Room No. 2; correct?<br/>22 <b>A Yes, sir.</b><br/>23 Q To your knowledge, was there anyone else<br/>24 located on the premises that day?</p> |

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| <p style="text-align: right;">25</p> <p>1     <b>A Not to my knowledge.</b></p> <p>2     Q And when you entered Room No. 2, what did</p> <p>3     you see?</p> <p>4     <b>A There was a massage table in the middle.</b></p> <p>5     <b>There was a small kind of dresser or bookshelf off</b></p> <p>6     <b>to the right-hand side with a mirror, CD player with</b></p> <p>7     <b>some lotions, and I think there was a light in the</b></p> <p>8     <b>corner.</b></p> <p>9     Q Okay. The person that let you in that</p> <p>10    you've identified in Exhibit 2, did she make a</p> <p>11    statement to you concerning whether you had been</p> <p>12    there before or not?</p> <p>13    <b>A Not initially. Later on she -- she asked</b></p> <p>14    <b>why it had been so long since I had been there</b></p> <p>15    <b>previous.</b></p> <p>16    Q And how did you respond to that?</p> <p>17    <b>A I said that my wife gets jealous when I</b></p> <p>18    <b>come here.</b></p> <p>19    Q Had you ever been in there before?</p> <p>20    <b>A I had been for work.</b></p> <p>21    Q For work but not for massages?</p> <p>22    <b>A Yes.</b></p> <p>23    Q As you entered the massage room, what did</p> <p>24    Ms. Kim tell you to do?</p> | <p style="text-align: right;">27</p> <p>1     her to move over your body from your shoulder area</p> <p>2     to your buttocks area?</p> <p>3     <b>A Very quickly. I would just say a few</b></p> <p>4     <b>minutes, one or two minutes.</b></p> <p>5     Q And when she got to your buttocks area,</p> <p>6     what, if anything, unusual did she do?</p> <p>7     <b>A She continuously vigorously slid her hand up</b></p> <p>8     <b>and down my butt crack.</b></p> <p>9     Q And did she say anything to you as she</p> <p>10    did that?</p> <p>11    <b>A No, sir.</b></p> <p>12    Q After she stuck her hand -- when you say</p> <p>13    your butt crack, you mean the area between the</p> <p>14    cheeks of your buttocks?</p> <p>15    <b>A Yes, sir.</b></p> <p>16    Q How far was her hand inserted? You couldn't</p> <p>17    see it but how far could you feel it?</p> <p>18    <b>A Pretty far in there. Probably as far as you</b></p> <p>19    <b>could go.</b></p> <p>20    Q If you had to estimate here, given your best</p> <p>21    estimate, with her hand between your buttock cheeks,</p> <p>22    how far was that away from your genitalia?</p> <p>23    <b>A Extremely close.</b></p> <p>24    Q During this time did you stay on your stomach</p>   |
| <p style="text-align: right;">26</p> <p>1     <b>A Ms. Kim told me that the massage was \$80, to</b></p> <p>2     <b>undress and get on the table.</b></p> <p>3     Q And how long of a massage would you get</p> <p>4     for \$80?</p> <p>5     <b>A An hour.</b></p> <p>6     Q And what money did you give her?</p> <p>7     <b>A I gave her the two \$50 bills that I got from</b></p> <p>8     <b>Detective Lamela.</b></p> <p>9     Q And when you gave her the money, what did</p> <p>10    she do?</p> <p>11    <b>A She exited the room while I got undressed.</b></p> <p>12    Q Did she tell you to get undressed?</p> <p>13    <b>A Yes.</b></p> <p>14    Q Did she tell you what state she wanted you</p> <p>15    to be undressed?</p> <p>16    <b>A No, sir.</b></p> <p>17    Q After she left the room, you got undressed,</p> <p>18    how long was it before she reentered?</p> <p>19    <b>A I would say two, maybe three minutes.</b></p> <p>20    Q All right. And at that time what occurred?</p> <p>21    <b>A The female subject began to give me a body</b></p> <p>22    <b>rub, started with my shoulders and slowly worked her</b></p> <p>23    <b>way down to my buttocks area.</b></p> <p>24    Q And approximately how long did it take for</p>     | <p style="text-align: right;">28</p> <p>1     side the entire time?</p> <p>2     <b>A Up until this point, yes, sir.</b></p> <p>3     Q Then what happened?</p> <p>4     <b>A I was instructed to turn over onto my back.</b></p> <p>5     Q And you say you were instructed to turn over,</p> <p>6     who instructed you to turn over?</p> <p>7     <b>A The female masseuse, Ms. Kim.</b></p> <p>8     Q When you turned on your back, you were naked</p> <p>9     to the world?</p> <p>10    <b>A Yes, sir.</b></p> <p>11    Q All right. What did Ms. Kim do at that point?</p> <p>12    <b>A She started to touch around my genitals near</b></p> <p>13    <b>the thigh area lightly with her hands.</b></p> <p>14    Q When you say touched your inner thigh and</p> <p>15    genital areas, describe as best as you can remember</p> <p>16    for the Commission where exactly her hand was.</p> <p>17    <b>A Up against my inner thigh where my testicles</b></p> <p>18    <b>are lying on the massage table around up above my</b></p> <p>19    <b>genital area making circles around it.</b></p> <p>20    Q All right. And at some point did -- when</p> <p>21    she started massaging around your genital area, did</p> <p>22    she discuss any further services she could offer?</p> <p>23    <b>A Yes. She asked if I wanted a massage with</b></p> <p>24    <b>her hand.</b></p> |

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| <p style="text-align: right;">29</p> <p>1 Q And what did you take that to mean, "a<br/>2 massage with her hand"?</p> <p>3 <b>A A hand job.</b></p> <p>4 Q Using the vernacular?</p> <p>5 <b>A Yes, sir.</b></p> <p>6 Q Those were her words, do you want a massage<br/>7 with her hand?</p> <p>8 <b>A Yes. She said, "Do you want a massage with<br/>9 my hand."</b></p> <p>10 Q While we're here, at any point did you have<br/>11 any problems communicating with her in English?</p> <p>12 <b>A No, sir.</b></p> <p>13 Q Did she seem to understand everything you said?</p> <p>14 <b>A Yes, sir.</b></p> <p>15 Q Did you understand everything she said?</p> <p>16 <b>A Yes.</b></p> <p>17 Q After she asked you if you wanted a massage<br/>18 with her hand, how did you reply?</p> <p>19 <b>A I asked if she would use her mouth.</b></p> <p>20 Q Okay. And how did she respond?</p> <p>21 <b>A She asked me if I had a mole.</b></p> <p>22 Q Did you understand what she meant by what a<br/>23 mole is? That's m-o-l-e.</p> <p>24 <b>A Yes, sir.</b></p>  | <p style="text-align: right;">31</p> <p>1 <b>A I said I had \$40 on me and \$100 in the car.</b></p> <p>2 Q After explaining that to her, what did you say?</p> <p>3 <b>A I said, "\$40 for a blow job?"</b></p> <p>4 Q Okay. And how did she respond?</p> <p>5 <b>A She said no. She said 60 for her hand --<br/>6 for the hand job and 100 for the blow job.</b></p> <p>7 Q All right. After she stated that she would<br/>8 perform a blow job for \$100, what did you do?</p> <p>9 <b>A I agreed. I said okay.</b></p> <p>10 Q All right. Now, as you're negotiating the<br/>11 act and the price, what is her physical position<br/>12 with respect to you?</p> <p>13 <b>A I'm laying from -- my toes are pointing<br/>14 west; my head is toward the east in the room. She's<br/>15 laying to my right. She has her --</b></p> <p>16 Q She's laying?</p> <p>17 <b>A I'm sorry -- standing to my right. She has<br/>18 her right hand --</b></p> <p>19 Q Let's show the Commission. I'm not going to<br/>20 touch you, but stick your feet due west; pretend<br/>21 you're laying on the table; I'll pretend to be her.<br/>22 Tell me, at what angle was she standing to you?</p> <p>23 <b>A Just like that.</b></p> <p>24 Q Okay. So 90 degrees. And her hand was in</p> |
| <p style="text-align: right;">30</p> <p>1 Q What did you understand that to be?</p> <p>2 <b>A A condom.</b></p> <p>3 Q And how do you -- this was new to me last<br/>4 week, too. How you did you discover that mole in<br/>5 the vernacular means a condom?</p> <p>6 <b>A From listening to a radio program that just<br/>7 happened to be discussing it, they were using that<br/>8 terminology, and it was explained what it was.</b></p> <p>9 Q All right. So after she asked you, "Do you<br/>10 have a mole," what did you say?</p> <p>11 <b>A Out of kind of shock I said -- I asked her<br/>12 to repeat what she said, and she said again, "Do you<br/>13 have a mole?"</b></p> <p>14 Q Okay. And how did you respond to that?</p> <p>15 <b>A I said, "I do but it's in my car."</b></p> <p>16 Q After you told her that the mole was in your<br/>17 car, what did she ask you?</p> <p>18 <b>A She asked me how much money I had.</b></p> <p>19 Q Okay. And you had already given her<br/>20 \$100, the two \$50 bills that Detective Lamela had<br/>21 given you?</p> <p>22 <b>A Yes, sir.</b></p> <p>23 Q Okay. She asked you how much money you had<br/>24 and what did you say?</p> | <p style="text-align: right;">32</p> <p>1 this area, indicating for the record inner thigh<br/>2 near the genital area; is that correct?</p> <p>3 <b>A Yes, sir.</b></p> <p>4 Q Once you started negotiating price and<br/>5 activity, once you reached the deal, what did she do?</p> <p>6 <b>A She turned her body, started to cup her mouth<br/>7 and bend over towards my penis.</b></p> <p>8 Q So for the record, she turned 90 degrees<br/>9 towards you from her earlier massage position to<br/>10 come close to you?</p> <p>11 <b>A Yes, sir.</b></p> <p>12 Q At the closest point, Officer Beeter, how<br/>13 close would you say her mouth came to your penis?</p> <p>14 <b>A Within inches.</b></p> <p>15 Q And where was her hand at that time?</p> <p>16 <b>A Her left hand was cupped against her -- not<br/>17 cupped against but going to her mouth, surrounding<br/>18 the outside of her mouth, and her other hand was at<br/>19 my right -- or same position.</b></p> <p>20 Q Same position on the inside of your thigh<br/>21 next to your genitalia?</p> <p>22 <b>A Yes, sir.</b></p> <p>23 Q As she lowered herself, what did you do?</p> <p>24 <b>A I began to sat up -- to sit up and I said,</b></p>  |

33

1 **"I can't do this" and I stopped the massage.**  
2 Q Okay. And as you got up, you got dressed?  
3 **A Yes, sir.**  
4 Q Did she say anything about finishing the  
5 massage?  
6 **A Yes. She said, "Well, I could just finish**  
7 **the massage," and I told her, "No, it's okay."**  
8 Q And, again, looking at Exhibit 1, you got  
9 dressed back again in Room No. 2?  
10 **A Uh-huh.**  
11 Q And then which way with respect to Exhibit 1  
12 did you go?  
13 **A We exited Room No. 2 through the hallway**  
14 **northbound into what's marked the multipurpose room,**  
15 **in through there into the bedroom area, then into**  
16 **the kitchen, then out a rear exit of the door.**  
17 Q When you say the "bedroom area," there's a  
18 room called the multipurpose room; correct?  
19 **A Yes, sir.**  
20 Q What did you observe in that room?  
21 **A I believe that there was some type of couch**  
22 **or futon with another kind of dresser or bookshelf**  
23 **with a TV on it, along with a type of movable shade**  
24 **that kind of formed the hallway there.**

34

1 Q Like a room divider?  
2 **A Kind of, yeah.**  
3 Q And did there appear to be eating and  
4 sleeping facilities in this building?  
5 **A Yes, sir.**  
6 Q And with respect to Exhibit 1, where did  
7 you exit?  
8 **A I exited through the rear of the kitchen,**  
9 **the line that's closest to the --**  
10 Q So these two doors from the kitchen come out?  
11 **A Yeah. I exited through there.**  
12 Q When you exited the building, where did you go?  
13 **A I went to my vehicle and contacted Detective**  
14 **Lamela.**  
15 Q How did you contact Detective Lamela?  
16 **A Via our radio I said, "It's a go."**  
17 Q Okay. And that's the prearranged schedule --  
18 **A Yes.**  
19 Q -- or signal -- excuse me.  
20 So did you go back inside the facility --  
21 first of all, did Officer Lamela and any other  
22 officers enter the facility.  
23 **A Yes, sir.**  
24 Q Who else was on this surveillance detail?

35

1 Do you recall?  
2 **A I believe it was Detective Tynan,**  
3 **Detective Bauwens, and Detective Ketelsen.**  
4 Q And did you and Detective Lamela go back in  
5 the facility?  
6 **A Eventually, yes.**  
7 Q All right. When you went back in, was Ok Kim  
8 still at the premises?  
9 **A Yes, she was.**  
10 Q Was there anyone else present at the premises?  
11 **A No, sir.**  
12 Q And at that time did you make a positive  
13 identification of Ok Kim for Detective Lamela?  
14 **A I did.**  
15 **MR. O'NEIL: I have no further questions of**  
16 **this witness.**  
17 MAYOR ROGINA: Thank you. Cross?  
18 MR. O'NEIL: I ask that 1 and 2 be admitted  
19 if they're not already.  
20 MAYOR ROGINA: They're in.  
21 MR. O'NEIL: Thank you.  
22 CROSS-EXAMINATION BY COUNSEL FOR MAIN SPA  
23 BY MR. LEE:  
24 Q Officer Beeter, you indicated your

36

1 assignment on March 15th, 2016, was a compliance  
2 check; is that right?  
3 **A Yes, sir.**  
4 Q You must have had some discussions with your  
5 associates or superiors about what you were supposed  
6 to be doing --  
7 **A Yes.**  
8 Q -- is that right?  
9 And what was -- what was your assignment  
10 more specifically in detail?  
11 **A I don't understand your question.**  
12 Q Okay. You said that you were supposed to --  
13 you made testimony about "Go" or "No go," and you  
14 said that was with respect to a sexual act; is that  
15 correct?  
16 **A Yes.**  
17 Q So would it be fair to say your job was to --  
18 was to check out if there would be a sexual act  
19 involved; is that correct?  
20 **A Yes.**  
21 Q It was your job, also, to initiate the  
22 conversation with the person that you were with,  
23 massage person?  
24 **A She -- I wasn't given a direction either way**

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| <p style="text-align: right;">37</p> <p>1 <b>to initiate or not initiate.</b><br/>2 Q I'm sorry?<br/>3 <b>A I wasn't given directions to initiate or not</b><br/>4 <b>to initiate.</b><br/>5 Q As the massage -- through the massage there<br/>6 must have been some conversation.<br/>7 <b>A Yes.</b><br/>8 Q Did you initiate a conversation with her?<br/>9 <b>A She initiated a conversation with me.</b><br/>10 Q I'm sorry?<br/>11 <b>A She initiated the conversation with me.</b><br/>12 Q What was the first point of conversation?<br/>13 <b>A She asked me, like I stated earlier, why</b><br/>14 <b>it's been so long since you were here last.</b><br/>15 Q You think that there was a conversation<br/>16 about a hand job; is that correct?<br/>17 <b>A Yes, sir.</b><br/>18 Q When the hand job came up, what was her<br/>19 first reaction to that hand job?<br/>20 <b>A She initiated the conversation by asking if</b><br/>21 <b>I wanted a massage with her hand.</b><br/>22 Q And what was your response to that question?<br/>23 <b>A I replied with another question, would she</b><br/>24 <b>use her mouth.</b></p> | <p style="text-align: right;">39</p> <p>1 correct?<br/>2 MR. O'NEIL: Objection; asks for a legal<br/>3 conclusion.<br/>4 MR. LEE: It's --<br/>5 MAYOR ROGINA: Hold on. The objection is<br/>6 based on the asking for a legal conclusion. The<br/>7 question was?<br/>8 MR. LEE: There was no hand job; is that<br/>9 correct?<br/>10 MR. O'NEIL: Asked and answered at least<br/>11 three times. That's my objection.<br/>12 MAYOR ROGINA: I think the Commission<br/>13 understands that.<br/>14 MR. LEE: All right.<br/>15 MAYOR ROGINA: Thank you.<br/>16 BY MR. LEE:<br/>17 Q And aside from the two \$50 bills that you<br/>18 initially paid her as you entered the premises,<br/>19 there were no other payments; is that correct?<br/>20 <b>A That's correct.</b><br/>21 Q And to the best of your knowledge, is she a<br/>22 licensed massage therapist?<br/>23 <b>A I do not know.</b><br/>24 MR. LEE: You do not know.</p>   |
| <p style="text-align: right;">38</p> <p>1 Q So you're saying that she initiated a<br/>2 conversation about a hand job, and you replied with<br/>3 a blow job; is that correct?<br/>4 <b>A Yes.</b><br/>5 Q From listening to your testimony, would it<br/>6 be fair to say it was just a conversation between<br/>7 you the -- you and Ms. Kim?<br/>8 <b>A What was a conversation?</b><br/>9 Q It was just conversation and no physical<br/>10 actual act of a hand job or a blow job; is that<br/>11 correct?<br/>12 <b>A Yes. I had to stop Ms. Kim from performing</b><br/>13 <b>the blow job on me after we agreed.</b><br/>14 Q Was there a hand job conducted?<br/>15 <b>A No.</b><br/>16 Q So it's your testimony that you stopped a<br/>17 blow job from taking place?<br/>18 <b>A Yes, sir.</b><br/>19 Q So it did not actually occur; is that right?<br/>20 <b>A That's right.</b><br/>21 Q And a hand job did not occur either; is<br/>22 that right?<br/>23 <b>A No, sir.</b><br/>24 Q What's left is conversation; isn't that</p>   | <p style="text-align: right;">40</p> <p>1 MAYOR ROGINA: Anything further, Mr. Lee?<br/>2 MR. LEE: No, your Honor, for now.<br/>3 MR. O'NEIL: No redirect, your Honor.<br/>4 MAYOR ROGINA: No redirect. Thank you very<br/>5 much, Officer.<br/>6 Call your next witness.<br/>7 MR. O'NEIL: Stand up here, sir, and be sworn.<br/>8 This is Detective Andrew Lamela.<br/>9 (Witness sworn.)<br/>10 MAYOR ROGINA: Proceed.<br/>11 ANDREW LAMELA,<br/>12 having been duly sworn, testified as follows:<br/>13 DIRECT EXAMINATION BY COUNSEL FOR CHIEF KEEGAN<br/>14 BY MR. O'NEIL:<br/>15 Q State your name and spell your last, please.<br/>16 <b>A Andrew Lamela, L-a-m-e-l-a.</b><br/>17 Q And your occupation?<br/>18 <b>A I'm a police officer with the St. Charles</b><br/>19 <b>police department.</b><br/>20 Q How long have you been a peace officer?<br/>21 <b>A Approximately 24 years.</b><br/>22 Q And how old are you, sir?<br/>23 <b>A 44.</b><br/>24 Q What is your present assignment with the</p> |

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| <p style="text-align: right;">41</p> <p>1 St. Charles Police Department?<br/>2 <b>A I'm assigned to investigations.</b><br/>3 Q I'm going to draw your attention to<br/>4 March 15th, 2016. Do you recall working that day?<br/>5 <b>A I do.</b><br/>6 Q On that date, what was your assignment?<br/>7 <b>A Our assignment was to conduct compliance</b><br/>8 <b>checks with various massage establishments.</b><br/>9 Q On that date did you conduct a compliance<br/>10 check at 504 East Main Street?<br/>11 <b>A We did.</b><br/>12 Q And who else was on -- what other sworn<br/>13 officers were on the team for compliance checks?<br/>14 <b>A It was myself, Officer Tynan, Detective</b><br/>15 <b>Ketelsen, Detective Bauwens, and CSO Beeter.</b><br/>16 Q And prior to -- prior to the compliance<br/>17 check on Main Spa, did you have a conversation with<br/>18 Community Service Officer Beeter?<br/>19 <b>A Yes.</b><br/>20 Q And did you discuss certain code words<br/>21 concerning whether they were in compliance or not?<br/>22 <b>A We did.</b><br/>23 Q And did you supply him with United States<br/>24 currency?</p> | <p style="text-align: right;">43</p> <p>1 <b>location.</b><br/>2 Q And at approximately 1457 or 2:57 in the<br/>3 afternoon, did you see Mr. Beeter leave his vehicle<br/>4 and go to the front door of 504 East Main?<br/>5 <b>A I did.</b><br/>6 Q And did you see him enter the premises?<br/>7 <b>A I saw him enter the first doorway going</b><br/>8 <b>in, yes.</b><br/>9 Q And when did you see him exit the premises?<br/>10 <b>A Approximately 3:14 p.m.</b><br/>11 Q Okay. So he was in the -- according to your<br/>12 observations, he was on the premises a total of<br/>13 17 minutes, from 1457 to 1514?<br/>14 <b>A Yes.</b><br/>15 Q After he left, did you see him enter his<br/>16 vehicle?<br/>17 <b>A I did.</b><br/>18 Q And did he radio as was previously arranged?<br/>19 <b>A He did.</b><br/>20 Q What did Mr. Beeter tell you?<br/>21 <b>A He said, "Drew, it's a go."</b><br/>22 Q And "It's a go" meant what to you?<br/>23 <b>A A deal was made between he and the employee.</b><br/>24 Q What did you do in response to the signal</p>  |
| <p style="text-align: right;">42</p> <p>1 <b>A We did.</b><br/>2 Q And what was -- were the denominations and<br/>3 the total amount altogether?<br/>4 <b>A For Main Spa we gave him two \$50 bills.</b><br/>5 Q And had you copied those bills on a copier?<br/>6 <b>A We did.</b><br/>7 Q And did you also enter down the serial<br/>8 numbers on those \$50 bills onto an evidence log?<br/>9 <b>A Yes.</b><br/>10 Q You did not ride with Mr. Beeter to<br/>11 504 East Main, did you?<br/>12 <b>A No, I did not.</b><br/>13 Q What was your location when he went to enter<br/>14 504 East Main?<br/>15 <b>A My location was a parking lot at 6th Avenue</b><br/>16 <b>and One East Main Street. It's the old Lundeen's</b><br/>17 <b>liquor store.</b><br/>18 Q Okay. And were you in a marked vehicle or<br/>19 unmarked vehicle?<br/>20 <b>A Unmarked.</b><br/>21 Q And do you know where Officer Tynan and<br/>22 Detective Bauwens were located?<br/>23 <b>A Officer Tynan was with me, and Detective</b><br/>24 <b>Ketelsen and Detective Bauwens were just west of my</b></p>   | <p style="text-align: right;">44</p> <p>1 from Mr. Beeter?<br/>2 <b>A I met with him in the parking lot over at</b><br/>3 <b>Main Spa.</b><br/>4 Q Okay. Then what did you do?<br/>5 <b>A When I met with him, I asked him what the</b><br/>6 <b>deal was. He told me that he paid \$100 for a</b><br/>7 <b>massage and that he was offered \$60 for a hand job</b><br/>8 <b>and \$100 for a blow job.</b><br/>9 Q Okay. And based upon that information, what<br/>10 did you do?<br/>11 <b>A At that point I went up to the front door.</b><br/>12 <b>I rang the doorbell a couple times and waited for</b><br/>13 <b>the employee to come to the door.</b><br/>14 Q And, ultimately, did she open the door?<br/>15 <b>A She did.</b><br/>16 Q And who was the person that opened the door?<br/>17 <b>A The defendant who was here earlier, Ok Kim.</b><br/>18 Q And did you enter the premises?<br/>19 <b>A I did.</b><br/>20 Q And what did you tell Ms. Kim?<br/>21 <b>A I asked her if she was the only one there.</b><br/>22 Q How did she respond?<br/>23 <b>A In English she said yes.</b><br/>24 Q Okay.</p> |

45

1 **A I asked her -- at that point I had asked**  
2 **CSO Beeter to come in to identify her. He did. And**  
3 **while he was there, I said, "Did you give him a**  
4 **massage," and she said that she did.**  
5 Q At any point at this point in your  
6 conversation in your view, did you understand what  
7 she was saying, and did she understand what you were  
8 asking?  
9 **A Oh, yes.**  
10 Q Was there any hesitancy in her response?  
11 **A No.**  
12 Q All right. You told her she was under arrest?  
13 **A I did after I told her what the**  
14 **investigation -- what type of investigation was**  
15 **going on.**  
16 Q And how did she respond to being informed  
17 that she was under arrest?  
18 **A She didn't deny anything and she was**  
19 **compliant.**  
20 Q Okay. And did you cuff her and bring her  
21 out to the vehicle immediately?  
22 **A I did not -- no, we didn't, actually.**  
23 Q Did she ask to get some clothes?  
24 **A She said that she needed to get her phone.**

46

1 **She needed to lock up her dog; she had a dog there**  
2 **on the premises. She had to put water in the water**  
3 **bowl. We let her do that. She said that she wanted**  
4 **to change her shoes. I told her to grab a coat**  
5 **because it was cold out in March and then we left.**  
6 Q Now, with respect to all of those things,  
7 retrieving her purse and belongings, shoes, coat,  
8 watering her dog, et cetera, did she communicate all  
9 that to you after she requested time to get things  
10 arranged?  
11 **A Yes.**  
12 Q It was all in English?  
13 **A It was.**  
14 Q Did you have any difficulty understanding  
15 what she was saying?  
16 **A Not at all.**  
17 Q Also, while you were on the premises, what  
18 other indicia did you see that perhaps this wasn't  
19 being entirely used just for a business?  
20 **A I'm sorry. Can you repeat that?**  
21 Q What other evidence did you observe inside  
22 504 East Main that may indicate it was not being  
23 used exclusively for a business?  
24 **A In the back room there's a bedroom. I saw all**

47

1 **of her -- she had a lot of clothing there. She had**  
2 **different shoes, different boots. She had toiletries.**  
3 **It looked as if somebody was living there.**  
4 **When we went to the kitchen, her cell phone**  
5 **was in the kitchen, and her purse was in the**  
6 **kitchen. And as she -- I don't know why she opened**  
7 **the refrigerator but she did, and it was fully**  
8 **stocked as if someone living there permanently.**  
9 Q Was there any indication that people had  
10 been eating there?  
11 **A Yeah, there were dirty dishes and dirty pans**  
12 **and pots piled up in the kitchen.**  
13 Q And she had a dog there that was living  
14 there? She had to water it before you took her down  
15 to the station?  
16 **A Yeah. Yes.**  
17 Q Did you see evidence of dog food there?  
18 **A There was, yeah.**  
19 Q Fast forward a little bit down to the  
20 station. Who did the booking? Who booked Ms. Kim?  
21 **A Detectives Ketelsen and Bauwens.**  
22 Q And approximately how long does it take to  
23 book someone after an arrest?  
24 **A It was fairly quick. It probably took us**

48

1 **about 25, 30 minutes.**  
2 Q Explain to the Commissioners what exactly an  
3 officer does in booking, why it takes 25, 30 minutes.  
4 **A All of her personal information is placed**  
5 **into our computer system. She has to be photographed,**  
6 **fingerprinted. Also, the charging documents have to**  
7 **be drawn up. So I was doing that at my desk while**  
8 **they were downstairs booking her and processing her.**  
9 Q And when the other -- when Bauwens and  
10 Ketelsen were done with the booking process, did you  
11 have any opportunity to discuss this case with her?  
12 **A I did.**  
13 Q Did you give her what are commonly known as  
14 Miranda warnings?  
15 **A Yes.**  
16 Q What did you say to her?  
17 **A I read her her rights. I asked her if she**  
18 **understood her rights. She said yes. I asked her**  
19 **to sign the form. She took the form from me and**  
20 **signed where I told her to sign it.**  
21 Q Do you have a copy of that form with you  
22 today?  
23 **A I believe I might. I do.**  
24 Q Okay. Can you pull that out, please? We're

49

1 going to mark it as an exhibit because I couldn't  
2 find mine earlier.  
3 **A Okay.**  
4 **MR. O'NEIL: This will be City Exhibit 3.**  
5 MAYOR ROGINA: Marked as Exhibit 3.  
6 MR. O'NEIL: Chief's Exhibit 3 -- I'm sorry.  
7 (Chief's Exhibit 3 marked for identification.)  
8 Q Sir, would you look at the form and tell me  
9 what that is?  
10 **A This is the Miranda rights form.**  
11 Q Except for being a copy, is that in  
12 substantially the same condition today as it was on  
13 March 15th, 2016?  
14 **A It is.**  
15 Q And under "Waiver of Rights" does it contain  
16 a signature?  
17 **A It does.**  
18 Q And did you witness anyone execute that  
19 signature?  
20 **A I did.**  
21 Q And who executed that signature?  
22 **A Ms. Kim.**  
23 Q And underneath that it says "Print name,"  
24 and did you wish -- excuse me -- witness Ms. Kim

50

1 print her name under her signature?  
2 **A I did.**  
3 Q Did you read each one of these five rights  
4 individually to her and ask if she understood?  
5 **A I did.**  
6 Q Did she indicate in any way she was scared  
7 or didn't understand what you were saying?  
8 **A Not at all.**  
9 **MR. O'NEIL: I'd ask that Exhibit 3 be**  
10 **admitted into evidence.**  
11 MAYOR ROGINA: It is in evidence -- without  
12 objection?  
13 MR. LEE: No objection, your Honor.  
14 (Chief's Exhibit 3 admitted into evidence  
15 and retained by the Commission.)  
16 BY MR. O'NEIL:  
17 Q Now, did you have an informal conversation,  
18 or did you go into the recording -- the audio  
19 recording room?  
20 **A First, I had an informal conversation with her.**  
21 Q And what did you say to her, and what did  
22 she say to you?  
23 **A I had asked her if she and CSO Beeter had**  
24 **agreed to an exchange of money for a sexual act.**

51

1 **She said that they did. She said that during the**  
2 **massage he had asked her if it would be \$40 for the**  
3 **sexual act and she told him no. I asked her, I**  
4 **said, "Did you tell him it was \$100?" She said,**  
5 **"No, I told him it was \$60."**  
6 **She said that she went to go touch his**  
7 **penis. And I said, "Were you going to use your**  
8 **mouth or your hand," and she went like this and said**  
9 **"My hand."**  
10 Q Indicating for the record hand clutched in  
11 an up-and-down motion?  
12 **A That's correct. At that point I told her,**  
13 **"Well, let's go into the other room and talk."**  
14 Q All right. And you went into the other  
15 room. What is the other room?  
16 **A The other room is an interview room which is**  
17 **just adjacent to our booking area, and that's**  
18 **monitored with audio and visual.**  
19 Q And at that time who else was present  
20 with you?  
21 **A Detective Bauwens.**  
22 Q Now, prior to this hearing today, you and I  
23 reviewed a DVD that I hope is ready to be queued  
24 up here.

52

1 **A It should be.**  
2 Q Does that DVD truly and accurately represent  
3 the full extent of your recorded conversation with  
4 Ms. Kim on March 15th, 2016?  
5 **A Yes.**  
6 Q Has anything been added or deleted from that  
7 audio and videotape?  
8 **A No.**  
9 **MR. O'NEIL: I'm going to ask you to do it**  
10 **because when I push things, bad things happen.**  
11 **This will be City Exhibit 4.**  
12 **(Chief's Exhibit 4 marked for identification.)**  
13 **MR. O'NEIL: I'm going to ask you -- because**  
14 **the conversation is not that loud. So we've got it**  
15 **up pretty loud so you can actually hear everything**  
16 **that was said. Detective Lamela, if you'd do the**  
17 **honors.**  
18 **It's on video, as well, if you want to**  
19 **actually watch.**  
20 **(Audio recording played.)**  
21 BY MR. O'NEIL:  
22 Q Detective Lamela, when you and I reviewed  
23 this prior to the hearing, there was also video in  
24 this whole exchange?

|   |   |
|---|---|
| <p style="text-align: right;">53</p> <p>1     <b>A Yeah. There was video. I don't know what</b><br/>2 <b>happened.</b><br/>3     Q That was my question. Do you have any idea<br/>4 what happened?<br/>5     <b>A I have no clue.</b><br/>6     Q But the audio recording that you heard, you<br/>7 were asking the questions and Ms. Kim was giving the<br/>8 answers; is that correct?<br/>9     <b>A That's correct.</b><br/>10    Q She agreed that she had touched his penis;<br/>11 is that correct?<br/>12    <b>A Yes.</b><br/>13    Q She agreed that they were negotiating over<br/>14 price; is that correct?<br/>15    <b>A Yes.</b><br/>16    Q And that Beeter wanted \$100 for the mouth<br/>17 and she said 60 -- or for a hand job -- sorry. I<br/>18 got backwards.<br/>19    <b>A Yes.</b><br/>20    Q And that was all contained in that tape?<br/>21    <b>A It was.</b><br/>22    Q Detective Lamela, is it a violation of the<br/>23 St. Charles Code for any person in a massage<br/>24 establishment to place his or her hands upon, to</p>  | <p style="text-align: right;">55</p> <p>1 testified to. Certainly, we can draw a conclusion<br/>2 as to whether or not --<br/>3     MR. LEE: But it's not for the witness to<br/>4 draw that conclusion.<br/>5     MAYOR ROGINA: Pardon me?<br/>6     MR. LEE: I believe it's not for the witness<br/>7 to draw that conclusion of the act.<br/>8     MR. O'NEIL: If I may respond.<br/>9     MAYOR ROGINA: Yes, please.<br/>10    MR. O'NEIL: Based upon his training and<br/>11 experience as a detective and familiarity over the<br/>12 years, there are certain things he can offer<br/>13 testimony upon his review of the evidence whether it<br/>14 constitutes a violation of the code. Whether you<br/>15 guys agree with him or not is a different story.<br/>16    MAYOR ROGINA: As we indicated at the<br/>17 beginning of the hearing, the rules of evidence here<br/>18 are somewhat relaxed. This is not a criminal court,<br/>19 and Ms. Kim is not on trial. I'm going to allow it.<br/>20 The objection is overruled.<br/>21 BY MR. O'NEIL:<br/>22    Q When you were inside the facility, did you<br/>23 see Ms. Kim's massage therapy license on the wall?<br/>24    <b>A I did.</b></p> |
| <p style="text-align: right;">54</p> <p>1 touch with any part of his or her body, to fondle in<br/>2 any manner, or to massage a sexual or genital area<br/>3 of another person?<br/>4     <b>A It is.</b><br/>5     Q In your professional opinion after 21 years,<br/>6 is touching someone between the buttocks and on the<br/>7 penis fondling or touching a sexual or genital area<br/>8 of another person?<br/>9     <b>A Yes.</b><br/>10    Q Detective Lamela, the City Code of City of<br/>11 St. Charles states that, "No massage therapist or<br/>12 employee shall perform or offer or agree to perform<br/>13 any act, whether or not for compensation of any<br/>14 form, which would require the touching of the<br/>15 patron's sexual or genital area." Based upon your<br/>16 review of the evidence and what Ms. Kim told you,<br/>17 was there an offer or an agreement to perform a<br/>18 sexual act?<br/>19    <b>A Yes, there was.</b><br/>20    MR. LEE: Objection, your Honor, calls for a<br/>21 legal conclusion very specifically.<br/>22    MAYOR ROGINA: Well, I think the question<br/>23 was asked as to whether or not the particular act<br/>24 was performed and that's what Officer Lamela</p> | <p style="text-align: right;">56</p> <p>1     Q Did you see any other massage therapist's<br/>2 license displayed on the wall?<br/>3     <b>A No.</b><br/>4     Q And the day you were in there, was there<br/>5 anyone else located in there?<br/>6     <b>A No.</b><br/>7     <b>MR. O'NEIL: No further questions of this</b><br/>8 <b>witness.</b><br/>9     MAYOR ROGINA: Cross, Mr. Lee.<br/>10    MR. O'NEIL: I don't really have any of the<br/>11 officer.<br/>12    MAYOR ROGINA: All right. Thank you. You<br/>13 can step down.<br/>14    Anything further?<br/>15    MR. O'NEIL: At this time I would offer<br/>16 Exhibit 4, which is the audio portion -- I don't<br/>17 know what happened to the video portion -- into<br/>18 evidence.<br/>19    MS. NILLES: We can exit out and see if it<br/>20 would regenerate.<br/>21    MR. O'NEIL: Would you like to see if<br/>22 Ms. Nilles can do it?<br/>23    MS. NILLES: I was going to say close it down<br/>24 and open it back up.</p>   |

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|--|---|
| <p style="text-align: right;">57</p> <p>1 MR. O'NEIL: That's up to the Commission if<br/>2 they want to view it.<br/>3 MAYOR ROGINA: It would be good to see the<br/>4 officer and the employee conversing.<br/>5 (Videotape displayed.)<br/>6 MAYOR ROGINA: Thank you. And I don't need<br/>7 to see the whole thing. I think we hear the<br/>8 dialogue.<br/>9 MR. LEE: I've seen this.<br/>10 MAYOR ROGINA: All right.<br/>11 (Videotape played.)<br/>12 MAYOR ROGINA: All right. Any further<br/>13 witnesses?<br/>14 MR. O'NEIL: At this point the City rests,<br/>15 your Honor, with the admission of Exhibit 4.<br/>16 MAYOR ROGINA: Yes. That Exhibit 4 is into<br/>17 the record, and that Exhibit 4 is the audio tape,<br/>18 the DVD of the interview.<br/>19 (Chief's Exhibit 4 admitted into evidence<br/>20 and retained by the Commission.)<br/>21 MAYOR ROGINA: With that, Mr. Lee, I believe<br/>22 you said you were going to call a witness.<br/>23 MR. LEE: I would object to the video and<br/>24 the audio actually being submitted into evidence. I</p>  | <p style="text-align: right;">59</p> <p>1 DIRECT EXAMINATION BY COUNSEL FOR MAIN SPA<br/>2 BY MR. LEE:<br/>3 Q Again, for the record, please state your<br/>4 full name.<br/>5 A <b>Jae Sik Kim.</b><br/>6 Q Are you familiar with the Main Spa located<br/>7 in St. Charles?<br/>8 A <b>Yes.</b><br/>9 Q And what is the -- how are you related to<br/>10 the spa itself?<br/>11 A <b>I'm the owner.</b><br/>12 Q And how long have you been the owner of that?<br/>13 A <b>Around four months.</b><br/>14 Q Are you familiar with what happened at the<br/>15 business on March 15th, 2016?<br/>16 A <b>Later I heard it.</b><br/>17 Q And that involved the incident at the spa<br/>18 with one of your employees, Ms. Ok Kim, is that<br/>19 correct, and an undercover agent of the St. Charles<br/>20 Police Department; is that right?<br/>21 A <b>Yes, I heard that.</b><br/>22 Q Before you hire someone, do you -- what kind<br/>23 of conversation do you tell your employees about<br/>24 anything that might be questionable or illegal?</p> |
| <p style="text-align: right;">58</p> <p>1 mean, the video is what it is, and the audio is what<br/>2 it is. My objection is that it's really Officer<br/>3 Lamela asking leading questions, "You did this;<br/>4 right?" Yes.<br/>5 MAYOR ROGINA: Hold on, you mean Mr. O'Neil<br/>6 asking leading questions of officer Lamela?<br/>7 MR. LEE: No, Officer Lamela asking leading<br/>8 questions of Ms. Kim. And it's disputable as to how<br/>9 much English she speaks, and for Officer Lamela to<br/>10 be asking leading questions, I object on that basis.<br/>11 MAYOR ROGINA: All right. Your objection is<br/>12 duly noted. I think we're going to proceed on in<br/>13 this matter, and I'm going to ask if you want to<br/>14 call -- of course, you can make any argument you<br/>15 want to at the end on the matter at hand, but at<br/>16 this point are you going to call any witnesses?<br/>17 MR. LEE: Yes. I do want to ask Mr. Jae Kim.<br/>18 MAYOR ROGINA: Will you raise your right hand?<br/>19 (Witness sworn.)<br/>20 MAYOR ROGINA: And you're interpreting<br/>21 for him?<br/>22 THE INTERPRETER: Yes.<br/>23 JAE SIK KIM,<br/>24 having been duly sworn, testified as follows:</p> | <p style="text-align: right;">60</p> <p>1 A <b>Don't do anything illegal.</b><br/>2 Q And do you remember saying the same thing to<br/>3 Ms. Kim?<br/>4 A <b>Yes.</b><br/>5 Q Does Ms. Kim still work for you or does she --<br/>6 what happened to Ms. Kim after March 15th?<br/>7 A <b>No. She's not working.</b><br/>8 MR. LEE: That's all I have.<br/>9 MAYOR ROGINA: Mr. O'Neil?<br/>10 MR. O'NEIL: Thank you, your Honor.<br/>11 CROSS-EXAMINATION BY COUNSEL FOR CHIEF KEEGAN<br/>12 BY MR. O'NEIL:<br/>13 Q Mr. Kim, where do you reside?<br/>14 A <b>Chicago.</b><br/>15 Q Can you give a street address, please?<br/>16 A <b>3460 West Montrose Avenue in Chicago.</b><br/>17 Q And how old are you, sir?<br/>18 A <b>62 --</b><br/>19 THE INTERPRETER: 63, I'm sorry.<br/>20 Q Which one is it? You understand what I'm<br/>21 saying, don't you? How old are you, sir?<br/>22 A <b>It was born in 1953.</b><br/>23 Q So you're 63?<br/>24 A <b>63.</b></p>  |

Hearing - Main Spa, 504 East Main Street  
Conducted on April 18, 2016

16 (Pages 61 to 64)

| 61   | 63   |
|--|--|
| <p>1 Q How long have you lived in Chicago?<br/>2 <b>A About 23 years.</b><br/>3 Q And you state that you own Main Spa. It's<br/>4 true that you own the business that is Main Spa;<br/>5 correct?<br/>6 <b>A Yes.</b><br/>7 Q You lease the real estate from another person;<br/>8 is that correct?<br/>9 <b>A Building owner.</b><br/>10 MAYOR ROGINA: The answer is he leases from<br/>11 the building owner?<br/>12 THE INTERPRETER: Yes.<br/>13 Q And how long have you leased that premises?<br/>14 THE INTERPRETER: He doesn't remember he said.<br/>15 MR. O'NEIL: Your Honor, I would ask that<br/>16 the person who has been sworn to interpret -- he's<br/>17 certainly saying more than he doesn't remember. I'd<br/>18 like to know what he's saying.<br/>19 MAYOR ROGINA: All right. The question is --<br/>20 if I understand you, Mr. O'Neil, the question is how<br/>21 long has he leased the premises.<br/>22 MR. O'NEIL: Correct.<br/>23 MAYOR ROGINA: The question is how long has<br/>24 he signed -- he signed the lease or has an agreement</p> | <p>1 the property for around three years.<br/>2 THE INTERPRETER: No, signed for three years.<br/>3 MAYOR ROGINA: All right. That's different.<br/>4 So he signed a lease for three years?<br/>5 THE INTERPRETER: Yes. That's what he said.<br/>6 BY MR. O'NEIL:<br/>7 Q Do you happen to have a copy of that lease<br/>8 with you at all?<br/>9 <b>A At home.</b><br/>10 Q It's at home. Okay.<br/>11 How is Ok Kim -- is she related to you?<br/>12 THE INTERPRETER: He's been seeing her<br/>13 before, and someone introduced her to him, and a<br/>14 couple of times he saw her, and then he hired her.<br/>15 Not exactly. He doesn't know.<br/>16 Q All right. I may be mistaken but I think my<br/>17 question is, is Jae Sik Kim related to Ok Kim?<br/>18 <b>A No relationship.</b><br/>19 Q Okay. And when did you hire her to work<br/>20 for you?<br/>21 <b>A Middle of January.</b><br/>22 Q And had you ever hired her in any capacity<br/>23 before?<br/>24 <b>A No.</b></p>   |
| 62   | 64   |
| <p>1 with the landlord. For how long has he had that<br/>2 agreement?<br/>3 THE INTERPRETER: I asked him and he's not<br/>4 sure. Maybe three years.<br/>5 MAYOR ROGINA: I'm sorry?<br/>6 THE INTERPRETER: That's what he's saying.<br/>7 MAYOR ROGINA: What's the answer that he gave?<br/>8 THE INTERPRETER: Around three years.<br/>9 MAYOR ROGINA: Could I ask a question?<br/>10 Earlier in his testimony he said that the spa was --<br/>11 he owned the spa for four months. Am I correct?<br/>12 MR. O'NEIL: Yes, he did.<br/>13 MAYOR ROGINA: All right. Let's proceed.<br/>14 BY MR. O'NEIL:<br/>15 Q Have you had other businesses at this<br/>16 location since you've had a lease for three years?<br/>17 What other businesses have you had at 504 East Main<br/>18 Street?<br/>19 THE INTERPRETER: He leased four months ago.<br/>20 MR. O'NEIL: I'm sorry?<br/>21 THE INTERPRETER: He leased for four months<br/>22 when he opened up.<br/>23 MR. O'NEIL: For Main Spa I understand that,<br/>24 but he just told the mayor that he had a lease at</p> | <p>1 Q Okay. Other than Main Spa, do you own any<br/>2 other massage therapist centers, any massage<br/>3 businesses other than Main Spa?<br/>4 <b>A No.</b><br/>5 Q Does Main Spa have other locations other<br/>6 than the one that was at 504 East Main Street?<br/>7 <b>A No.</b><br/>8 Q You have locations in Chicago, Naperville,<br/>9 Aurora, Elgin, and Wheaton?<br/>10 THE INTERPRETER: He doesn't, no.<br/>11 Q What form of a business is Main Spa? Is it a<br/>12 sole proprietorship, a limited liability corporation,<br/>13 an S corporation? How is it set up as a business?<br/>14 <b>A K.</b><br/>15 Q It's a K?<br/>16 <b>A Corporation.</b><br/>17 Q And who files the tax returns?<br/>18 MR. LEE: I'm going to object to this line<br/>19 of questioning. I think it's going way beyond the<br/>20 case in chief.<br/>21 MAYOR ROGINA: Hold on. There's an objection<br/>22 as to the scope of the question. Mr. O'Neil, do you<br/>23 have a response to that?<br/>24 MR. O'NEIL: I want to find out how this</p> |

65

1 business runs. Because part of it I have to show  
2 that some agent or employee of Main Spa participated  
3 in the alleged illegal acts.  
4 MAYOR ROGINA: Response to that, Mr. Lee?  
5 MR. LEE: I'm sorry. Some agent or somebody  
6 participated in the act? That's not something in  
7 the charging document, and it's going way beyond the  
8 scope of what we're talking about.  
9 MAYOR ROGINA: Well, if you would refer back  
10 to the charges, specifically the ordinances that are  
11 being violated -- I'm going to ask Counsel McGuirk  
12 over here. Is there a need to prove up that the  
13 agent or employee of the business performed any of  
14 these acts that have caused a violation?  
15 MR. MCGUIRK: Yes. I think it has to be by  
16 an agent.  
17 MAYOR ROGINA: So the question is legitimate  
18 from the standpoint of just trying to establish a  
19 connection between the owner of the business and an  
20 agent that he might hire.  
21 MR. O'NEIL: Again, in response, the last  
22 sentence of the fourth charge states, quote, "A  
23 violation of any provision of this chapter by any  
24 agent or employee of the licensee shall constitute" --

66

1 MAYOR ROGINA: The objection is overruled.  
2 MR. O'NEIL: Okay.  
3 MAYOR ROGINA: Let's proceed.  
4 BY MR. O'NEIL:  
5 Q So you own the company? There's no other  
6 owners of the company; correct?  
7 A No.  
8 Q And Ms. Ok Kim was hired by you; is that  
9 correct?  
10 A Yes.  
11 Q Does -- is she an employee? In other words,  
12 does she get paid for her work?  
13 A Yes.  
14 Q She's not a shareholder or in any way an  
15 owner of Main Spa, of your company?  
16 A No.  
17 MR. O'NEIL: No further questions.  
18 MAYOR ROGINA: Any redirect?  
19 REDIRECT EXAMINATION BY COUNSEL FOR MAIN SPA  
20 BY MR. LEE:  
21 Q In your business do you see a lot of names  
22 Main Spa? Is that a fairly common name for a  
23 massage business operation?  
24 A No.

67

1 Q But you do not know of any; is that correct?  
2 Is that your answer -- let me rephrase it.  
3 Main Spa St. Charles is the only massage  
4 therapy business that you own; is that correct?  
5 A Yes.  
6 MR. LEE: That's all I have.  
7 MAYOR ROGINA: All right. Anything further,  
8 Mr. O'Neil?  
9 MR. O'NEIL: It's still the defendant's  
10 case -- or respondent's case.  
11 MR. LEE: I have nothing further. I'm ready  
12 for closing.  
13 MAYOR ROGINA: At this point in time I would  
14 ask Mr. O'Neil to present a closing argument,  
15 followed by Mr. Lee with a closing argument, and  
16 then we'll be done.  
17 MR. O'NEIL: Very briefly, we've gone over  
18 the charges you have in front of you. It's clear --  
19 this is a preponderance of the evidence standard; it  
20 is not a criminal case, but this is clear beyond a  
21 reasonable doubt.  
22 This case started when Ms. Kim took the  
23 stand initially and said she was scared; she didn't  
24 understand. You've heard two other witnesses,

68

1 Officer Beeter and Detective Lamela state that there  
2 was no problem with English. The reason I called  
3 them is I suspected that was going to be the defense  
4 that she didn't understand, but then we clearly hear  
5 her answering the questions of Detective Lamela on  
6 the videotape. That attacks her credibility right  
7 there; she got impeached by it.  
8 Okay. What motivation did the officers  
9 have? By all accounts Officer Beeter was in that  
10 building a total of 15 minutes. Ms. Kim states that  
11 he grabbed her hand. He states it was her question.  
12 He tried to enhance it from manual to oral, but,  
13 ultimately they agreed on the manual. She agrees to  
14 that on the audio. It's today where it all gets  
15 confused.  
16 This is -- she's an employee of Mr. Kim, and  
17 under the employer-agent law she's an agent. He is  
18 responsible; the licensee is responsible for the  
19 actions of the employee or agent.  
20 I would ask you to find that by a  
21 preponderance of the evidence the chief has met the  
22 burden that there was an act of prostitution, there  
23 was negotiation over what act of prostitution, and  
24 ultimately -- you know, thank God officer Beeter

|    |   |    |  |
|----|---|----|--|
| 69 | 1 said stop. That's the honorable thing to do because<br>2 that's the substantial step he made when she was<br>3 just about do it. And not to be crass but anytime<br>4 that you get a hand stuck between your crack and<br>5 told to roll over, that's an act of sexual<br>6 prostitution. Thank you.<br>7 MAYOR ROGINA: Thank you.<br>8 Mr. Lee.<br>9 MR. LEE: Yes. I think Officer Beeter's<br>10 testimony is really telling. Number 1, he said a<br>11 hand job did not occur, his exact words. Number 2,<br>12 blow job did not occur. Number 3, he said he<br>13 stopped her from a blow job; blow job did not occur.<br>14 No. 4, there was no additional money. He admitted<br>15 that. He paid her \$100 at the beginning for the<br>16 massage.<br>17 What we are left with is just a conversation.<br>18 That's not prostitution. Conversation about something,<br>19 whether it's a hand job, blow job, whatever, that<br>20 doesn't amount to prostitution, not criminally, not<br>21 anywhere. You take this to any court of law, I'm<br>22 sorry, it just doesn't cut it, did not happen.<br>23 Officer Beeter was instructed to initiate,<br>24 to see if there's sexual activity going on. He | 71 | 1 MS. NILLES: Gehm.<br>2 MEMBER GEHM: Yes.<br>3 MS. NILLES: Payleitner.<br>4 MEMBER PAYLEITNER: Yes.<br>5 MS. NILLES: Lewis.<br>6 MEMBER LEWIS: Yes.<br>7 MS. NILLES: Amenta.<br>8 MEMBER AMENTA: Yes.<br>9 (Off the record at 6:31 p.m.)<br>10<br>11<br>12<br>13<br>14<br>15<br>16<br>17<br>18<br>19<br>20<br>21<br>22<br>23<br>24  |
| 70 | 1 initiated the conversation whether he wants it or<br>2 not. It really doesn't matter who initiated really,<br>3 I suppose, but he's obviously initiating it. That<br>4 was his job. There was no money involved. I think<br>5 that's very telling.<br>6 That's all I have.<br>7 MAYOR ROGINA: Thank you, Mr. Lee.<br>8 Mr. Lee, before you leave, I'm going to<br>9 entertain a motion to go into executive session to<br>10 discuss the matter, but there will not be any formal<br>11 order made today, tonight, and I have up to two weeks<br>12 to give that order. So you're free leave because<br>13 there will be no order for you today.<br>14 MR. LEE: Thank you for your time.<br>15 MAYOR ROGINA: Before you leave I want to<br>16 thank both you and Mr. O'Neil for presenting this<br>17 matter in a very professional manner. Thank you<br>18 very much.<br>19 I'd entertain a motion to go into executive<br>20 session.<br>21 MEMBER GEHM: So moved.<br>22 MEMBER AMENTA: Second.<br>23 MAYOR ROGINA: Moved and seconded. Call<br>24 the role.  | 72 | 1 CERTIFICATE OF SHORTHAND REPORTER<br>2<br>3 I, Paula M. Quetsch, Certified Shorthand<br>4 Reporter No. 084-003733, CSR, RPR, and a Notary Public<br>5 in and for the County of Kane, State of Illinois, the<br>6 officer before whom the foregoing proceedings were<br>7 taken, do certify that the foregoing transcript is a<br>8 true and correct record of the proceedings, that<br>9 said proceedings were taken by me stenographically<br>10 and thereafter reduced to typewriting under my<br>11 supervision, and that I am neither counsel for,<br>12 related to, nor employed by any of the parties to<br>13 this case and have no interest, financial or<br>14 otherwise, in its outcome.<br>15<br>16 IN WITNESS WHEREOF, I have hereunto set my<br>17 hand and affixed my notarial seal this 14th day of<br>18 April, 2016.<br>19<br>20 My commission expires: October 16, 2017<br>21<br>22 _____<br>23 Notary Public in and for the<br>24 State of Illinois |



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

|            |   |
|------------|---|
| Title:     | Recommendation to approve an Ordinance Amending Title 3 "Revenue and Finance", Chapter 3.42 "Alcohol Tax", Section 3.42.020 "Definitions", and Section 3.42.030 "Imposition of Tax" of the St. Charles Municipal Code |
| Presenter: | Chris Minick, Finance Director  |

*Please check appropriate box:*

|                          |                        |                                     |                               |
|--------------------------|------------------------|-------------------------------------|-------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/>            | Government Services           |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/>            | City Council                  |
| <input type="checkbox"/> | Public Hearing         | <input checked="" type="checkbox"/> | Liquor Commission (5/16/2016) |

|                 |     |           |                              |                             |
|-----------------|-----|-----------|------------------------------|-----------------------------|
| Estimated Cost: | N/A | Budgeted: | <input type="checkbox"/> YES | <input type="checkbox"/> NO |
|-----------------|-----|-----------|------------------------------|-----------------------------|

If NO, please explain how item will be funded:

**Executive Summary:**

Recently, the City has had several requests for fundraising events, dinners, meetings, etc. for which tickets are sold and at which alcoholic beverages are served. Typically, there is one price for a ticket and the price of the ticket includes admission, entertainment, food, and also alcoholic beverages if they are to be served at the event. The City currently levies the alcoholic beverage tax of 2% on the price of the ticket when these events occur. The City does not ask applicants to split out the individual components of the ticket charge and attempt to evaluate the reasonableness of the allocation of charges.

The attached ordinance would codify the City's current practice of charging the 2% alcohol tax to the entire ticket price for the event. The bolded sections of the attached ordinance are proposed to be added to the City's Revenue Code Chapter to codify the current practice. All other sections of the Code would remain unchanged.

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

**Ordinance**

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve an Ordinance Amending Title 3 "Revenue and Finance", Chapter 3.42 "Alcohol Tax", Section 3.42.020 "Definitions", and Section 3.42.030 "Imposition of Tax" of the St. Charles Municipal Code.

*For office use only:*

*Agenda Item Number: 4*

**City of St. Charles, Illinois**  
**Ordinance No. 2016-M-\_\_**

**An Ordinance Amending an Ordinance Amending Title 3 “Revenue and Finance”, Chapter 3.42 “Alcohol Tax”, Section 3.42.020 “Definitions”, and Section 3.42.030 “Imposition of Tax” of the St. Charles Municipal Code.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS AS FOLLOWS:

Section 1. That Title 3, “Revenue and Finance”, Chapter 3.42 “Alcohol Tax”, of the St. Charles Municipal Code be and is hereby amended to Section 3.42.020 “Definitions” be deleted in its entirety and replace with the following language:

- A. Alcoholic liquor is defined in the same manner as the term is defined in section 5.08.010 of this code.
- B. Event means any occurrence or gathering of people which is convened for social, professional, fund raising, fellowship, product sampling, discussion of common interest, performance, picnic, cookout, barbeque, food tasting, etc. which is convened and at which alcoholic liquor is served. Events can be regularly scheduled or one-time in occurrence and this definition shall be broadly construed for the purposes of this section.**
- C. Liquor Establishment means any premises required to obtain a retail liquor license pursuant to chapter 5.08 of this code.
- D. Owner means any person having a sufficient proprietary interest in conducting the operation of a restaurant or liquor establishment so as to entitle such a person to all or a portion of the net receipts thereof.
- E. Person means any natural person, receiver, administrator, executor, conservator, assignee, trust in perpetuity, trust, estate, firm, co-partnership, joint venture, club, company, business trust, domestic or foreign corporation, association, syndicate, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; whenever the term "person" is used in any clause prescribing and imposing a penalty, the term as applied to associations means the owners or part-owners thereof, and as applied to corporations, the officers thereof.

Section 2. That Title 3, “Revenue and Finance”, Chapter 3.42 “Alcohol Tax”, of the St. Charles Municipal Code be and is hereby amended to Section 3.42.030 “Imposition of Tax” be deleted in its entirety and replaced with the following language:

- A. There is levied and imposed upon the privilege of purchasing alcoholic liquor served or prepared at a liquor establishment in the city, a tax of two percent (2%) of the purchase price, exclusive of any other tax imposed on such alcoholic liquor.

- B. There is levied and imposed upon the privilege of purchasing alcoholic liquor in original packages only for consumption off the premises at retail at any liquor establishment in the city, a tax of two percent (2%) of the purchase price, exclusive of any other tax imposed on such alcoholic liquor at retail.
- C. **There is levied and imposed a tax of two percent (2%) upon the admission price or ticket price to any Event at which alcoholic liquor is served and the price of said alcoholic liquor is included in the admission and/or ticket price to the event, exclusive of any other tax imposed on such alcoholic liquor. In the event that tickets, punch cards, or similar methods are utilized to allow or to limit purchase of alcoholic beverages, the tax of two percent (2%) shall apply to the price of the ticket(s) or punch card(s) issued. The Finance Director of the City shall make the determination of the applicability of the tax imposed by this section.**

Section 3. That after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with general circulation within the City of St. Charles.

Section 3. That this Ordinance shall be in full force and effect ten (10) days from and after its passage, approval and publication as provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED by the City Council of the City of St. Charles, Illinois the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED by the Mayor of the City of St. Charles, Illinois this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor Raymond P. Rogina

ATTEST:

---

City Clerk

Ordinance No. 2016-M-\_\_\_\_\_  
Page 3

COUNCIL VOTE:

Ayes:

Nays:

Abstain:

Absent:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE:\_\_\_\_\_



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

|            |   |
|------------|---|
| Title:     | Recommendation to approve an Ordinance Amending Title 5 “Business License and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications – Class D”, and Section 5.08.100 “License Fees; Late Night Permit Fee; Fees Established” for a new D8 license of the St. Charles Municipal Code |
| Presenter: | Chief Keegan  |

*Please check appropriate box:*

|                          |                        |                                     |                                     |
|--------------------------|------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/>            | Government Services                 |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/>            | City Council                        |
| <input type="checkbox"/> | Public Hearing         | <input checked="" type="checkbox"/> | Liquor Control Commission (5/16/16) |

|                 |  |           |     |                          |    |                          |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|
| Estimated Cost: |  | Budgeted: | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|

If NO, please explain how item will be funded:

**Executive Summary:**

This is an amendment to Chapter 5.08 “Alcoholic Beverages” Section 5.08.090 “License Classifications”, and Section 5.08.100 “License Fees; Late Night Permit Fee; Fees Established” for a proposed new D-8 liquor license for a proposed new business venture, The Painted Vine Cellar, whose application is coming before this commission tonight. This language will allow opportunity to broaden the City’s ability to attract and retain additional businesses with similar concepts designs. This language was vetted and approved by our City attorney.

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

Ordinance

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve an Ordinance Amending Title 5 “Business License and Regulations”, Chapter 5.08 “Alcoholic Beverages”, Section 5.08.090 “License Classifications”, and Section 5.08.100 “License Fees; Late Night Permit Fee; Fees Established” for a new D8 license of the St. Charles Municipal Code.

*For office use only:*

*Agenda Item Number: 5*

**City of St. Charles, Illinois**  
**Ordinance No. 2016-M- \_\_\_\_\_**

**An Ordinance amending Title 5 "Business Licenses and Regulations",  
Chapter 5.08 "Alcoholic Beverages" Section 5.08.090 "License -  
Classifications", "Class D", Section 5.08.100 "License Fees; Late Night  
Permit Fees; Fees Established" of the St. Charles Municipal Code**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DUPAGE COUNTIES, ILLINOIS, AS FOLLOWS:**

SECTION ONE: That Title 5 "Business Licenses and Regulations Chapter 5.08 "Alcoholic Beverages" Section 5.08.090 "License -Classifications", "Class D", of the St. Charles Municipal Code, be and is hereby amended as follows:

D-8. Class D-8 licenses authorize the retail sale and consumption of beer and wine at an arts and entertainment studio, while the patron(s) are participating in an arts, crafts or other class that are offered by the licensee. The consumption of beer and wine is restricted to the licensed premises and shall be limited to members of a group assembled on the premises for the purpose of attending an art, crafts or other classes offered by an art studio, arts and crafts school, or similar leisure/entertainment business while the licensee is conducting classes.

Partially consumed bottles of wine can be removed from the premises but only securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent, one-time use, tamperproof bag and not for public distribution or consumption.

SECTION TWO: That Title 5 "Business Licenses and Regulations Chapter 5.08 "Alcoholic Beverages" Section 5.08.100 "License Fees; Late Night Permit Fees; Fees Established" of the St. Charles Municipal Code, be and is hereby amended as follows:

|     |          |                              |
|-----|----------|------------------------------|
| D-8 | 1,200.00 | Arts & Entertainment License |
|-----|----------|------------------------------|

SECTION THREE:

That, after the adoption and approval hereof, this Ordinance shall (i) be printed or published in book or pamphlet form, published by the authority of the City Council of the City of St. Charles, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

SECTION FOUR: This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED by the City Council of the City of St. Charles, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED by the Mayor of the City of St. Charles, Illinois, this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes : \_\_\_\_\_

Nays : \_\_\_\_\_

Absent : \_\_\_\_\_



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Proposal for a New Class D-8 Liquor License for The Painted Vine Cellar to be located at 1 West Illinois Street, Ste. 110, St. Charles

Presenter: Chief Keegan

*Please check appropriate box:*

|                          |                        |                                     |                                     |
|--------------------------|------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/>            | Government Services                 |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/>            | City Council                        |
| <input type="checkbox"/> | Public Hearing         | <input checked="" type="checkbox"/> | Liquor Control Commission (5/16/16) |

|                 |                          |           |     |                          |    |                          |
|-----------------|--------------------------|-----------|-----|--------------------------|----|--------------------------|
| Estimated Cost: | <input type="checkbox"/> | Budgeted: | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----------------|--------------------------|-----------|-----|--------------------------|----|--------------------------|

If NO, please explain how item will be funded:

#### Executive Summary:

This is an application request for a new Class D-8 liquor license for The Painted Vine Cellar to be located at 1 West Illinois Street, Ste. 110, St. Charles. This is a new business venture looking to capitalize on the arts and entertainment industry by offering painting classes with beer and wine sales. All paper work is in order, background checks have been completed by the Police Department as well as fingerprints have been taken, and BASSET certifications are complete.

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

Liquor License Application (front page)  
Background Check  
Site Plan and Business Plan  
Menu

#### Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve a Proposal for a New Class D-8 Liquor License for The Painted Vine Cellar to be located at 1 West Illinois Street, Ste. 110, St. Charles.

*For office use only:*

*Agenda Item Number: 6*

Date: \_\_\_\_\_  
( ) New Application  
( ) Renewal Application

# CITY OF ST. CHARLES

LIQUOR CONTROL COMMISSIONER  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



## City Retail Liquor Dealer License Application **Non-Refundable**

Ordinance 5.08.050.A1

Application must be completed in full

Incomplete applications will be rejected

Business Type: Circle one Individual Partnership Corporation Other \_\_\_\_\_

Business Name The Painted Vine Cellar, LLC Sales Tax # \_\_\_\_\_

Business Address 1 W ILLINOIS ST, ST CHARLES, IL 60174 Business Phone # 630-744-9766

Contact Person John Kessler Title Partner Phone # \_\_\_\_\_

If Corporation, Corporate Name The Painted Vine Cellar, LLC

Corporation Address \_\_\_\_\_  
Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name: Yes  No   
If yes, list address of business \_\_\_\_\_

Full Name, include Middle Initial John J Kessler Title MANAGING PARTNER

Birth Date \_\_\_\_\_ Birthplace Chicago Driver's License # \_\_\_\_\_ Home Phone # \_\_\_\_\_

Home Address 40 W 555 FOX CREEK DR, ST CHARLES, IL, 60174

Full Name, include Middle Initial CAROLYN L Kessler Title MANAGING PARTNER

Birth Date \_\_\_\_\_ Birthplace Chicago Driver's License # \_\_\_\_\_ Home Phone # \_\_\_\_\_

Home Address 40 W 555 FOX CREEK DR, ST CHARLES, IL, 60174

Full Name, include Middle Initial \_\_\_\_\_ Title \_\_\_\_\_

Birth Date \_\_\_\_\_ Birthplace \_\_\_\_\_ Driver's License # \_\_\_\_\_ Home Phone # \_\_\_\_\_

Home Address \_\_\_\_\_

Type of Establishment: ( ) Package ( ) Restaurant ( ) Tavern ( ) Hotel/Banquet/Arcade/Q-Center (  ) Other PAINT & WINE ENTERTAINMENT INSTRUCTION

Check as Applicable to ( ) Holding Bar [5.08.010-F] (  ) Service Bar [5.08.010-O] ( ) Live Entertainment [5.08.010-H]  
Type of Establishment: ( ) Outside Dining [17.20.020-R]

Brief Business Plan Description based on type of establishment listed above:  
TEACH groups of 15-60 people how to PAINT A PARTICULAR PAINTING while enjoying a glass of wine or beer over the course of 2-2.5 hours

Initial: Liq Comm \_\_\_\_\_



# Memo

Date: 5/11/2016

To: The Honorable Ray Rogina, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

Re: Background Investigation-Liquor Establishment/D-8 (The Painted Vine Cellar)

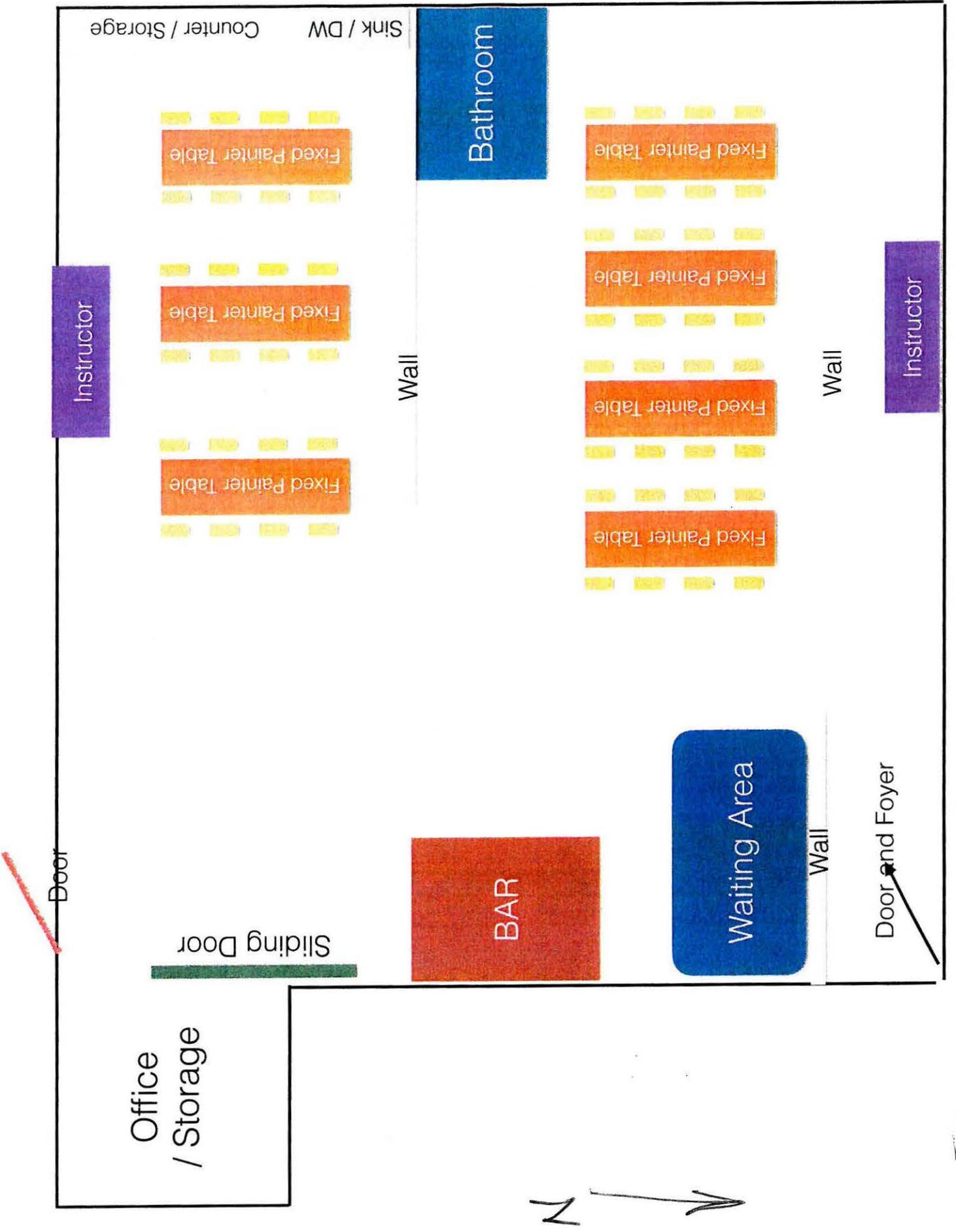
---

The purpose of this memorandum is to document and forward to your attention the results of the background investigation conducted by members of the St. Charles Police Department concerning the below mentioned establishment.

The Painted Vine Cellar is a new business venture looking to capitalize of the arts and entertainment industry by offering painting classes with beer and wine sales. Other nearby municipalities have similar offering's that have proven to be successful small businesses. The Painted Vine Cellar is looking to occupy 1 W. Illinois Street, Suite #110.

A detective was assigned this investigation and reviewed both the site location/floor plans and the corresponding application material. Although we found nothing of a derogatory nature that would preclude either the site location or the applicant from moving forward with on-site consumption, the business plan submitted by the applicant does require a slight modification to our existing liquor code that will also be proposed in an ordinance amendment.

Thank you in advance for your consideration in this matter.



# The Painted Vine Cellar, LLC

Establishment Layout  
Maximum Painters / Customers - 56  
- 24 in Smaller Space  
- 32 in Larger Space

## Business Plan For

# The Painted Vine Cellar

### OWNERS

John J Kessler

Carolyn L Kessler

### **The Painted Vine Cellar**

1 W Illinois St

Suite 110

St Charles, IL, 60174

630-744-9766

[johnkessler@me.com](mailto:johnkessler@me.com)

## I. Table of Contents

|                                      |    |
|--------------------------------------|----|
| I. Table of Contents.....            | 2  |
| II. Company Description.....         | 3  |
| III. Products and Services.....      | 4  |
| IV. Marketing Plan.....              | 5  |
| V. Operational Plan .....            | 8  |
| VI. Management and Organization..... | 10 |
| VII. Financial Model.....            | 11 |

## II. Company Description

Located in the heart of the St Charles historic district, The Painted Vine Cellar will be the areas premier Paint and Sip business that offers a unique entertainment experience that is comprised of two primary components; one part entertainment, one part vocational, and one part wine bar.

Entertainment / Vocational – 2 ½ hour session in a group setting where you will create you own artistic masterpiece as guided by a trained art instructor

Wine Bar – Secondary to painting, the following drink choices will be offered; wine, sangria, beer, water, Soda

Mission Statement: To provide a unique and upscale entertainment experience

Company Goals and Objectives: To build a solid and respected reputation within the community and carefully grow the business while providing an upscale experience. The primary business goal is to minimally build a sustained rate of 8 booked sessions per week with at least 20 customers per session.

Business Philosophy: Provide customers a great entertainment experience as they create their own artistic masterpiece.

The Customer: Will cross many demographic age groups from children's parties, bridal parties, to corporate / group event, to open sessions, and etc.

Legal form of ownership: LLC with Chapter S tax reporting election

### III. Products and Services

Our product consists of a service that is comprised of a 2 and ½ hour art lesson in a group session that is facilitated by a professional artist to recreate an existing painting while enjoying either wine, beer, soda, or water.

Typically a customer will arrive, get situated and order a beverage. Then, for the next hour, the paint instruction commences to a point to where the painting will need time to dry. During the drying time (about 15 minutes), customers are free to order another beverage. For the remaining hour, the painting is completed and allowed to dry. At this point, the service has been delivered and the customer leaves with her / his painting.

The list rate person, per painting session is \$40 plus the cost of any beverage consumed during the painting session. The preliminary pricing for beverages will be set at; Wine - \$7 per glass or \$32 per bottle, Domestic Beer - \$5 per bottle, Craft beer - \$6 per bottle, sparkling water - \$2, Soda or water - \$1.

Our pricing structure is set at a slight premium over our nearest competitors for three distinguishing traits that include; premium location, premium experience, and a venue that can accommodate larger parties (or two simultaneous parties) for as many as 56 painters.

## IV. Marketing Plan

### Market research

The paint and sip industry is a growing industry where most owner / operators are expanding. However, due to the relatively new and growing nature of this industry, statistics are hard to come by as the business classification varies by state and jurisdiction.

There are two primary areas we have looked at for information that include the expansion of the industry's largest franchise as well as visiting many independent owners' websites, both locally and across the larger United States, looking in particular at their event calendars to see how many events were booked and when they occurred over the course of the week and month.

In addition to direct observations of other similar businesses, there have been a number of press pieces about the paint and sip industry where the evidence supports this industry being in a growth mode.

### Customers

The customer base target is both individual and corporate / organizational per the following:

#### Individual customers

- Age – 25-70
  - Occasional kids parties however, the parents remain the target demographic
- Gender – both male and female however, 75% of attendees tend to be female
- Location – within 10 miles of our business
- Income level – lower middle class and above

#### Business customers

- Industry – All, but repeatable industries are the prime target such as single clubs, wedding planners, any group or organization where an event booking can be repeated monthly.
- Location – Within 10 miles of the store
- Size of firm – 50 employees and larger

## **Competition**

There are a number of competitors within a 15 mile radius with the nearest competitor located about five miles away in downtown Geneva named "Chilled Palette". In looking into the Chilled Palette, we noticed they had no issue booking 8-10 session weekly and it is our belief the St Charles area could easily support our business with minimal overlap with Chilled Palette.

It appears the type of paint and sip business model easily supports at least one entity in a smaller downtown area where more densely populated areas easily support several similar businesses.

List your major competitors: Chilled Palette (Geneva), Pinot's Palette - (Chain - South Barrington and Naperville), Bottle & Bottega (Glen Ellyn)

These along with any new competitors will compete directly with our business however with the population / demographics of the area, the impact to our business will be minimal. We will continually look for ways to differentiate ourselves from our competition by looking for every opportunity to serve an upscale experience, often revisiting this goal for new ideas / experiences to offer.

## **Niche**

Our location and layout of our space is a key part of our niche as compared to nearby competitors as we have the capacity for both larger parties (up to 56 painters). We can also accommodate 2 simultaneous parties of 32 and 24 in a semi-private manner. In visiting our closest competitor, Chilled palette in Geneva, they were not able to accommodate two simultaneous parties without them being combined in the same space.

This advantage / capability alongside the upscale environment / experience will be heavily marketed and well presented on both our Website and Facebook site.

## **Promotion**

There are three primary promotional paths planned that include targeted advertising on both Facebook and Google coupled with search engine optimization. In addition, there will be direct contact with organizations that could yield consistent business such as singles organizations, businesses, charity organizations, and others.

Our initial promotional budget will be set at \$750 per month for the first two months and then adjusted up or down based upon the business results.

It is also our intention to become members of the St Charles Chamber of Commerce for additional exposure and cross marketing with local business where this would be a good fit.

**Proposed Location**

We have signed a contingent lease for a property at 1 W Illinois St, Suite 110, St Charles, IL, 60174 for a five-year term with an out clause set at month twenty four. This location is critical to our business model in providing an upscale experience to match the areas upscale surroundings and higher end demographics.

We believe this property and the surrounding St Charles historic district will also aid in providing an upscale experience as well as leverage the traffic in the immediate area.

The facilities will be ADA compliant and easy to access with plenty of parking nearby including a multi-story garage across the street.

The contingencies contained in the lease revolve around being able to obtain a liquor license for the business, ADA compliance modifications of the current bathroom, passing a title 34 inspection, and a few small improvements to the rental space.

## V. Operational Plan

The business hours of operation will be dictated by bookings against a pre-planned calendar of painting session as well as private events. As such, we do not anticipate operating any earlier than 10am or any later than 9pm. In general, we will avoid bookings on Monday's or Tuesday's and concentrate our bookings to between Wednesday and Sunday.

Staffing will be built around a two month working calendar. Each session will last about two and a half hours where there will be at least two 1099 contractor employees present that would include a paint instructor and bartender / assistant. The bartender / assistant would also be responsible for initial set-up, post session cleanup, and helping the artist through the session, and closing the business.

If we have two sessions booked simultaneously, we would double the resources two two paint instructors and two bartender / assistant resources. This model works as a majority of the session, painters will be busy with their art. Beverage sales will be largely constrained to before the session starts and about mid-session while the background colors are drying (about 15 minutes). This leaves about an hour and fifteen minutes from the time the last drinks are served to the customer departing the establishment.

### Legal Environment

Describe the following:

- Business insurance, Workers Comp, and Liquor liability insurance will be requires
- Any permits for required site level work will be obtained by the landlord
- All employees will be required to complete BASSETT training for liquor liability compliance
- Formation and annual LLC compliance will be required
- Trademark for The Painted Vine Cellar is currently being obtained

## Personnel

- All part time 1099 (Contractor) employees.
- All employees will be required to pass BASSETT training
- Employees have been found by networking with close family and friends. In addition, we are also contacting area colleges looking for quality students that are close to graduation with good references from their college professors
- We will pay all employees the same hourly wage that is currently set for \$20 per hour or nicely above the wages of our closest competitors in order to attract and retain trustworthy and best talented employees
- Paint instructors responsibility will mostly be limited to instructing the customers on their painting and ensuring customers are keeping up and happy. The Bartender / assistant will be responsible for opening the store, setting up the paint stations under the artists instruction, serving beverages as needed, cleanup after the session ends, and closing the store. In addition, all employees share responsibility to ensure all customers are having a good experience. We will empower all employees to provide a full refund, on the spot with no questions asked to any customer that had a bad experience in order to protect our business reputation. If a patron abuses this unwritten policy, we would then decline to take future booking from that patron.
- Work schedules will be prepared for a running two months
- We will have a formalized job description and checklist for each title.

## Inventory

- Inventory will primarily consist of paint supplies including; bulk acrylic paints, canvas, brushes, easels, smocks, wine, beer, water, and soda
- The maximum inventory levels when fully stocked would be valued at around \$7,500
- Inventory lead time will need a maximum timeframe of about two weeks for delivery

## Suppliers

Identify key suppliers:

- All art supplies will be provided by Dick Blick in bulk ([www.dickblick.com](http://www.dickblick.com))
- Wine will be supplied by either Lynfred Winery out of Roselle or Fox Valley Winery out of Oswego
- All beer, Soda, water, and general operating supplies will be provided by Costco
- All banking service are being supplied by Bank of America merchant services including register, credit card clearing, checking, savings, credit card, and ecommerce web purchase clearing service VIA First Data.

## **VI. Management and Organization**

As the business owners, John Kessler and Carolyn Kessler will manage the day-to-day business affairs. John has an BA and MBA from Benedictine university, 25 years of business experience and is a retail vertical expert.

### **Professional and Advisory Support**

- Attorney – John McGuirk and Vince Elders
- Accountant – We are working to identify a local accountant but, might need to wait until tax season ends in a few weeks
- Insurance agent – Farmers Insurance – Ronda Cady out of Hoffman Estates
- Banker – Bank of America Merchant Services

## VII. Financial Model

Currently structured as The Painted Vine Cellar, LLC with tax flow through under Chapter S tax structure.

Start up costs is currently estimated at \$57,286 including 3 months of expense coverage with no revenue included. The start up costs is being funded out of personal savings.

Breakeven is about average of 2 sessions per week with 20 painters each or 40 paid customers per week.

Primary revenue is primarily booked on the website and secondary revenue is realized at the physical location through beverage sales.

The business model target is an average of 6 sessions per week with 20 painters each or 120 customers per week. This initial target is about 60-70% of what nearby competitors are consistently booking on their calendars where the goal is to reach our 6 session weekly target within 6 weeks of opening.

### Monthly Expense

|                                 |                    |                     |
|---------------------------------|--------------------|---------------------|
| Rent                            | \$3,605.83         |                     |
| Utilities                       | \$500.00           |                     |
| Paint Supplies (canvas + Paint) | \$600.00           |                     |
| Liquor License                  | \$100.00           |                     |
| Internet + Clover               | \$200.00           |                     |
| Insurance                       | \$250.00           |                     |
| Liquor / drink expense          | \$914.33           |                     |
| Marketing                       | \$750.00           |                     |
| Payroll                         | \$3,120.00         |                     |
| Supplies                        | \$300.00           |                     |
| <b>Total Monthly Expenses</b>   | <b>\$10,340.16</b> | <b>-\$10,340.16</b> |
| Annual                          | \$124,081.95       |                     |

### Monthly Income

|                                     |             |                    |
|-------------------------------------|-------------|--------------------|
| Sessions per week                   | 6.00        |                    |
| Average # of Painters per session   | 20.00       |                    |
| Average Price per painter           | \$40.00     |                    |
| Weekly Painter Revenue              | \$4,800.00  |                    |
| Monthly Painter Revenue             | \$20,800.00 | <b>\$20,800.00</b> |
| Average glasses of wine per session | 15          |                    |

|  |          |                     |
|--|----------|---------------------|
| Average Glasses of Wine per week               | 90       |                     |
| Average Wine Revenue per week                  | \$630.00 |                     |
| Average bottles of beer per session            | 4        |                     |
| Average Bottles of beer per week               | 24       |                     |
| Average beer revenue per week                  | \$132.00 |                     |
| Average water / soda per session               | 4        |                     |
| Average water / soda per week                  | 24       |                     |
| Average water / soda revenue per week          | \$24.00  |                     |
| Weekly Drink Revenue                           | 786.00   |                     |
| Monthly Drink Income (Wine, Beer, Water, Soda) | 3406.00  | <b>\$3,406.00</b>   |
| <b>Total Monthly Gross Income</b>              |          | <b>\$24,206.00</b>  |
|  |          |                     |
| Gross Monthly Income (revenue - expense)       |          | \$13,865.84         |
| Gross Annual income                            |          | \$166,390.05        |
| Tax Provision @ 39.5% tax rate                 |          | -\$65,724.07        |
| <b>Net Annual Income</b>                       |          | <b>\$100,665.98</b> |

### Start Up Costs

|   |             |                    |           |
|---|-------------|--------------------|-----------|
| <b>Initial Inventory (Detail in yellow below)</b> | \$10,840.29 | <b>\$10,840.29</b> |           |
|   |             |                    |           |
| <b>Startup Costs</b>                              |             |                    |           |
| Business / Liability / Workers Comp Insurance     | \$832.66    |                    | Quarterly |
| Staff Training                                    | \$0.00      |                    |           |
| Liquor License Cost                               | \$1,250.00  |                    |           |
| Initial Marketing                                 | \$1,500.00  |                    |           |
| Soft Opening (Free Classes)                       | \$500.00    |                    |           |
| Legal / Organizational Cost                       | \$2,000.00  |                    |           |
| Website / Integrated Payment System               | \$3,000.00  |                    |           |
| POS System (First Data)                           | \$1,300.00  | <b>\$10,382.66</b> |           |
|   |             |                    |           |
| <b>Occupancy Costs</b>                            |             |                    |           |
| 1st and last month rent                           | \$7,211.66  |                    |           |
| Attorney review of lease docs                     | \$500.00    |                    |           |
| Utility bill deposits                             | \$1,000.00  |                    |           |
| Initial Phone and Internet                        | \$500.00    | <b>\$9,211.66</b>  |           |

**Tenant Finish of space**

|   |             |                    |
|---|-------------|--------------------|
| Bar   | \$2,500.00  |                    |
| Wine fridge                                 | \$1,000.00  |                    |
| Beer / Soda fridge                          | \$0.00      |                    |
| Wine racks                                  | \$500.00    |                    |
| Storage Shelves                             | \$500.00    |                    |
| Bar Sink                                    | \$200.00    |                    |
| Dish Washer                                 | \$400.00    |                    |
|   |             | <b>\$5,100.00</b>  |
| Working Capital x 3 Months (at \$0 revenue) | \$21,751.82 | <b>\$21,751.82</b> |
| Start-Up Costs                              | Total       | <b>\$57,286.43</b> |

**Start-Up Supplies for 52 painters**

|                                    |            |                    |
|------------------------------------|------------|--------------------|
| 7 - 30" x 96" utility Tables       | \$2,100.00 |                    |
| 60- 24" Wood Stools                | \$1,800.00 |                    |
| 65 Paint easels                    | \$687.05   |                    |
| 600 16" x 20" art canvas           | \$1,857.45 |                    |
| 36 1/2 gallons of Acrylic Paint    | \$556.50   |                    |
| 75 Paintbrush sets                 | \$411.75   |                    |
| 50 Plastic Water Cups              | \$75.00    |                    |
| 70 Embroidered Aprons              | \$840.00   |                    |
| 500 Paper Plates for Palettes      | \$60.00    |                    |
| 1 500; roll of 36" craft Paper     | \$65.00    |                    |
| Trash Bags, Mop, Cleaning Supplies | \$150.00   |                    |
| 50 Bottles of wine                 | \$500.00   |                    |
| 10 Cases of beer                   | \$250.00   |                    |
| 5 Cases of Soda                    | \$50.00    |                    |
| Teachers Easel                     | \$72.54    |                    |
| PA System for Instructor           | \$120.00   |                    |
| Bose IPOD Dock for Music           | \$250.00   |                    |
| Security Cameras                   | \$400.00   |                    |
| Beverage Napkins                   | \$20.00    |                    |
| Cold Drink Cups (1000)             | \$70.00    |                    |
| Wine Cups (500)                    | \$50.00    |                    |
| Wine Opener                        | \$30.00    |                    |
| Misc Bar Supplies                  | \$350.00   |                    |
| Paper Towels                       | \$20.00    |                    |
| Incident Log                       | \$15.00    |                    |
|                                    |            | <b>\$10,840.29</b> |

# The Painted Vine Cellar

## Drink Menu

### Wine

- Various Red Wine - \$7 per glass / \$30 per bottle
- Various White Wine - \$7 per glass / \$30 per bottle
- Red Sangria - \$7 per glass / \$30 per bottle
- White Sangria - \$7 per glass / \$30 per bottle

### Beer (by the bottle)

- Domestic Beer - \$5
- Craft / Imported Beer - \$6

### Non-Alcohol Choices

- Water - \$1 / Bottle
- Soda - \$1 / Can
- LA Croix / Sparkling Water - \$2 / Can



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Proposal for a Class E-4 Temporary Liquor License for a Special event to be held on the 1<sup>st</sup> Street Plaza

Presenter: Chief Keegan

Please check appropriate box:

|                          |                        |                                     |                                     |
|--------------------------|------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/>            | Government Services                 |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/>            | City Council                        |
| <input type="checkbox"/> | Public Hearing         | <input checked="" type="checkbox"/> | Liquor Control Commission (5/16/16) |

|                 |  |           |     |                          |    |                          |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|
| Estimated Cost: |  | Budgeted: | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|

If NO, please explain how item will be funded:

**Executive Summary:**

This is an application request for a Class E-4 Temporary License, authorizing for consumption of beer, wine, or alcoholic liquors on City owned property, specifically, 1<sup>st</sup> Street Plaza. This temporary license request is for a series of three (3) events to be held on the first Wednesday of each month in July, August, and September 2016. The event, "Wine Down Wednesdays," would be held each first Wednesday evening from 5:00 PM – Dusk. The businesses involved are ZaZa's Trattoria , Puebla Modern Mexican, Pizzeria Neo, McNally's Traditional Irish Pub.

The requested dates are:

- July 6, 2016
- August 3, 2016
- September 7, 2016

Please see the attached memo for more detailed information about the event.

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

Liquor License Application  
Memo – Event Details  
Site Map  
1<sup>st</sup> Street Plaza Event: Letter of Intent  
Special Event Application

**Recommendation/Suggested Action** *(briefly explain):*

Recommendation to approve the Class E-4 Temporary License for this series of three (3) events to be held on the 1<sup>st</sup> Street Plaza.

For office use only:

Agenda Item Number: 7

**For Office Use**  
Received:  
Fee Paid: \$  
Receipt #

# CITY OF ST. CHARLES

TWO EAST MAIN STREET **NON-REFUNDABLE**  
ST. CHARLES, ILLINOIS 60174-1984



## CITY LIQUOR DEALER LICENSE APPLICATION CLASS E4 – CITY OWNED PROPERTY PERMIT EVENT

Pursuant to the provisions of Chapter 5.08, Alcoholic Beverages, of the City of St. Charles Municipal Code regulating the sale of alcoholic liquors in the City of St. Charles, State of Illinois and all amendments thereto now in force and effect.

The undersigned hereby makes application for a Liquor Dealer License,  
Commencing JULY 6th and ending JULY 6th  
Start Time: 5PM End Time: 9PM  
Location of Event: 1ST ST PLAZA

Name of Business MCNALLY'S / ZA-ZA / NED / PUEBLO  
Address of Business 1ST ST PLAZA Business Phone 630.513.6300 (MCNALLY'S)  
5.08.050A1 Circle Choice to Show: Individual  Partnership  Corporation Other: \_\_\_\_\_  
Has Applicant had a Class E4 License in the current fiscal year? NO. If YES, on what date: \_\_\_\_\_

### Requirements of a Class E4 – City Owner Property Permit Event

- The Class E4 license fee is \$100.00 per day.
- Class E-4 Temporary License Permits shall authorize the retail sale of beer and wine or the retail sale of alcoholic liquor for consumption on the premises
- It shall be unlawful for any person holding a Class E-2 license or E-4 license issued pursuant to this chapter to sell, offer for sale or to give away, in or upon any licensed premises, any alcoholic liquor between the hours of 12:00 midnight and 10:00 a.m. on Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday.
- This license shall be issued only for special events or catered functions where the dispensing of food predominates.
- The issuance of the Class E4 Temporary License Permit shall be at the discretion of the Local Liquor Control Commissioner, with advice and consent of City Council.
- Application for a Class E4 Temporary License Permit shall be submitted 45 days in advance of a scheduled date.
- There shall be no Class E-4 Temporary License permits issued during the second full week of October, beginning 12:00 a.m. Friday and ending 12:00 a.m. Monday.
- A minimum of three (3) liquor supervisors shall monitor liquor service during all times of operation. **Please provide a list of all supervisors with this application.**
- Licensee must rope/fence off the licensed premises.
- Each patron **must wear a wristband** after having identification checked for legal alcohol consumption age.
- Are children/minors permitted in the licensed premises? **Y/N**
- A sign limiting alcoholic consumption to the roped off area must be conspicuously displayed at all times.
- Each server of alcohol must be BASSET certified – need copy of BASSET certification.**
- A copy of site plan diagram to include roped area shall accompany this application.
- All security/police resources needed shall be attached to this application with approval of the Chief of Police before final issuance by Liquor Commissioner.

### Affidavit

State of Illinois )  
County of Kane )

I/We, being duly sworn, that information contained in this application is true to my/our own knowledge and that the statements set forth are of my/our own free will. I/We solemnly swear that I/we will not violate any of the laws of the United States, the State of Illinois or the City Ordinances of the City of St. Charles.

Signed: Shay Clarke Signed: \_\_\_\_\_

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_.

Notary Public Christine Nilles



ENDORSEMENT OF THE LIQUOR CONTROL COMMISSIONER

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ Chief of Police: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_ Liquor Commissioner: \_\_\_\_\_



# Memo

Date: May 9, 2016  
To: Chief Keegan  
From: Cmdr. E. Mahan  
Re: Details of Proposed "Wine Down Wednesdays" Event  
Cc: Liquor Control Commission

---

Four businesses located adjacent to the 1<sup>st</sup> Street Plaza have proposed a series of events to be held in the 1<sup>st</sup> Street Plaza. The proposed events would be held one Wednesday evening per month during the summer months. The events would be called "Wine Down Wednesdays" and would be modeled after a similar event which occurs on Wednesday evenings in downtown East Dundee, IL.

It has been proposed that on each of those Wednesdays between 5:00 PM and dusk, the Plaza area be enclosed with "snow fencing." There would be public access points at both ends (east and west), and the public would be allowed to travel through at will. No alcohol would be *served* in the fenced-in area but the request is that if a patron purchases a drink, such as wine, in one of the four immediately adjacent businesses (McNally's, ZaZa, Pueblo, Pizza Neo) that he/she be allowed to exit the respective business in to the Plaza, and *consume* it there. Patrons entering the plaza with a drink would be stopped by a doorman at whichever business they are leaving. They would be given a wrist band and if needed, his or her drink would be transferred to a plastic cup. There would also be staff members from these businesses at the public access points to ensure that no alcohol leaves the Plaza area. Those staff members would monitor the fenced area to ensure no one without a wrist band is consuming alcohol. Police Officers on Extra Duty Assignment would also be present to ensure compliance. This event proposal was also reviewed through The St. Charles Downtown Partnership and they are in support of the event.

The proposed dates for these events are:

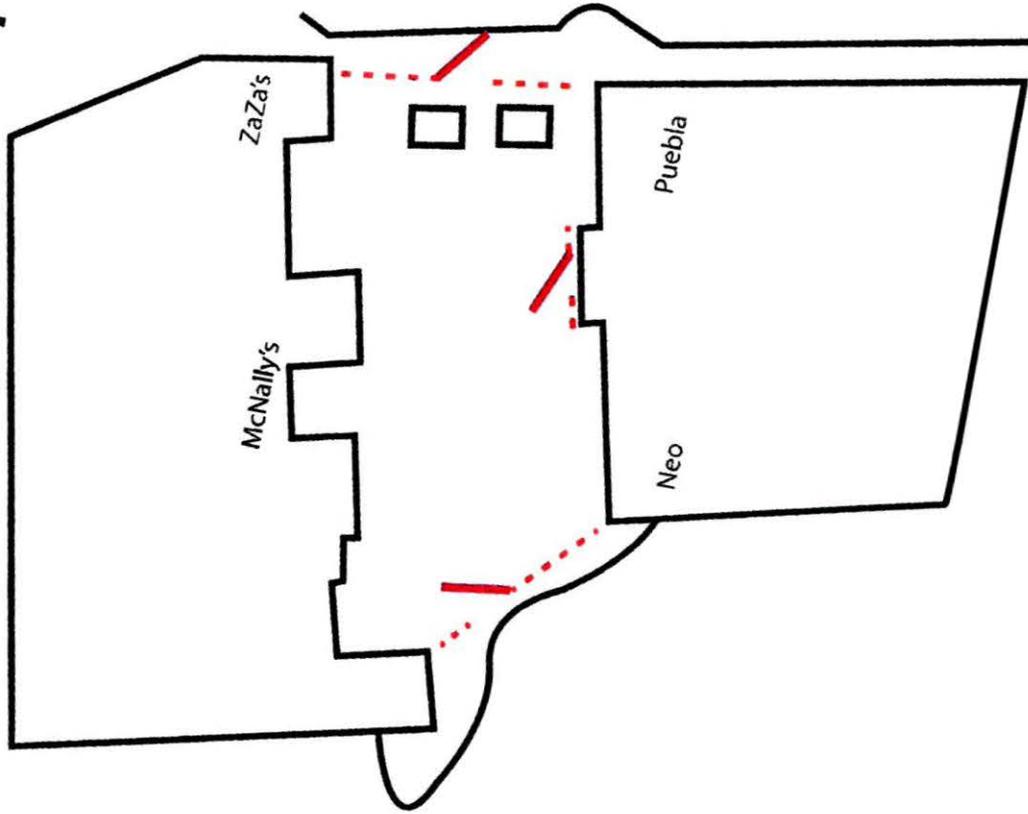
- July 6
- August 3
- September 7.

EM



# First Street Plaza

Wine Down Wednesday



Temporary Fencing  
Entrance/Exit

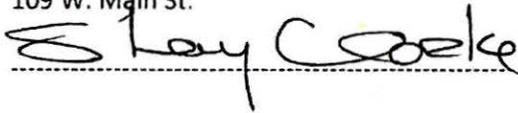
FIRST STREET PLAZA EVENT: LETTER OF INTENT

The signors of this document are decision-making representatives of Puebla Modern Mexican, Pizzeria Neo, Zaza's Trattoria, and McNally's Traditional Irish Pub, all of which are collectively known as the "First Street Plaza Merchants".

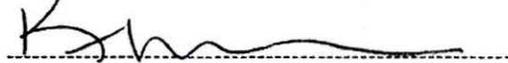
By signing this document, each once accepts the following terms as part of the First Street Plaza event proposed by Shay Clarke of McNally's: shared cost of insurance, cost of city services, responsibility for the proper consumption of alcohol, and all other costs associated with the First Street Plaza event.

These four restaurants have also agreed that they have a willingness to either jointly sign a Class E4 Liquor License for the First Street Plaza or expand the extent of their current licenses, both of which would be done for the already proposed event dates/times (7/6, 8/3, and 9/7).

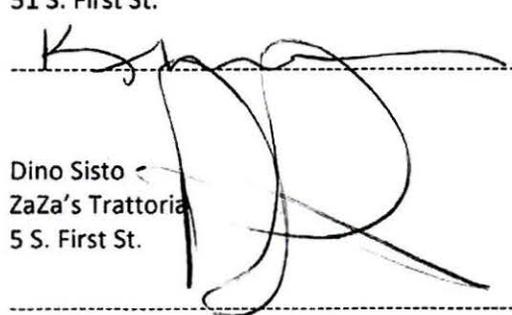
Shay Clarke  
McNally's Traditional Irish Pub  
109 W. Main St.



Kimberly Lawson  
Pizzeria Neo  
31 S. First St.



Kimberly Lawson  
Puebla Modern Mexican  
51 S. First St.



Dino Sisto  
ZaZa's Trattoria  
5 S. First St.



RECEIVED  
MAY - 4 2016  
Building & Code Enforcement  
St. Charles, IL

**CITY OF ST CHARLES  
SPECIAL EVENT APPLICATION  
THIS FORM MUST BE COMPLETED IN  
FULL & SUBMITTED 90 or 30 DAYS PRIOR TO THE EVENT**

**RECEIVED**  
APR - 5 2016

Building & Code Enforcement  
St. Charles, IL



Permit No. 16-22812 Date of Meeting: 4/14/2016 Revised date 01/28/2015  
9:00 AM

Name of the Event: Wine Down Wednesday Date(s) of Event: 4/6, 7/6, 8/3, 9/7

**Special Event Application – 90 Days**  
The Special Event Application is due to the City of St. Charles a minimum of ninety (90) days prior to the event if it requires closure of public streets, use of public parking lots, or the service of alcoholic beverages that requires a liquor license to be granted. The 90-day time period allows sufficient time to evaluate the request and provide a recommendation to the City Council for its consideration.

**Special Event Application – 30 Days**  
The Special Event Application is due to the City of St. Charles, at a minimum, thirty (30) days prior to the event if it does not require closure of public streets, use of public parking lots, or the service of alcoholic beverages that requires a liquor license to be granted.

A copy of the Application and Funding of Special Events is attached for your information.

**Special Event Submittal Check List**

- **Special Event Application**
  - Section 1 – Task List and Due Dates –90 day or 30 day submittal
  - Section 2 – General Information
  - Section 3 – Permits
  - Section 4 – Site Plan and/or Route Map
  - Section 5– Emergency Phone Tree and Contact
  - Section 6 – Emergency Crisis Management Procedures
  - Section 7 – Retail Merchants
  - Section 8– Hold Harmless Agreement
  - Any outstanding funds owed to the City of St. Charles
- Application(s) for other permit(s) (See answers in Section 3)**
  - Outdoor Sales/Event Permit Application and Submittal Fee
    - \$65
  - Loudspeaker/Amplifier License Application and Submittal Fee
    - \$5 per day
  - Class E Liquor License Application and Submittal Fee
    - \$50 per day – E-1 (Not-for-Profit)
    - \$100 per day – E-2 (Special Civic Event)
  - Carnival License Application and Submittal Fee
    - \$30 each – Rides
    - \$20 each – Amusement Stands, Food Stands, Entertainment Shows, Other

Received: 4-5-2016 -APW/210 Fee Paid: \$

Receipt # \_\_\_\_\_ Check # \_\_\_\_\_

Copies of application distributed to:  
Police: 4/16/2016 Fire: 4/16/2016 PW: 4/16/2016  
Electric: 4/16/2016

## SECTION 1 - TASK LIST AND DUE DATES

Use this form to determine the date each of these tasks needs to be completed. For tasks that do not apply, please mark "N/A" in the Due Date column. If the Due Date falls on a weekend or holiday, the Due Date becomes the next normal business day. However, this does not affect the other Due Dates, as they are only dependent on the date of the special event.

| Task to be completed for Events that require<br><b>90 days</b><br>(All items due to City unless noted)   | Days Due Before Event | Due Date               |
|--|-----------------------|------------------------|
| Date of the Special Event  | - N/A -               | 7/16/13<br>or 9/7/2016 |
| If event takes place in downtown St. Charles you are to complete an application through the St. Charles Downtown Partnership.                                | 120 days              | 4/5/2016               |
| Submit Special Event Application   | 90 days               | 4/5/2016               |
| Payment of any outstanding funds due to the City of St. Charles  | At time of submittal  |                        |
| Provide verification of organization legal status, i.e. NFP, Partnership, Corporation <b>A copy of 501(C)3 document is to be submitted with application.</b> | At time of submittal  | N/A                    |
| Submit Class E Liquor License Application  | 90-days               |                        |
| Submit Outdoor Sales Permit Application  | 90-days               | N/A                    |
| Submit Loudspeaker/Amplifier License Application   | 90-days               | N/A                    |
| Submit Raffle Permit Application (Kane & DuPage County)  | At time of submittal  | N/A                    |
| Submit Carnival License Application  | 90 days               | N/A                    |
| Submit Fireworks Permit Application  | 60 days               | N/A                    |
| Submit <b>Original</b> Certificate of Insurance  | 21 days               |                        |
| Submit copies of other required permits  | At time of submittal  | -                      |
| Emergency Phone Tree   | At time of submittal  | 4-5-2016               |
| Emergency /Crisis Management Procedures  | At time of submittal  | 4-5-2016               |
| Submit Listing of Participating Retail Merchants/Applicable Food Vendors to Finance Department using Pre-Defined Form in Excel format                        | 14 days               |                        |
| Notify residents/businesses of special event   | 14 days               |                        |

| City Services Requested: |     |               | Comments |
|--------------------------|-----|---------------|----------|
| Police                   | Yes | <del>No</del> |          |
| Fire/EMS                 | Yes | <del>No</del> |          |
| EMA                      | Yes | <del>No</del> |          |
| Public Services          | Yes | <del>No</del> |          |
| Electric                 | Yes | <del>No</del> |          |
| Water                    | Yes | <del>No</del> |          |
| Other:                   | Yes | <del>No</del> |          |

**SECTION 2 - GENERAL INFORMATION** Permit No. 1035717

Name of Event: Wine Down Wednesday

Type of Event:  Parade  Walk/Run/Bike  Festival  Other

Location of Event: 1st First Street Plaza

Date(s) of Event: 6/17, 7/6, 8/3, 9/7 Hours of Event: 5pm to dusk Estimated Attendance: 200

Event Website: \_\_\_\_\_

Purpose of the event: Promote business in plaza area and encourage an outside dining culture

Name of sponsoring organization(s): Plaza Merchants

Please list the organization's legal status (i.e. NFP, Partnership, and Corporation) : **A copy of the 501(C)3 document is to be submitted with application.**

(Documentation will need to be submitted providing status)

| Type of Entity                     | Check Box that Applies              | City Supporting - Existing Event | City Support - New Event |
|------------------------------------|-------------------------------------|----------------------------------|--------------------------|
| Governmental Entity                |                                     | 100%                             | 100%                     |
| Private/For Profit Entity          | <input checked="" type="checkbox"/> | 0%                               | 0%                       |
| Non-Governmental/Non-Profit Entity |                                     | 50%                              | 0%                       |

Contact person from sponsoring organization: Shay Clarke

Organizer address: McNally's Irish Pub, 109 W. MAIN ST.

City: ST. CHARLES State: IL Zip: 60174

Home Phone: 6305136300 Cell Phone: 847-452-7744 E-mail: SHAY@MCNALLYSPUB.COM

Second contact person (emergency): HARRICE MCNALLY Phone: \_\_\_\_\_

Is this an annual event?  YES  NO If yes, please provide event date(s) for next year: TBD

If the event is a recurring event, please state any problems and/or incidents that have occurred in past years, such as sound amplification, neighborhood parking complaints, etc.

n/a

What, if anything, are you doing to rectify the problem(s)?

n/a

**SECTION 3 - PERMITS**

Will you be having a fireworks display at your event?  YES  NO

If yes, you have to submit a **Fireworks Permit Application** sixty (60) days prior to the event. Please contact the St. Charles Fire Department to complete the application.

Does your event include the use of a tent?  YES  NO

If yes, you must submit an **Outdoor Sales Permit Application** ninety (90) days prior to the event. Please visit [www.stcharlesil.gov](http://www.stcharlesil.gov), or contact Building and Code Enforcement to obtain an outdoor sale permit application.

Will you be using speakers and/or sound equipment at your event?  YES  NO

If yes, you must submit a **Loudspeaker/Amplifier License Application** ninety (90) days prior to the event. Please visit [www.stcharlesil.gov](http://www.stcharlesil.gov), or contact the Mayor's Office to obtain a loudspeaker/amplifier license application.

Are you holding a raffle at your event?  YES  NO

If yes, you may have to submit a **Raffle Permit Application**. For the raffle permit application for Kane County, please visit [www.co.kane.il.us/COC](http://www.co.kane.il.us/COC), or contact the Kane County Clerk's Office at 630.232.5950. For the raffle permit application for DuPage County, please visit [http://www.dupageco.org/countyclerk/generic.cfm?doc\\_id=631](http://www.dupageco.org/countyclerk/generic.cfm?doc_id=631) or contact the DuPage County Clerk's Office at 630-407-5500.

Will you serve alcohol at your event?  YES  NO

If yes, you must submit **Class E Liquor License Application** ninety (90) days prior to the event. Please visit [www.stcharlesil.gov](http://www.stcharlesil.gov), or contact the Mayor's Office to obtain a Class E liquor license application.

Will there be amusement rides at the event?  YES  NO

If yes, you must submit **Carnival License Application** ninety (90) days prior to the event. Please visit [www.stcharlesil.gov](http://www.stcharlesil.gov) or contact the Mayor's Office to obtain a carnival license application.

Will you serve food at your event?  YES  NO

If yes, please indicate the number of vendors \_\_\_\_\_  
Note: A list of food vendors must be submitted prior to the inspection of your event.

Are you requesting the use of any other city-owned property, i.e. parking lots, etc.?  YES  NO

If yes, please indicate the property that you are requesting to use.

Would you like to request the closing of city streets?  YES  NO

If yes, please fill in the following information or submit a route map along with this application:

| STREET | FROM  | TO    | DATES | TIMES |
|--------|-------|-------|-------|-------|
| _____  | _____ | _____ | _____ | _____ |
| _____  | _____ | _____ | _____ | _____ |
| _____  | _____ | _____ | _____ | _____ |

Does your event require the use of city sidewalks?  YES  NO

Does your event require temporary electric service?  YES  NO

- If yes, please indicate location(s) electric is needed on next sheet.

Does your event require temporary water/hydrant meter?  YES  NO

- If yes, please indicate location(s) for hydrant meter(s) on next sheet.

.....  
**SECTION 4 - SITE PLAN AND/OR ROUTE MAP**  
.....

Please use the space below to illustrate the layout for your event. If you need additional space, please attach a separate sheet.

*See attached -*

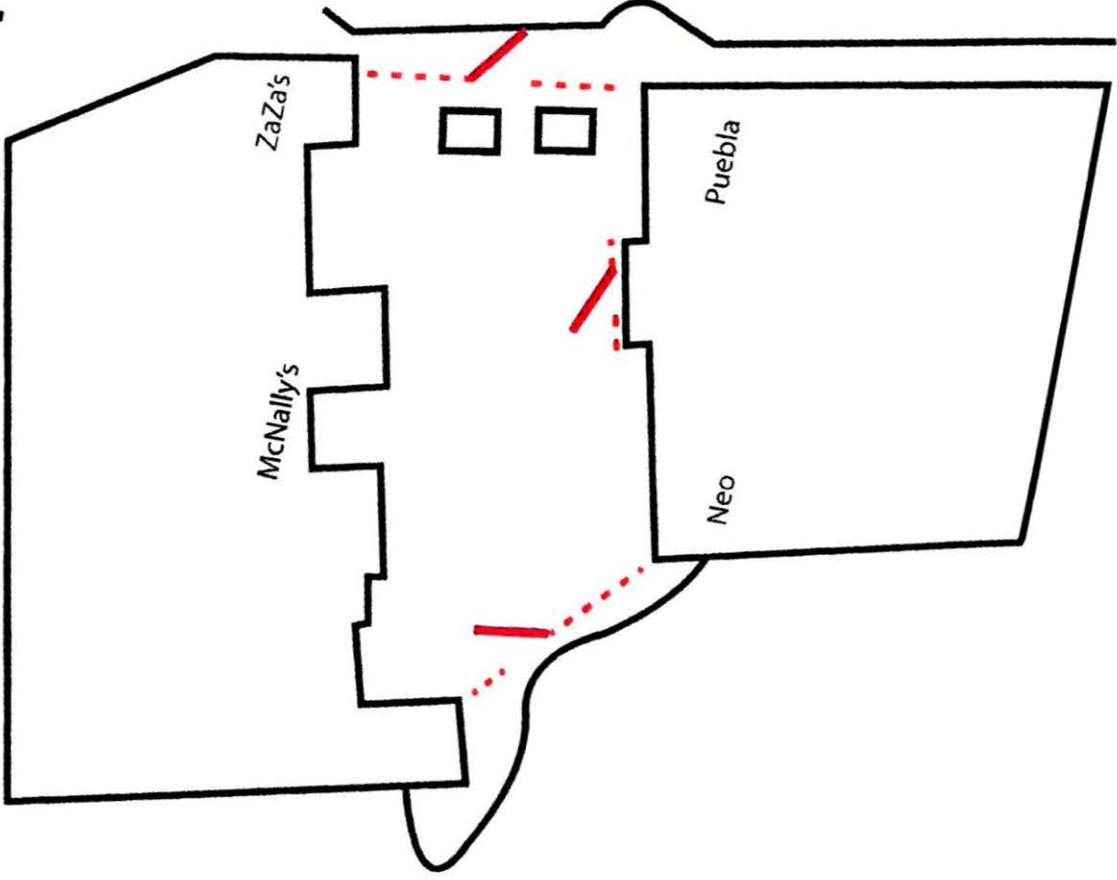
If applicable, the following must be included:

Location of food vendors (FV)  
Location of beverage vendors (BV)  
Location of garbage receptacles (G)  
Location of toilets (T)  
Location of hand washing sinks (HWS)  
Location of retail merchants (RM)  
Location of First Aid (FA)

Location and number of barricades (B)  
Location of fire lane (FL)  
Location of fire extinguishers (FE)  
Public entrances and exits (PE)  
Location of sound stages and amplified sound (S)  
Location of residential streets surrounding events  
Electric (E)  
(Hydrant Meter (H20))

# First Street Plaza

Wine Down Wednesday



Temporary Fencing  
Entrance/Exit

**Section 5 – Emergency Phone Tree**

Please use the space below to illustrate the Emergency Phone Tree for your event or submit a separate form detailing your Emergency Phone Tree. If you need additional space, please attach a separate sheet.

Event Title Wine Down Wednesday Date(s) of Event 6/1, 7/6, 8/3, 9/7

**Emergency Contact Information**

Primary Contact: Shay Clarke Secondary Contact: \_\_\_\_\_

Title: G.M. McNally's Title: \_\_\_\_\_

Phone No: 847.452.7764 Phone no.: \_\_\_\_\_

Tertiary Contact: \_\_\_\_\_ Operations Manager: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Phone No: \_\_\_\_\_ Phone no.: \_\_\_\_\_

**Site Managers and miscellaneous contacts**

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Date(s): \_\_\_\_\_ Date(s): \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Phone # \_\_\_\_\_ Phone #: \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Date(s): \_\_\_\_\_ Date(s): \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Phone # \_\_\_\_\_ Phone # \_\_\_\_\_

Location: \_\_\_\_\_ Location: \_\_\_\_\_

Date(s): \_\_\_\_\_ Date(s): \_\_\_\_\_

Name: \_\_\_\_\_ Name: \_\_\_\_\_

Phone #: \_\_\_\_\_ Phone # \_\_\_\_\_

## Section 6– Emergency or Crisis Management Procedures

Please submit your Emergency or Crisis Management Procedures for your event or use the provided example. If you need additional space, please attach a separate sheet.

### Emergency/Crisis Management Procedures

1. In the case of any incident, accident or anything deemed “out of the ordinary” (including inclement weather and its potential affects on patrons, property and/or equipment).  
Plaza Merchants has designated Shay Clarke with the responsibility of being the CRISIS MANAGER (CM). This position will empower the designated person to make decisions on behalf of Plaza Merchants coordinate with local authorities for an action plan and to make any statements to the press (if applicable).
2. In the case of any incident, accident or anything deemed “out of the ordinary” (including inclement weather and its potential affects on patrons, property and/or equipment) ALL Plaza Merchants staff will be instructed to:
  - a. Act as quickly and professionally as possible;
  - b. To contact their immediate supervisor and/or the on-site \_\_\_\_\_ management representative;
  - c. Have as much factual information available as possible – not to speculate as to the cause of the incident, accident, etc., unless requested by the CM;
  - d. Follow the directions of the immediate supervisor and/or the on-site \_\_\_\_\_ management representative explicitly;
  - e. Recommend that people leave the area first, or at the very least go to their vehicles. If unable to evacuate (staff, disabled, families, etc.) use the lower levels of the parking decks. (West Side, Walnut Street & 1<sup>st</sup> Street), (East Side, Walnut Avenue & 3<sup>rd</sup> Avenue). In the event of Tornado Warnings on Saturday and Sunday, Park District staff will open the Pottawatomie Park Community Center so people can seek shelter there, if desired;  
If at a location with food, vendors and/or ride operators: turn off all power, gas and grills so unattended energy sources do not catch on fire.
3. These steps should be taken immediately following any incident/accident:
  - a. Get medical help to the parties involved (if applicable);
  - b. Work with sound/announcer, lighting, etc. to inform the patrons of necessary information and/or divert the patron’s attention;
  - c. Resume scheduled activity as soon as possible (subject to #5 below);
  - d. Call the police or other authorities and report any accident;
  - e. Identify witnesses to the incident to obtain statements if necessary;
  - f. Contact a Site Manager for an Incident Report.
4. The CM will communicate to all staff, volunteers, and other personnel that all communication with the press, police, or any other authority will be handled solely by the CM. Police may request information from event personnel and everyone associated with

Plaza Merchants will cooperate with the police department. We will not interfere with police investigations and/or action plans and we will provide the police with materials available upon their request. Any and all materials requested should not be given out until copies of all information can be reproduced for

Plaza Merchants.

5. The CM will consult with the local authorities. If it is determined conditions are so extreme the festival cannot continue, the CM will consult with Plaza Merchants to discuss alternatives.
6. An official statement will be written and given to the CM as soon as it can be formulated by Plaza Merchants management. No personnel or staff should offer any information to any media other than the provided statement. No media questions should be answered unless otherwise instructed.
7. Always remember to follow these guidelines:
  - a. Keep as cool and calm as possible;
  - b. Cooperate fully with the authorities. Be as accurate as possible, don't speculate with anyone, including Plaza Merchants personnel;
  - c. Direct any and all media questions to CM, and only read official statements prepared by Plaza Merchants Management;
  - d. Use common sense. Think before you act, and always be professional;
  - e. Fill out a Festival Incident Report as accurately as possible;
  - f. Get a copy of the Incident Report from the police and a report from the hospital (if applicable).

Additional Notes:

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**SECTION 7 – RETAIL MERCHANTS**

It is the responsibility of the event organizer to ensure that all participating retail merchants are properly collecting, reporting and filing City sales taxes from sales generated at the event, in accordance with State Statutes. The City's current sales tax rate is 8%. Sales tax collections and forms are to be submitted to the State and not the City. For further information on how and where tax payments are to be submitted, please contact the Illinois Department of Revenue Registration Office at 1-800-732-8866.

Please answer the following question regarding the use of retail merchants in conjunction with your event:

**Will your event include:**

- Merchants selling retail merchandise? YES: \_\_\_\_\_ NO: X
- Food and/or beverages for immediate consumption? YES: X NO: \_\_\_\_\_

If no, no further action is necessary.

If yes to either, you must provide a list of all participating vendors, including business name, address and State IBT number to the City's Finance Department within 14 days of the event. A sample form in Excel format will be emailed to the event organizer's email address. In addition, you must read and sign the following certification:

*I understand that it is my responsibility to ensure that all retail merchants and/or food and beverage vendors participating in this event are aware of the rules and requirements for properly collecting and remitting any City sales taxes generated from sales at this event. I will provide the City with a complete listing of all merchants, including their name, address and State IBT number, within 14 days of the event.*

Signature: Shay Clarke

Date: 4/5/16

Name: Shay Clarke

Title: GM McNally's

**SECTION 8 – INDEMNIFICATION/HOLD HARMLESS**

In consideration of the City of St. Charles permitting the Plaza Merchants  
*(name of organization)*  
("Organization") to conduct Wine Down Wednesday ("Event"),  
*(name of event)* the Organization recognizes, acknowledges and assumes any and all risks arising from or in any way related to the Event.

To the fullest extent permitted by law, the Organization hereby agrees to defend, indemnify and hold harmless the City of St. Charles, its officers, officials, employees and agents from and against all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, cost, and expenses (including all attorney's fees and costs), arising from, or resulting from or in any way related, directly and/or indirectly to the Event, except that arising out of the sole legal cause of the City of St. Charles, its officers, officials, employees and agents.

The Organization shall, at its own expense, appear, defend and pay all charges of attorneys and all costs and other expenses arising there from or incurred in connection therewith, and, if any judgment shall be rendered against the City of St. Charles, its officers, officials, employees and/or agents, in any such action, the Organization at its own expense shall satisfy and discharge same.

The invalidity of any provision(s) of this INDEMNIFICATION/HOLD HARMLESS or unenforceability of any of its provisions shall not affect the validity or enforceability of the remainder of this INDEMNIFICATION/HOLD HARMLESS.

The Organization and the authorized signatory below warrant and represent that the authorized signatory below has full authority to execute and submit this application, including, but not by way of limitation, the INDEMNIFICATION/HOLD HARMLESS

provisions contained herein.

The Organization and the authorized signatory below agree to inform the City of St. Charles of any changes in the application at least thirty (30) days prior to the event.

Plaza Merchants  
(Name of Organization)

4/5/16  
(Date)

by James Slay  
Authorized Signatory

Signed and sworn to before me this 5<sup>th</sup> day of April, 2016.

Deborah Abruzzo  
Notary Public



**All applications must be signed and notarized.**

After submitting all forms, your application will be reviewed by City staff. All departments that will be involved in providing services or permits for the event will be notified. **Please do not assume that all aspects of the event will be approved. You may be asked to make some changes to your plan based on the availability of services and scheduling of other events.**

The City of St. Charles reserves the right to cancel any event at any time for reasons deemed necessary by the City Council and/or City Administrator.

**Deliver All Completed Items to:**  
City of St. Charles  
Attn: Building & Code Enforcement  
2 E. Main Street  
St. Charles, IL 60174

## Graffagna, Debbie

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**From:** Lynne Schwartz <lschwartz@downtownstcharles.org>  
**Sent:** Wednesday, April 06, 2016 12:01 PM  
**To:** Shay Clarke  
**Cc:** Jake Anderson; Vann, Bob; Graffagna, Debbie  
**Subject:** Event Review

Hello Shay,

Thank you so much for meeting with the DSCP Event Review Committee yesterday afternoon to discuss your idea for the 1<sup>st</sup> Street Plaza. After reviewing all of the information, the Review Committee will be providing a recommendation in favor of the event. As we discussed, we would like to have a follow up meeting after the first event of the series in order to review what went well, what should be changed, etc.

If you have any questions, please feel free to contact me or any member of the DSCP staff.

Sincerely,

*Lynne Schwartz*

Executive Director  
Downtown St. Charles Partnership  
Phone: 630.443.3962



## **Downtown St. Charles Event Review Proposal**

### **1. Please describe the purpose of your event (50 words or less)**

*The purpose of the event is to draw people to the 1<sup>st</sup> Street Plaza, sample the fare from the restaurants and integrate the businesses that celebrate our diversity. We have discussed in the past the fact that the 1<sup>st</sup> Street Plaza is underutilized. It has a European feel when people sitting in the plaza, but they do not bring their food or beverage outside.*

*The goal is to elevate and integrate the outside dining culture.*

*Wouldn't it be nice to go to be able to sit in the 1<sup>st</sup> Street Plaza, with a pizza from Neo or a glass of wine from Zaza's, a pint of Guinness from McNally's or a Margarita from Puebla, finish up your evening with a frozen yogurt from Forever Yogurt or a cupcake from Smallcakes, enjoying the music and camaraderie of the 1<sup>st</sup> Street Plaza, or perhaps some improv from Steel Beam Theatre.*

### **2. Explain how your event will comply with the evaluation criteria, as described in the Downtown Events Evaluation summary.**

#### **a. Benefit to Downtown Business**

*It will benefit the businesses in and around the 1<sup>st</sup> Street Plaza by bringing people to the area.*

#### **b. Ease and Ability of Production**

*No tents, no commerce outside of existing businesses*

#### **c. Broad Popularity**

*Free, family and pet friendly and open to the public*

#### **d. Coordination and Collaboration**

*Done simply between the restaurants and businesses*

#### **e. Expansion and Diversity of the Downtown Event Calendar**

*No conflict with existing events, with many opportunities to expand.*

### **3. What date(s) and time(s) would your event take place?**

*Held one day each month, June through September, from 5PM-dusk. (Could be the first Wednesday of each month).*

**4. What distances people will travel to participate in the event? (i.e. local participators who live within a 5 – 10-mile radius or regional event attracting people from 3 – 5 states with a 5 – 10-hour driving distance) Please justify.**

*Local population within a 10-mile radius.*

**5. What is your expected attendance for event participants and event spectators? Please justify.**

*200+ guests between the hours of 5-8:30PM*

**6. Safety and the impact on downtown businesses, residents and the City are major priorities, please describe what street closures, detours, and parking you would request and how you would address concerns from these stakeholders?**

*We would enclose the 1<sup>st</sup> St Plaza (snow fencing, barriers?) so no one leaves the premises with alcohol.*

**7. Please describe what makes this event unique to Downtown St. Charles.**

*Will provide integrated outdoor dining and entertainment experience*

**8. How will you measure success?**

*Success will be measured by how much people enjoy the event and their willingness to return.*

**9. If success, as you have defined it, is reached, please describe future plans for this event.**

*Perhaps we can add additional dates or themes, ie., jazz night, Mexican night, Irish night or Italian night, the possibilities are endless.*

**10. Attach the business and marketing plans with expected revenue, expenses, and sponsors secured.**

*Revenue is unknown, no sponsors needed*

**11. How will your organization secure funding necessary to pay for any requested or required City resources?**

*The determination will be based upon discovery of requirements.*

**12. Provide a list of downtown businesses you have identified as likely to be affected by your event/promotion and a brief summary of your communication with them to date**

*Puebla, Za-Za's, Neo, Starbucks, Small Cakes, Agape, Wool and Co., Diamondaire, Steel Beam Theatre and Forever Yogurt, will all benefit from increased traffic to the area, and can promote their own businesses.*



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Proposal for a Class B Liquor License for Alexander's Café 64 Inc. to be located at 1650 West Main Street, St. Charles (Former Gabby's Restaurant)

Presenter: Chief Keegan

*Please check appropriate box:*

|                          |                        |                          |                                     |
|--------------------------|------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/> | Government Services                 |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/> | City Council                        |
| <input type="checkbox"/> | Public Hearing         | X                        | Liquor Control Commission (5/16/16) |

|                 |  |           |     |                          |    |                          |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|
| Estimated Cost: |  | Budgeted: | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|

If NO, please explain how item will be funded:

**Executive Summary:**

This is an application request for a new Class B liquor license for Alexander's Café 64 Inc. to be located at 1650 West Main Street, St. Charles (former Gabby's restaurant). A late night permit is not being requested. "Mr. Karas owns and operates Rookies, St. Charles as well as The Village Squire, Alexander's Café, and Rookies Sports Pub & Grill in Elgin, IL. All paper work is in order, background checks have been completed by the Police Department as well as fingerprints have been taken, and BASSET certifications are complete.

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

- Liquor License Application (front page)
- Background Check
- Site Plan and Business Plan
- Menu

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve a Proposal for a Class B Liquor License for Alexander's Café 64 Inc. to be located at 1650 West Main Street, St. Charles (former Gabby's Restaurant).

*For office use only:*

*Agenda Item Number: 8*

Date: 5-4-16  
 New Application  
 Renewal Application

CITY OF ST. CHARLES  
LIQUOR CONTROL COMMISSIONER  
TWO EAST MAIN STREET  
ST. CHARLES, ILLINOIS 60174-1984



City Retail Liquor Dealer License Application (rev. 12/13) Non-Refundable

Ordinance 5.08.050.A1 Application must be completed in full Incomplete applications will be rejected

Business Type: Circle one Individual Partnership Corporation Other \_\_\_\_\_

Business Name Alexander's Cafe 64 Inc Sales Tax # 4207-6269

Business Address 1650 W MAIN ST Business Phone # N/A

Contact Person BOB KARAS Title President Phone # [REDACTED]

If Corporation, Corporate Name Alexander's Cafe 64 Inc

Corporation Address 1650 W MAIN ST

Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name:  Yes  No  
If yes, list address of business 1545 W MAIN ST RUCKLES

Full Name, include Middle Initial HARRY BOB KARAS Title President

Birth Date [REDACTED] Birthplace Elgin Driver's License # [REDACTED] Home Phone # [REDACTED]

Home Address 646 Lake Ridge Dr  
SKIDON IL 60177

Full Name, include Middle Initial Alexandros George Karas Title Secretary

Birth Date [REDACTED] Birthplace Elgin Driver's License # [REDACTED] Home Phone # [REDACTED]

Home Address 14N539 Frontenac Dr. West Dundee IL 60118

Full Name, include Middle Initial Nicholas Alexander Smith Title Treasurer

Birth Date \_\_\_\_\_ Birthplace \_\_\_\_\_ Driver's License # \_\_\_\_\_ Home Phone # \_\_\_\_\_

Home Address \_\_\_\_\_

Type of Establishment: ( ) Package  Restaurant ( ) Tavern ( ) Hotel/Banquet/Arcada/Q-Center ( ) Other \_\_\_\_\_

Check as Applicable to ( ) Holding Bar [5.08.010-F]  Service Bar [5.08.010-O] ( ) Live Entertainment [5.08.010-H]  
Type of Establishment:  Outside Dining [17.20.020-R]

Brief Business Plan Description based on type of establishment listed above:  
Breakfast, Lunch restaurant  
hours 6:30 AM to 2:30 PM  
No Bar Seating

Initial: Liq Comm \_\_\_\_\_  
Police Chief \_\_\_\_\_



# Memo

Date: 5/12/2016  
To: The Honorable Ray Rogina, Mayor-Liquor Commissioner  
From: James Keegan, Chief of Police  
Re: Background Investigation-Alexander's Cafe

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The purpose of this memorandum is to document and forward to your attention the results of the background investigation conducted by members of the St. Charles Police Department concerning the above mentioned establishment.

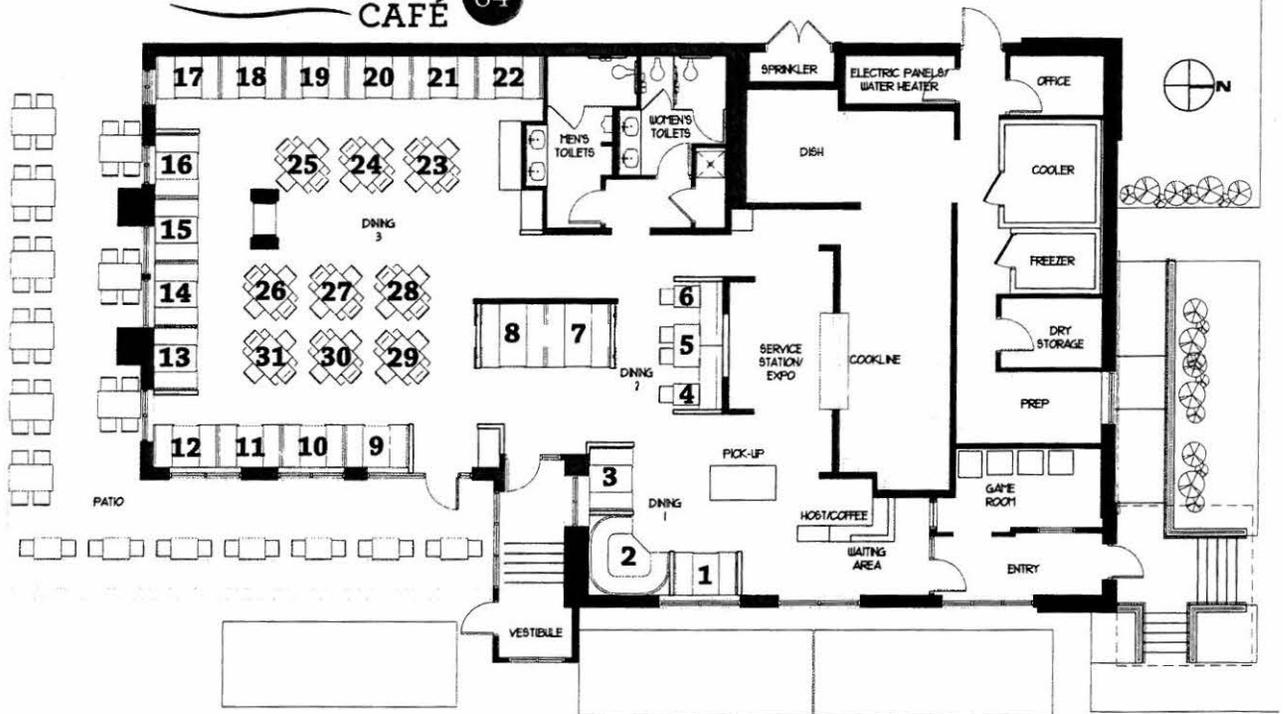
As is customary procedure, a detective was assigned this investigation and reviewed both the site location/floor plans and the corresponding application. In addition, the application material was reviewed by our Fire Department, Finance Department and Community/Economic Development. Each department reviewed the information submitted subject to their purview and area of responsibility; no issues were noted.

We as a police department found nothing of a derogatory nature that would preclude either the site location or the applicant from moving forward with both liquors sales and on-site consumption, subject to City Council approval.

This is a Class B request and the applicant currently owns and operates Rookies Bar & Grill in St. Charles and a host of our business in the Chicago area to include other Rookies and Alexander locations as well various Village Squires. We have no issues to report at our Rookies. The site of this location formerly housed Gabby's Restaurant.

Thank you in advance for your consideration in this matter.

# alexanders CAFÉ 64



# alexander's *café*

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Business Plan

Contact: Nick Smith

Phone: 630.698.3331

Email: [nicholasmith84@gmail.com](mailto:nicholasmith84@gmail.com)

## **Executive Summary**

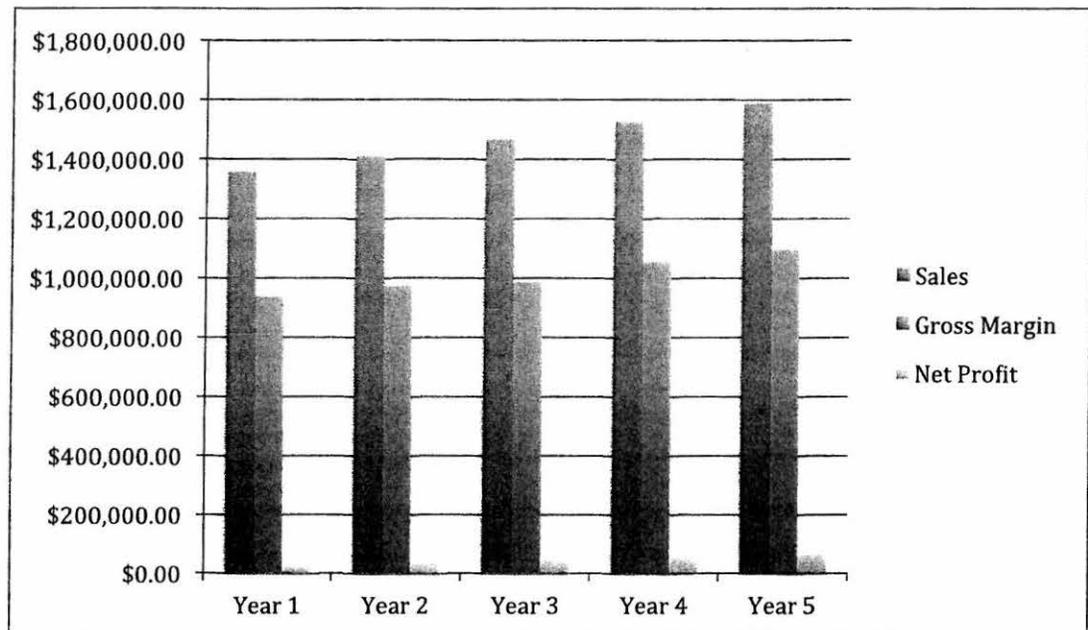
Alexander's Café 64, Inc. (also referred to as "the Company") is a new business seeking to commence operations in the Summer 2016. Located in St. Charles, Illinois, the Company will be a casual full service restaurant featuring breakfast and lunch food options, specialty coffee, fresh squeezed orange juice, mimosas, and bloody mary's.

It will be located at 1650 West Main Street; formally known as Gabby's Kitchen. Patrons will be attracted to the relaxing environment, convenient location, and great tasting recipes.

Alexander's Café will find a strong marketplace at its chosen location. It will be located near the busy Randall Road Corridor, district schools, and residential homes of Saint Charles. The Company will face competition from other restaurants in the area that focus on breakfast and lunch. Alexander's Café will compete with these businesses by offering an incredibly wide selection of food and drinks, competitive prices, and accessibility.

In its strategic marketing plan, Alexander's Café will demonstrate its mission and goals, build customer loyalty, and encourage individuals to frequent. The Company will promote its restaurant via its convenient location, prominent signage, website, social networking, a membership with the St. Charles Area Chamber of Commerce, a grand opening, and print advertising. The Company recognizes that its most powerful marketing tool will be positive word of mouth referrals from satisfied customers. Alexander's Café will strive to develop the reputation as the preferred breakfast and lunch restaurant in the area.

Bob Karas, Aleko Karas, and Nick Smith will own and operate the company. With their wealth of knowledge owning and operating other restaurants (Rookies Sports Pub, The Village Squire, Alexander's Café) they intend to bring another popular brand to the area.



## **Objectives**

The objectives for the first five years of operation include:

- Increase sales 4% annually
- Continue a sustainable and profitable business
- Achieve sales of \$1.5 Million by Year 5
- Maintain an approximate 67% gross margin through the first five years

## **Mission**

The Company's mission statement is as follows:

"To make each of our customers happy and if we don't; know about it and fix it."

## **Products and Services**

Alexander's Café will be a popular family owned restaurant option in the tri-cities area. The Company will establish a customer base with focusing on superior food quality, popular specials, and friendly staff.

## **Product and Service Description**

Alexander's Café will attract a wide audience of patrons looking for a relaxing atmosphere and popular breakfast / lunch fare. Seasonal specials in addition to promotions will compliment a wide menu selection. The Company's products and services are described in greater detail below:

**Food:** The Company will serve a diverse selection of breakfast food such as eggs, pancakes, and waffles, as well as lunch food such as wraps, burgers, salads, and sandwiches.

**Beverages:** Alexander's Café will offer fresh brewed coffee, iced tea, fresh squeezed orange juice, soda, mimosas, bloody marys, espresso, and hot tea. *Beer, wine*

## **Hours of Operation**

Alexander's Café will normally operate during typical breakfast/lunch restaurant hours.

Seven Days a Week: 6:30am-2:30pm

## benedicts

Served on an English muffin with two poached eggs and a choice of hash browns or herb roasted potatoes. Sub Fresh Fruit .99

### THE CLASSIC

Smoked ham and hollandaise sauce. 9.79

### MONTE CRISTO

Brioche bread, smoked ham, Havarti cheese, grape jelly, powdered sugar and hollandaise sauce (no English muffin). 9.79

### CAPRESE

Tomatoes, fresh mozzarella, chimichurri pesto, balsamic and basil hollandaise sauce. 9.79

### FLORENTINE

Applewood smoked bacon, fresh spinach, tomatoes and basil hollandaise sauce. 9.79

### CHIPOTLE

## healthy meals

### CRANBERRY PECAN CAKES

Multi-grain pancakes loaded with dried cranberries and chopped pecans. 8.99

### HONEY CAKES

Gluten-free pancakes drizzled with sweet honey. 7.49

### HEALTHY EGGS

Three egg whites, tomato slices with lemon pepper seasoning and sliced avocado. Served with fresh fruit and toast. 8.99

### Add Turkey Sausage 9.99

### POPEYE OMELETTE

Egg whites, spinach, tomato and feta cheese with fresh fruit and choice of toast. 9.99

### STEEL-CUT OATMEAL

Served with milk and brown sugar. 4.99

### Add Cranberries + Pecans 5.79

### CRÈME BRÛLÉE OATMEAL

Steel-cut oatmeal with caramelized brown sugar and berries. Served with vanilla anglaise. 5.99

### TROPICAL FRUIT YOGURT

A half pineapple filled with Greek yogurt and fresh fruit topped with granola and toasted coconut. 8.49

### CAFÉ YOGURT PARFAIT

Greek yogurt, granola, strawberries and blueberries. 5.99

## waffles+ crepes

### CRÊPES OR WAFFLE 6.99

With Chocolate Chips, Strawberries or Blueberries 7.99

Esquimo (ice cream, berries, pecans, whipped cream) 8.99

### Nutella + Banana 8.99

Elvis (bacon, peanut butter, banana, Nutella) 9.79

### Berry Good

(berry coulis, vanilla crème anglaise, fresh berries and whipped cream) 8.99

### SWEDISH CRÊPES

Served with lingonberries. 7.49

### CHICKEN + WAFFLE

Boneless, butterfry fried chicken and bourbon maple syrup. 9.99

### LEMON BERRY CRÊPES

Lemon custard, blueberries and whipped cream. 8.49

## eggceptional specialties

Farm fresh eggs, your way, served with choice of hash browns or herb roasted potatoes and toast or pancakes. Sub Fresh Fruit .99 — Sub Specialty Cakes 1.99 — Sub Egg Whites .75

### THE GRAND CAFÉ BREAKFAST

### TWO EGGS + MEAT

Choice of applewood smoked bacon, sausage links, pork sausage, or turkey sausage. 7.99

### With Three Eggs 8.99

### Two Eggs (no meat) 5.99

### BONE-IN HAM + EGGS

Bone-in ham steak (8 oz.). 8.99

### COUNTRY FRIED STEAK + EGGS

Buttermilk, hand-breaded sirloin, smothered in white country sausage gravy. 10.99

### STEAK + EGGS

Skirt steak (8 oz.) with garlic butter. 14.99

### HOMEMADE BISCUITS + GRAVY

Homemade biscuits smothered in white country sausage gravy (no toast or potatoes). 6.99

### With Two Eggs 8.99

### BREAKFAST PANINI

Focaccia bread, two fried eggs, bacon, tomatoes, caramelized onions, avocado, fresh basil, chimichurri pesto and Havarti cheese (no toast). 9.99

### BREAKFAST TACOS

Flour tortillas, scrambled eggs, Chihuahua cheese, ranchero salsa, avocado, Cholula® sour cream and cilantro. Choice of carnitas pork or chorizo (no toast). 9.99

### CHILAQUILES

Corn tortilla chips, tomatillo salsa, Chihuahua cheese, avocado, Cholula® sour cream and cilantro (no toast or potatoes). 7.99

### Add your choice of Carnitas Pork, Chorizo or Chicken 2.00

### BREAKFAST BURRITO

Wheat tortilla, scrambled eggs, Chihuahua cheese, poblano peppers, onions, tomatoes, avocado, cilantro, Cholula® sour cream and tomatillo salsa. Choice of carnitas pork or chorizo (no toast). 9.99

### HUEVOS RANCHEROS

Corn tostadas, Chihuahua cheese, beans, ranchero salsa, cilantro and Cholula® sour cream. Choice of carnitas pork or chorizo (no toast). 9.79

## omelettes

Served with choice of hash browns or herb roasted potatoes and toast or pancakes. Sub Fresh Fruit .99 — Sub Specialty Cakes 1.99 — Sub Egg Whites .75

### CHEESE

Choice of American, Cheddar, Cheddar-Jack, Swiss or Mozzarella. 8.79

Choice of Bleu, Havarti, Feta, Chihuahua, Goat or Smoked Gouda, Add .49

### HAM + CHEESE 9.49

### ROCKY MOUNTAIN

Smoked ham, onions, red and green bell peppers and tomatoes. 9.49

### Add Cheese .75

### THE ALEXANDER

### MEDITERRANEAN

Spinach, tomato, and feta cheese. 9.49

### VEGGIE

Portobello mushrooms, red onion, tomato, roasted red peppers, scallions and Havarti cheese. 9.49

### THE MEXICAN

Poblano peppers, onions, tomatoes, cilantro, Chihuahua cheese and avocado cream sauce. Served with tomatillo salsa. Choice of carnitas pork or chorizo. 9.99

### THE CALI

Applewood smoked bacon, avocado, tomatoes, scallions and Havarti cheese. 9.99

## skillets

Two farm fresh eggs, your way, served over hash browns with choice of toast or pancakes. Sub Specialty Cakes 1.99 — Sub Egg Whites .75

### BUTCHER BLOCK

### STEAK SKILLET

Skirt steak, red peppers, mushrooms, onions and cheddar-jack cheese. 12.99

### POT ROAST

Braised beef, red peppers, onions, mushrooms and cheddar-jack cheese over herb-roasted potatoes (no hash browns). 10.99

### FARMERS MARKET

Portobello mushrooms, red onion, tomato, roasted red peppers and cheddar-jack cheese. 9.79

### SOUTHWEST

Roasted poblano peppers, onions, tomatoes, avocado, cilantro, and Chihuahua cheese. Served with tomatillo salsa. 7.99

### Add choice of Carnitas Pork, Chorizo or Chicken 1.99

### Add Steak 3.99

### CORNED BEEF HASH

Café-made hash and cheddar-jack cheese. 9.79

## pancakes + french toast

Pancakes available in your choice of: Buttermilk, Multi-grain, or Gluten-free.

### PANCAKES OR FRENCH TOAST

With Cinnamon Butter 6.99

With Chocolate Chips 7.99

With Banana, Strawberries, or Blueberries 7.99

### CINNAMON ROLL

Topped with cinnamon sugar glaze and cream cheese icing. 8.99

### BANANA FOSTERS

Caramelized bananas, brown sugar, caramel crème anglaise and cinnamon butter. 8.99

### BERRY GOOD

### LEMON BERRY

Lemon custard, fresh blueberries 8.99

### S'MOREO

Oreos®, marshmallow cream, chocolate chips, chocolate syrup and whipped cream. 8.99

### POTATO PANCAKES

Served with sour cream. 6.99

Loaded with Cheddar-Jack Cheese, Bacon, and Scallions 8.99

### STRAWBERRY BANANA BREAD FRENCH TOAST

Homemade banana bread French toast with fresh strawberries, sliced bananas, Nutella® and whipped cream. 8.99

### CRÈME BRÛLÉE FRENCH TOAST

Caramelized with brown sugar, topped with vanilla crème anglaise, whipped cream and blackberries. 8.99

## wraps

Served with choice of French Fries, Potato Chips, Cottage Cheese or Cole Slaw. Sub Fresh Fruit .99 Sub Sweet Potato Fries .99

### CHICKEN CAESAR WRAP

Wheat tortilla, grilled or crispy chicken, shredded lettuce, tomatoes, shaved Parmesan cheese and Caesar dressing. 8.99

### GREEK SALAD CHICKEN WRAP

### BUFFALO CHICKEN WRAP

Wheat tortilla, crispy chicken tossed in buffalo sauce, shredded lettuce and bleu cheese dressing. 8.99

### SOUTHWEST CHICKEN WRAP

Wheat tortilla, grilled chicken, shredded lettuce, corn and black bean salsa, avocado, cheddar-jack cheese and sriracha ranch. 9.79

### ASIAN CHICKEN WRAP

Wheat tortilla, almond crusted chicken, shredded lettuce, carrots, cucumber, red peppers, cilantro, Asian noodles, Sriracha mayo and sesame ginger dressing 9.99

### PICK TWO COMBO 8.99

Pick any two of the following:

#### BOWL SOUP

Chili or Baked French Onion. Add \$1

#### SIDE GARDEN SALAD

Caesar or Greek. Add \$1

#### HALF SANDWICH

Choice: Turkey, Ham, Corned Beef, B.L.T., Chicken Salad, Tuna Salad, or Grilled Cheese Tuna Melt, Prime Rib Dip or Reuben ADD \$1

## salads

Salads served with Herbed Focaccia Bread.

### BERRY NUT SALAD

### MEDITERRANEAN SALAD

Mixed greens, tomatoes, Kalamata olives, cucumbers, red onions, pepperoncinis, feta cheese and Greek vinaigrette. Served with pita bread. 8.99

Add Chicken Skewers 1.99

### CHEF CHOP SALAD

Chopped romaine lettuce, tomatoes, bacon, hard-boiled eggs, avocado, fresh mozzarella cheese and shoestring potatoes. Served with choice of dressing. 9.99

### CAESAR SALAD

Chopped romaine, tomatoes, shaved Parmesan cheese, garlic croutons and Caesar dressing. 8.49

Add Chicken 1.99

### ASIAN SALAD

Shredded lettuce, carrots, cucumbers, red peppers, wasabi peas, Mandarin oranges, Chinese noodles, cilantro and sesame ginger dressing. 8.99

Add Almond Crusted Chicken 1.99

### CAPRESE SALAD

Mixed greens, tomatoes, fresh mozzarella, aged balsamic glaze, pesto chimichurri, basil and olive oil. 8.99

Add Chicken 1.99

### HARVEST CHICKEN SALAD

Chicken salad mixed with apples, celery, red onions, cranberries and almonds. Served over mixed greens with strawberries, Mandarin oranges, avocado and berry citrus vinaigrette. 9.99

Substitute Tuna Salad 9.99

### BBQ CHICKEN TORTILLA SALAD

Chopped chicken and shredded lettuce tossed with ranch dressing, corn and black bean salsa, cilantro, avocado, cheddar-jack cheese, crispy tortilla strips and chipotle BBQ sauce. 10.99

## sandwiches + paninis + tacos

Served with choice of French Fries, Potato Chips, Cottage Cheese or Cole Slaw. Sub Fresh Fruit .99 — Sub Sweet Potato Fries .99

### ORCHARD CHICKEN SALAD PITA

Chicken salad mixed with apples, celery, red onions, cranberries and almonds on a pita with bacon, cheddar-jack cheese and tomato. 8.99

Substitute Tuna Salad 8.99

### MEATLOAF MELT

Served open-faced on grilled sourdough. Topped with caramelized onions, Havarti cheese, sweet and tangy ketchup and fried onion straws. 9.99

### CHICKEN CLUB

Chicken, bacon, lettuce, tomato, mayo and Havarti cheese on focaccia bread. 9.99

### REUBEN

Thinly sliced corned beef, Swiss cheese, sauerkraut and Thousand Island dressing on rye. 9.99

### CHICKEN FINGERS

Hand-battered chicken tenders with choice of: ranch, BBQ, honey mustard, or buffalo sauce. 8.99

### TUNA MELT

Fresh tuna salad on English muffin, topped with tomato, avocado and cheddar cheese. 8.99

### CUBAN

Ham, braised pork, Swiss cheese, pickles, mustard on a fresh baguette. 9.99

### PRIME RIB DIP

Shaved prime rib, caramelized onions and mozzarella cheese on French baguette. Served with au jus. 12.99

### B.B.F. CHICKEN SANDWICH

Blackened, broiled or fried chicken, lettuce, tomato, red onion, avocado, Havarti cheese and sriracha mayo on a pretzel bun. 9.99

### BBQ PULLED PORK SANDWICH

Slow-roasted, pulled pork topped with coleslaw, crispy onion straws, and tangy BBQ sauce on a bun. 9.49

### B.G.D. FISH SANDWICH

Beer-battered cod, American cheese, chipotle slaw, tomato, onion, pickles and tartar sauce on a brioche bun. 9.99

### BEACH CLUB

### ULTIMATE GRILLED CHEESE MELT

Cheddar-jack, American and Havarti cheeses, applewood smoked bacon and tomato on grilled garlic sourdough bread. 8.99

### FISH TACOS (2)

### BEEF OR CARNITAS TACOS (2)

### TURKEY, SPINACH, ARTICHOKE PANINI

Roasted turkey, spinach, artichokes, tomatoes and mozzarella cheese on focaccia with pesto mayo. 9.99

### VEGGIE PANINI

Portobello mushrooms, roasted red peppers, caramelized onions, pesto mayo and Havarti cheese on focaccia. 9.49

### SRIRACHA CHICKEN PANINI

Blackened chicken, roasted poblano peppers, onions, tomatoes, avocado and Chihuahua cheese on sourdough bread with sriracha mayo. 9.99

## burgers

### SUB TURKEY OR VEGGIE BURGER - NO CHARGE.

Served with choice of French Fries, Potato Chips, Cottage Cheese or Cole Slaw. Sub Fresh Fruit .99 — Sub Sweet Potato Fries .99

### ALEXANDER BURGER

### CHEESE BURGER

Choice of American, Cheddar, Swiss or Havarti cheese with mayo, lettuce, tomato, onion and pickle on a brioche bun. 9.49

Choice of Bleu, Goat or Feta, Add .49

### BRUNCH BURGER

Applewood smoked bacon, American cheese, fried egg, mayo, lettuce, tomato and onion on a pretzel bun. 10.99

### ALL-AMERICAN PATTY MELT

American and Swiss cheeses and caramelized onions on grilled sourdough bread. 9.99

### CALI TURKEY BURGER

Applewood smoked bacon, Havarti cheese, pesto mayo, avocado, lettuce and tomato on a pretzel bun. 9.99

### VEGGIE BURGER

Homemade, portobello mushrooms, roasted red peppers, caramelized onions, goat cheese, mayo, lettuce and tomato on brioche bun. 9.99

### SMOKEHOUSE BURGER

Applewood smoked bacon, cheddar cheese, crispy onion straws and chipotle BBQ sauce with lettuce, tomato, onion and pickle on a brioche bun. 10.49

### REEM'S MARKET BURGER

## comfort classics

Available after 11 am

Served with a cup of soup and oyster crackers.

### MEATLOAF

With onions and bell peppers, wrapped in bacon and topped with beef gravy and fried onion straws. Served over mashed potatoes. 10.99

### POT ROAST

### FRIED CHICKEN + BISCUITS

Homemade biscuits, boneless, crispy fried chicken, root vegetables, mashed potatoes and country white gravy. 9.99

### BAKED MAC + CHEESE

Fresh pasta, applewood smoked bacon, cheddar, Havarti and Parmesan cheeses baked and topped with bread crumbs. 10.99

Add Braised Beef 2.00

Add Carnitas Pork 2.00

Add Chicken 2.00

### LIVER + ONIONS

Sautéed baby beef liver, grilled onions, and bacon. Served with choice of side. 9.99

### ROASTED TURKEY + BISCUITS

Homemade biscuits, roasted turkey, root vegetables, mashed potatoes and country white gravy. 9.99

### BEEF STROGANOFF

Braised beef sautéed with mushrooms, beef gravy, and sour cream. Served over egg noodles. 11.99

### PASTA ALFREDO

Fresh pasta tossed in a creamy garlic Alfredo sauce with aged Parmesan cheese. 9.99

Add Chicken 2.00

### FISH FRY

**GIFT CARDS** are the perfect choice for that someone special. You may purchase in any denomination and redeem gift cards at all of our locations.



AVAILABLE FOR PRIVATE EVENTS AT NIGHT

**alexanders**  
CAFÉ

1650 W. Main Street | St. Charles, IL 60174 | XXX.XXX.XXXX  
alexanderscafe.com | alexanderscafe | cafealexanders



**ST. CHARLES**  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

|            |  |
|------------|--|
| Title:     | Recommendation to Approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”, 5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions of Licenses”, 5.20.170 “Notices” and 5.20.180 (C) “Revocation or Suspension of Licenses” of the St. Charles Municipal Code |
| Presenter: | Chief Keegan   |

*Please check appropriate box:*

|  |                        |   |                                     |
|--|------------------------|---|-------------------------------------|
|  | Government Operations  |   | Government Services                 |
|  | Planning & Development |   | City Council                        |
|  | Public Hearing         | X | Liquor Control Commission (5/16/16) |

|                 |  |           |     |  |    |  |
|-----------------|--|-----------|-----|--|----|--|
| Estimated Cost: |  | Budgeted: | YES |  | NO |  |
|-----------------|--|-----------|-----|--|----|--|

If NO, please explain how item will be funded:

**Executive Summary:**

This is an amendment to an Ordinance Amending Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”, 5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions of Licenses”, 5.20.170 “Notices” and 5.20.180 (C) “Revocation or Suspension of Licenses” of the St. Charles Municipal Code. Pursuant to our annual review and relicensing efforts of those St. Charles businesses offering massage services, coupled with our attempt and desire to legitimize massage practices within St. Charles and strengthen our existing ordinance, the following massage licensing modifications are being recommended in the attached ordinance.

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

Memo  
Ordinance

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”, 5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions of Licenses”, 5.20.170 “Notices” and 5.20.180 (C) “Revocation or Suspension of Licenses” of the St. Charles Municipal Code.

*For office use only:*

*Agenda Item Number: 9*



# Memo

To: The Honorable Raymond Rogina, Mayor and Liquor Commissioner  
From: James Keegan, Chief of Police  
Re: Massage Licensing Ordinance Modifications

---

## Introduction

Pursuant to our annual review and relicensing efforts of those St. Charles businesses offering massage services coupled with our attempt and desire to legitimize massage practices within St. Charles and strengthen our existing ordinance, the following massage licensing modifications are being recommended:

## Proposed Modifications

### **5.20.010 – Definitions**

PREMISES. The area depicted in the License Application.

**That the following is added to Section 5.20.110 “Conditions and Restrictions of Licenses”:**

“L. No person shall reside in any portion of the licensed premises.”

**Section 5.20.080(B) shall be deleted in its entirety and the following language inserted in lieu thereof:**

“B. In the case of an application for massage business license, the Building Official shall cause the premises to be licensed to be inspected to assure that the proposed operation complies with all applicable laws, including the building, electrical, plumbing, health, housing, zoning, and fire codes of the City, and any other regulations of the city relating to the public health, safety and welfare. **The Director of Community and Economic Development** and the Building & Code Enforcement Division Manager shall make written verification to the Local Liquor Control Commissioner concerning compliance with the codes and ordinances of the City.”

**That Section 5.20.180(C) shall be deleted in its entirety and the following language inserted in lieu thereof:**

“C. When any license shall have been revoked for cause, **no license shall be granted to any person for a period of five years thereafter for the conduct of a massage business in the premises described in the revoked license.**”



**That the last sentence of Section 5.20.170 shall be deleted and the following inserted in lieu thereof:**

“The revocation or suspension of License shall be deemed effective immediately after personal service or after the mailing of the written notice as provided herein.”

Summary

We as a staff feel these additions/deletions will strengthen our ordinance as established and have vetted these modifications appropriately with our City Attorney. As always, I stand ready to discuss and defend my recommendations accordingly.

Thank you in advance for your cooperation in this matter.

**City of St. Charles, Illinois**  
**Ordinance 2016-M-\_\_\_\_\_**

**An Ordinance Amending Title 5 “Business Licenses and Regulations”,  
Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”,  
5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions  
of Licenses”, 5.20.170 “Notices ”and 5.20.180 (C) “Revocation or Suspension of Licenses”  
of the St. Charles Municipal Code**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES,  
KANE AND DUPAGE COUNTIES ILLINOIS, AS FOLLOWS:

**WHEREAS**, THE City of St. Charles (the “City”) is a home rule municipality duly organized and existing pursuant to the Illinois constitution of 1970 and the laws of the State of Illinois; and;

**WHEREAS**, the City has previously adopted an Ordinance providing for licensing of massage establishment within the City; and;

**WHEREAS**, the City finds that it is necessary and desirable to amend certain sections of the Massage Establishments Ordinance.

SECTION ONE. Recitals. The foregoing recitals are hereby adopted as part of this Ordinance.

SECTION TWO: That Section 5.20.010 “Definitions” of the St. Charles Municipal Code is hereby amended as follows:

The following definition is added to Section 5.20.010:

PREMISES. The area depicted in the License Application.”

SECTION THREE: That Section 5.20.080(B) “Issuance and Denial of Licenses” shall be deleted in its entirety and the following language inserted in lieu thereof:

“B. In the case of an application for massage business license, the Building Official shall cause the premises to be licensed to be inspected to assure that the proposed operation complies with all applicable laws, including the building, electrical, plumbing, health, housing, zoning, and fire codes of the City, and any other regulations of the city relating to the public health, safety and welfare. The Director of Community and Economic Development and the Building & Code Enforcement Division Manager shall make written verification to the Local

Liquor Control Commissioner concerning compliance with the codes and ordinances of the City.”

SECTION FOUR: That Section 5.20.110 “Conditions and Restrictions of Licenses” is hereby amended as follows:

That the following is added to Section 5.20.110:

“L. No person shall reside in any portion of the licensed premises.”

SECTION FIVE: That the last sentence of Section 5.20.170 “Notices” shall be deleted and the following inserted in lieu thereof:

No license shall be revoked, suspended, or refused until the applicant or license holder has received written notice of violation from the Chief of Police. The notice shall set forth the allegations of why the applicant or license holder should be revoked, suspended, or refused. Said notice shall be served upon an applicant or license holder by delivering the same personally or by delivery to the place of business or residence of the applicant or license holder. All applicants or license holders shall notify the City within 24 hours of any change of address. If the service of such notice cannot be made in the manner provided herein, a copy of such notice shall be sent by regular mail, postage prepaid, to the last known address of the applicant or license holder contained in the City’s files. **The revocation or suspension of license shall be deemed effective three business days after personal service or after the mailing of the written notice as provided herein.**

*“The revocation or suspension of license shall be deemed effective immediately after personal service or after the mailing of the written notice as provided herein.”*

SECTION SIX: That Section 5.20.180(C) “Revocation or Suspension of Licenses” shall be deleted in its entirety and the following language inserted in lieu thereof:

“C. When any license shall have been revoked for cause, no license shall be granted to any person for a period of five years thereafter for the conduct of a massage business in the premises described in the revoked license.”

SECTION SEVEN: SEVERABILITY –If any provision of this Ordinance, or the application of any provision of this Ordinance is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION EIGHT: That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

SECTION NINE: That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Raymond P. Rogina, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

COUNCIL VOTE:

Ayes: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

Abstain: \_\_\_\_\_



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Massage Establishment License for International Massage Association located at 2210 Dean Street #E-1, St. Charles

Presenter: Mayor Rogina

*Please check appropriate box:*

|                          |                        |                                     |                                     |
|--------------------------|------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/>            | Government Services                 |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/>            | City Council                        |
| <input type="checkbox"/> | Public Hearing         | <input checked="" type="checkbox"/> | Liquor Control Commission (5/16/16) |

|                 |                          |           |     |                          |    |                          |
|-----------------|--------------------------|-----------|-----|--------------------------|----|--------------------------|
| Estimated Cost: | <input type="checkbox"/> | Budgeted: | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----------------|--------------------------|-----------|-----|--------------------------|----|--------------------------|

If NO, please explain how item will be funded:

**Executive Summary:**

This is a request for a new Massage Establishment license for International Massage Association located at 2210 Dean Street #E-1, St. Charles. Background investigations were conducted by a detective of the St. Charles Police Department and reviewed both the site location as well as the corresponding applicant of this massage business license application. Through this investigation, we determined that all the requirements have been met and they are eligible for licensing, subject to City Council approval.

This application is recommended by City staff for approval to move forward to the April 18, 2016 Government Operations Committee this evening.

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

- Massage Establishment Application (front page)
- Background Check
- Site Plan
- Letter Regarding Use Classification Under the Randallwood PUD, 2210 Dean Street

**Recommendation / Suggested Action** *(briefly explain):*

Recommendation to approve a Massage Establishment License for International Massage Association located at 2210 Dean Street #E-1, St. Charles.

*For office use only:*

*Agenda Item Number:* 10



Office of the Mayor  
 Two East Main Street  
 St. Charles, Illinois 60174-1984  
 Phone: 630-377-4455 • Fax: 630-377-44400

|              |       |
|--------------|-------|
| Received:    | _____ |
| Amount Paid: | _____ |
| Receipt:     | _____ |

**MESSAGE ESTABLISHMENT LICENSE APPLICATION**

**IMPORTANT:** Application must be completed in full and notarized before it will be accepted.  
All fees must be paid at the time the application is submitted.

Annual License Application Fee: \$250.00      Fingerprint Fee: \$50.00 (if new owner)

**NOTE:** Applicant must be fingerprinted by the St. Charles Police Department and must provide two passport-size photographs (1" x 1.5" head and shoulders area, face forward) with this application.

1.  New License Application       Renewal Application       Application Change

2. Please select the option that best describes your business:

Corporation       Partnership       Individual

3. Business Name: International Medical Massage LLC Sales Tax#: 463480034

Business Address: 912 Mohawk Dr. Elgin 60120 Business Phone: 847-624-1164

4. Name of Applicant: Michael S Devo Home Phone: 847-624-1164

Home Address: [REDACTED] City/Zip: [REDACTED]

Social Security #: [REDACTED] Date of Birth: [REDACTED]

Driver's License #: [REDACTED] Issuing State: [REDACTED]

**\*\*Must include a photocopy of government issued identification card.**

5. Have you ever been convicted of a criminal ordinance violation (other than minor traffic offences):

Yes       No

6. If yes, explain in detail:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



# Memo

Date: 4/7/2016

To: The Honorable Ray Rogina, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

Re: Background Investigation: International Massage Association-2210 Dean Street #E-1

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The purpose of this memorandum is to document and forward to your attention the results of the background investigation conducted by members of the St. Charles Police Department concerning the above mentioned establishment.

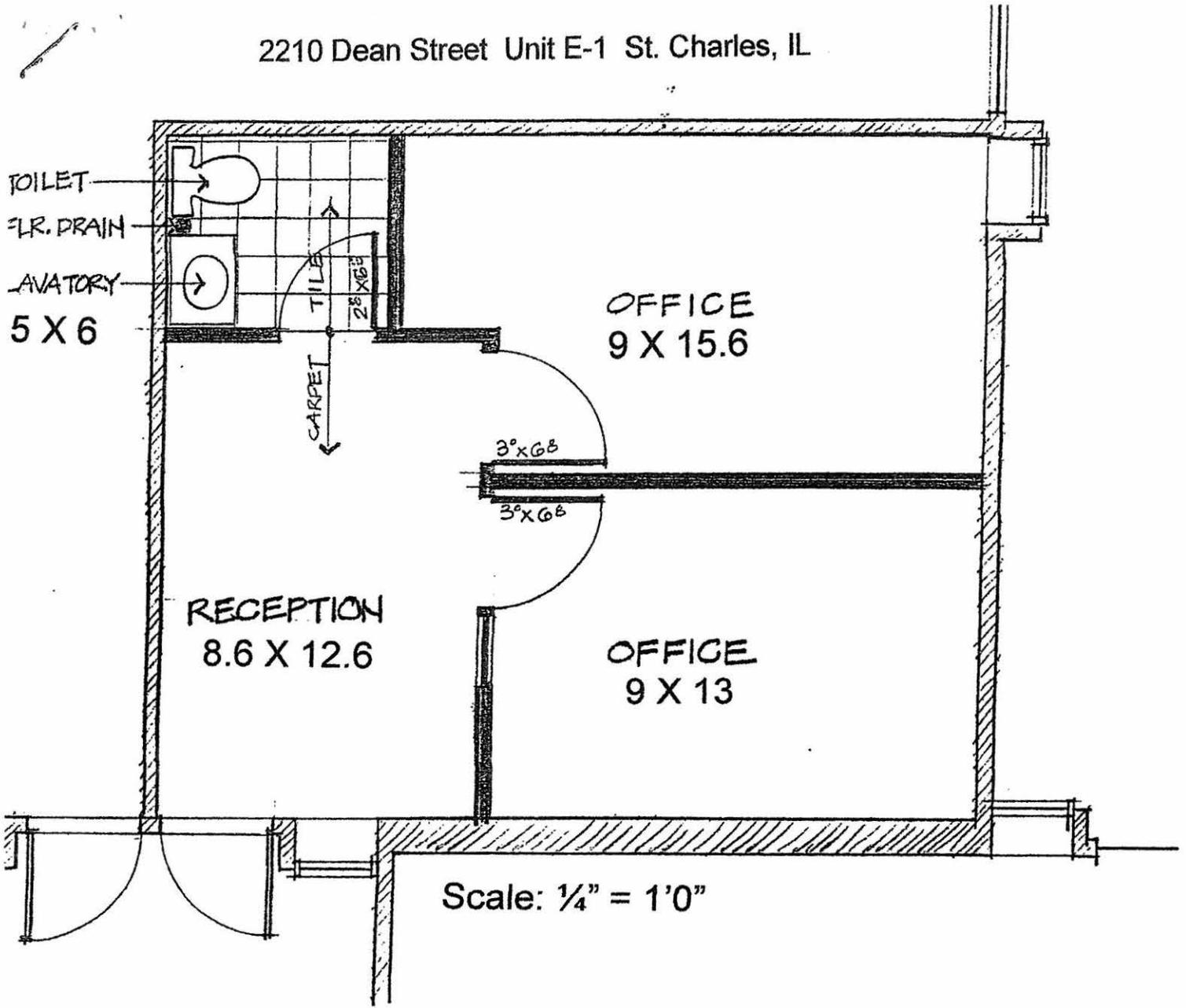
As is customary procedure, a detective was assigned to this investigation and reviewed not only the site location via an inspection, but also the corresponding application and applicants.

We found nothing of a derogatory nature that would preclude either the site location or the applicant from moving forward with a massage license, subject to Council/Commission approval.

Please see the attached business plan, floor plan, State licensure and background information for further details.

Thank you in advance for your consideration in this matter.

2210 Dean Street Unit E-1 St. Charles, IL



Scale: 1/4" = 1'0"

### PROPERTY HIGHLIGHTS

- Private Outside Entrance
- Individual Offices
- Private Bathroom
- Excellent Location
- Upscale Office Park

RANDALLWOOD  
UNIT E-1

May 10, 2016



ST. CHARLES  
SINCE 1834

Mike Devo  
International Medical Massage Association  
Partner in Health  
524 W. State Street  
Geneva, IL 60134

Re: Interpretation regarding use classification of proposed International Medical Massage Business under the Randallwood PUD, 2210 Dean Street

Mr. Devo:

You have requested a zoning interpretation regarding the PUD use classification of your proposed International Medical Massage business under the Randallwood PUD, City Ordinance No. 1979-Z-21, amended by Ord. No. 1983-Z-7. You have requested that the business be classified under the category of "Offices- business, professional and public, including but not limited to, medical, dental, optician, optometry and orthopedic" per the PUD Ordinance, Exhibit "C", Section 1.01 "Permitted Uses", Item B(1).

You provided the attached documentation regarding the business. This information has been reviewed by myself as Director of Community & Economic Development and the City Attorney.

We hereby find that the proposed business can be classified under the category of "Office- business, professional and public" under the Randallwood PUD ordinance. This interpretation is conditioned upon the business operating in accordance with the attached supporting information. Please note that this interpretation is specific to the proposed business within the Randallwood PUD only and would not be applicable to other locations within the City.

If you need further clarification regarding this information, please contact the Community & Economic Development Department at (630) 377-4443.

Sincerely,

Rita Tungare, AICP, Director  
Community & Economic Development Department

C: John McGuirk, City Attorney  
Mark Koenen, City Administrator  
Jim Keegan, Police Chief

RAYMOND P. ROGINA *Mayor*  
MARK KOENEN, P.E. *City Administrator*

## Colby, Russell

---

**From:** jmc@hmcpc.com  
**Sent:** Tuesday, May 10, 2016 9:49 AM  
**To:** Colby, Russell  
**Cc:** Tungare, Rita  
**Subject:** RE: Massage business PUD interpretation

Russ

As we discussed today I reviewed the materials regarding the Randallwood PUD. In my opinion this applicant's business as described falls within the classification of medical office/business which is a permitted use under 1.01 B(1) of the PUD Ordinance.

*John M. McGuirk*  
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.  
1001 East Main Street, Suite G  
St. Charles, IL 60174  
(630) 513-8700 - Phone  
(630) 513-8799 - Fax  
[jmc@hmcpc.com](mailto:jmc@hmcpc.com)

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|  
2 E. Main Street, St. Charles, IL 60174-1984  
phone: | fax: | [www.stcharlesil.gov](http://www.stcharlesil.gov)  
[jmc@hmcpc.com](mailto:jmc@hmcpc.com)

---

CITY OF ST CHARLES, ILLINOIS

---

**From:** Colby, Russell [<mailto:rcolby@stcharlesil.gov>]  
**Sent:** Friday, May 06, 2016 9:54 AM  
**To:** John McGuirk  
**Cc:** Tungare, Rita  
**Subject:** Massage business PUD interpretation

John-

Rita and I would like your opinion on a PUD ordinance interpretation.

A massage business has been proposed within the Randallwood PUD as described in the email below.

The business owner has submitted the attached request that the business be classified under the category of "medical office/business" per the PUD.

We initially categorized the use under "physical culture and health services" partially based on how this use category was grouped in the City's old Zoning Ordinance in effect at the time of the PUD approval. (see attached). The old zoning ordinance didn't not have a definition the "physical culture.." category or "medical office", but does have a definition of "business".

Let me know if you have questions or need more information.

Thanks.

**From:** Colby, Russell  
**Sent:** Friday, April 15, 2016 4:36 PM  
**To:** [spudboy1901@sbcglobal.net](mailto:spudboy1901@sbcglobal.net)  
**Subject:** 2210 Dean Street - zoning information

Mike-

Attached are the Planned Unit Development (PUD) documents for 2210 Dean Street, known as the Randallwood PUD.

The Permitted Uses within the PUD are listed on Exhibit "C" of the 1979 ordinance.

The PUD was amended in 1983, and this changed the wording of 101.B (1)

It was determined that a massage business would fall under the category of "physical culture and health services", which is listed as item "K" under 1.01.B (3)

If you wish to provide additional information on the business to request that it be classified under a different category, you may submit a written request to the Director of Community & Economic Development. The request will need to include detailed information on the business.

The request can be emailed directly to me.

Also, below is the Special Use application. If the use is determined to be "physical culture and health services", the Special Use application will need to be filed and approved by the City Council in order for the business to open at this location.

[http://www.stcharlesil.gov/sites/default/files/zoning\\_subdivision\\_and\\_pud/4465-10345.pdf](http://www.stcharlesil.gov/sites/default/files/zoning_subdivision_and_pud/4465-10345.pdf)

Note that if you do pursue the Special Use, we will need information to demonstrate that the floor area percentage limitation listed under 1.01.B.3 has not been exceeded over the entire property.

Also, some of the application requirements listed on the checklist may not apply to this type of business. I can assist you with completing the application.

Thanks.

**Russell Colby** | Planning Division Manager  
2 E. Main Street, St. Charles, IL 60174-1984  
phone: 630.762.6925 | fax: 630.377.4062 | [www.stcharlesil.gov](http://www.stcharlesil.gov)

St. Charles Zoning Committee

Re: Operation of International Medical Massage Association Under 1.01 Permitted Uses. Section B, Par. 1

Dear Committeepersons,

This is my petition to the Committee to allow International Medical Massage Association to fall under the 1979 ordinance for Randlewood subdivision under the following heading listed under 1.01 Permitted Uses, section B paragraph 1.

According to the Ordinance, up to 65,300 square feet of floor area (100% of total permitted for entire parcel) shall be permitted for offices-business, professional and public including but not limited to medical, dental, optician, optometry and orthopedic. The ordinance was updated in 1983 to include veterinary language.

During my meeting with Russell Colby it came to my attention that much of the terminology has been misunderstood in this instance. Importantly, the terms "masseuse" and "masseur" are no longer used in the context of the recognized medical community. The term that applies here and should be currently applied is Licensed Massage Therapist, a professional and medical business.

Since 2003 all massage therapists must (1) have completed 600 hours of training and passed a licensing board exam from the National Certified Board of Therapeutic and Massage Bodywork (NCBTMB). The therapist must also (2) provide evidence of fingerprinting by the Illinois State Police. Only then can one obtain a Massage Therapist License from the State of Illinois.

Subsequently, in order to retain his/her license a Massage Therapist must complete 24 hours of continuing education every 2 years. A Therapist must also be certified in the CPR and AED programs in accordance with the curriculum of the American Heart Association BLS for Healthcare Providers.

My years of training and Massage Therapist License are specific in medical scope and practice.

For the past year and one half I have been working at Partner In Health in Geneva along with Chiropractic staff as well as a Doctor in Naturopathy. The previous four years I worked at Delnor/Cadence Health And Wellness. I worked closely with the Physical Therapy staff at Delnor/Cadence. I continue to do so at this time as well.

In June of 2013 I started International Medical Massage Association, LLC. The purpose of this company is to bring qualified massage therapists to teach medical massage in our local area. In 2014 I brought highly regarded therapist Boris Prilutsky to Chicago to teach a workshop and will be bringing Boris back this November to conduct a workshop on massage therapy for concussions. I am also hoping to sponsor Dr. Ross Turchaninov, founder of The Science Of Massage Institute, in September. Both Boris and Dr. Ross are pioneers in introducing medical massage to the United States.

From my medical therapist experience at Partner In Health and at Cadence and my professional training with Boris Prilutsky, my clientele has continued to grow. I realized I needed more space as well as staff to accommodate the growing need for medical massage therapy.

The space in Randallwood is perfect for my needs. I believe my skill set fits in well with surrounding medical offices in the subdivision. In fact my business is an extension of my surrounding neighbors of dentists, chiropractors, and surgical facilities.

Briefly, the following lists physical conditions of various clients I have served in just the past week and the specific reasons for the therapeutic massage. (Due to HIPPA I am just using numbers to list the clients.)

- 1) Hand tendinitis from replacing a floor
- 2) Piriformis syndrome (sciatica)
- 3) Treatment for shoulder injury and plantar fasciitis
- 4) Chronic back pain from multiple surgeries.
- 5) Plantar fasciitis
- 6) Migraines. Client referred by neurologist Dr. Santwani of Suburban Neurology group. After 8 months of treatments from me, Client's migraine symptoms have gone from 3 migraines/week to 1 or 2 approx. in 3 months.
- 7) Hip bursitis and neck pain.
- 8) Shoulder pain. Hip pain from fall from horse. Client never found relief in shoulder even after 2 years physical therapy. Now shoulder relatively pain free.
- 9) Trigger points in low back from golfing. Chronic pain from hip surgery. Auto immune issues on legs.
- 10) Iliopsoas causing low back pain. Treating client to avoid back surgery.
- 11) Recovering from knee surgery with Dr. Morawsky- Delnor hospital in conjunction with PT at Delnor.
- 12) Initially treated for shoulder, but now working on glutes/ piriformis syndrome.
- 13) Chronic back pain for 40 years. Restless leg syndrome. Shoulder tendonitis in A/C joint.
- 14) Client diagnosed with Nystagmus (eye flutter). Tested and released from Mayo Clinic and told there was no answer/cure for her condition. Currently treating with stress reduction and for vertebral artery syndrome.

This is just a sample size of what I deal with on a weekly basis. I think this need for treatment is at least partially due to the aging of the "baby boom

generation" (including myself) and the increased awareness of the public to choose alternative medicine over drugs and or surgery.

I have found an increased need in the Fox Valley for my medical massage services. While there are many qualified massage practitioners working at Massage Envy, Elements or the various spas in the area I don't believe we fall under the same classification.

My training, scope, focus and experience fall under the therapeutic medical massage heading. I complement the medical community in the Randallwood subdivision and will continue the work I have provided for the last five years in the Fox Valley.

Lastly , I also give back to the community. I plan on being more active this year with The Living Well Cancer Center; I have several clients who are cancer survivors themselves. I will be working the Sly Fox Half Marathon Run in St. Charles April 23. I have volunteered in the past for 5 years running as a sponsor for the American Brain Tumor Association (ABTA) 5k at Soldier Field in honor of my niece who passed away from a brain tumor. I also participate in the Small Business Saturday campaign to keep local business thriving.

I have attached various letters of recommendations from doctors in the area that I have worked with. Also some testimonials from clients as to the medical necessity that my service provides them.

Thank you for your consideration in this matter. I look forward to a long association with St. Charles and the Randallwood community.

Sincerely,

Michael Devo LMT

A handwritten signature in cursive script that reads "Michael Devo". The signature is written in black ink and is positioned below the typed name.



## Your Pathway to Healthy Living

524 W State Street  
Geneva, IL 60134  
Phone: 630.232.7611

### **To Whom It May Concern:**

I've had the pleasure to work alongside Mike Devo for the past year at Partner In Health in downtown Geneva.

Our clinic provide alternative holistic care including myofascial release, acupuncture, lifestyle changes, supplements, Chiropractic manipulation, and so on to treat a variety of conditions that range from digestive complaints, female hormone disruption, anxiety to musculoskeletal related conditions such as headaches, low back pain, and sports injuries.

Mike Devo has been able to provide superior care to the patients regarding neurological conditions such as migraines, orthopedic conditions such as post surgical rotator cuff repair, frozen shoulder, lateral/medial epicondylitis, etc, and many conditions that involve back pain.

He's been able to see results in his patients and currently has a thriving practice due to his experience and committed patients.

If you have any questions regarding this matter, please feel free to contact me at your convenience. ([drmiravone@pihgeneva.com](mailto:drmiravone@pihgeneva.com)).

*All in good health-*

*Dr. Miravone Dorough*

Chiropractic & Naturopathic Physician  
Acupuncture

April 22, 2016

St. Charles Zoning Committee,

It is an easy task for me to endorse Mike Devo as a massage therapist. I have had the privilege of working with Mike at a previous practice, and constantly referred my patients to him. Mike practices mostly medical massage, with a focus on healing individual complaints through massage therapy.

Mike has consistently helped my patients improve, and he would be a welcome addition to your facility. His efforts make patients feel comfortable, while using techniques designed to specifically target medical conditions. I cannot speak more highly of his skills and professionalism.

Sincerely,

Dr. Jillian Mergen, DC

To whom it may concern:

My name is Boris Prilutsky. I have been a practicing medical and sports massage for more than 40 years. It is a scientifically based, methodology of treatment and recognized as a conventional methodology. My scope of practice contains more than 55 different massage protocols for different diseases and disorders. I am also a continuing education provider approved by the (NCBTMB) National Certified Board of Therapeutic Massage and Bodywork.

Mr. Mike Devo, who is a regular attendee at my live seminars, was responsible for bringing me to Chicago to teach other therapists in this region medical massage techniques .Based upon my experience and interaction with him, I think Mike is a quite capable and skilled medical massage practitioner, intelligent, and a person with high moral standards. Mike is a skilled practitioner, having performed medical massage for an extensive number of various health compromised cases. (Medical massage can not be confused with a "feel good" massage, relaxation massage, etc.; Mike practices solely a science-based conventional method of medical massage.

I have included my website below where you will find my qualifications, biography, the importance and history of medical massage including the available medical massage book written by Ross Turchaninov MD PhD.

There is also a link to many medical massage training videos and medical massage training DVD's and seminars.

I hope you will allow Mr. Devo to open his practice in order to be to help many people who are in desperate need to get relief from pain and dysfunction.

Best regards,  
Boris Prilutsky

[WWW.medicalmassage-edu](http://WWW.medicalmassage-edu)

From the desk of Cynthia L. Vacek, Geneva, IL

I have been a client with Mike Devo for over five years on a medical therapy treatment basis. I first approached Mike with ongoing chronic pain issues and inquired if medical massage therapy would be a compliment in dealing with my struggle. It had been recommended by my back surgeon and pain management doctor's that soft tissue therapy would be supportive with the various methodologies I regularly incorporate in dealing with my pain.

Mike's professionalism and genuine concern regarding the type of therapy he could offer has been a supportive resource in my established daily routine. His assessment and evaluation from the beginning on how to treat my pain issues with the goal of reducing and getting the pain under control. This is an ongoing task but with Mike's knowledge, concern and encouragement I firmly believe that without my treatment program with him the chronic pain would be uncontrollable and physically I would be in a worse state.

I have seen Mike approximately 6-7 times a month for the last five years. I believe that with his vast knowledge of pain management he has assisted me in being able to move through my daily tasks and responsibilities. There have been days when I've hobbled into his practice that I could barely stand up straight or had the strength to open the front door but after my treatment session the pain had reduced and under control. Needless to say my medical therapy soft tissue treatments take a high priority in my daily maintenance program.

Additionally, I have recommended him to friends and family because I firmly believe that he is the most highly qualified medical massage therapist that I would endorse. I'm thankful for his ongoing care, professionalism, knowledge and care that he has extended to me.

# Ellen Jo Ljung

April 20, 2016

To Whom It May Concern:

Mike Devo is a skillful massage therapist who has improved my health and well-being.

I first saw Mike after an epidural for my lumbar spine and physical therapy failed to provide complete relief. He identified a badly "knotted" TFL band on my left side, no doubt earned by months of walking badly, and worked out the knots for me. Though the process was uncomfortable, Mike maintained communication with me throughout to be sure I was okay with the pressure, and I felt immediate relief. Then he taught me how to maintain it using a super ball for more targeted pressure point impact then I was getting with a foam roller. The bursitis in my left hip disappeared and I was able to return to my workout program.

When I developed trigger finger that injections could not cure and needed surgery, a subsequent massage from Mike reduced the post-surgical swelling. Since I have additional fingers that are symptomatic as well as Dupuytren's contracture, Mike has taught me massage techniques to reduce inflammation. Now I hope to avoid further surgery.

On December 11, 2015, I had a total knee replacement. Unfortunately I developed "stiff knee syndrome" and have been working hard for four months to regain more mobility. Mike has not only eased my pain and helped loosen tight muscles restricting mobility, but he also does some of the same stretching techniques that my physical therapists did, especially important now that I've been discharged from PT and am working on my own.

I have enjoyed the benefits of regular massage for almost three decades. After my massage therapist of 26 years retired, I tried lots of therapists. Mike is unique among them for several reasons:

- His knowledge about specific techniques to treat specific issues is amazing and very effective, and he explains what he's doing.
- He teaches self-care techniques to use at home, between appointments, and even loaned me a DVD to help me learn how to massage my hands more effectively.

He has excellent critical thinking skills when formulating a continued medical plan that incorporates massage.

Mike has made me a fan. I'd be happy to talk about my experiences as his client with you.

Ellen Ljung

39W556 Sheldon Lane · Geneva · IL · 60134 · [imwriter@imwriter.com](mailto:imwriter@imwriter.com)



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Hearing Notice for Still Waters Spa located at 2075 Prairie Street, St. Charles

Presenter: Mayor Rogina

*Please check appropriate box:*

|                          |                        |                                     |                                     |
|--------------------------|------------------------|-------------------------------------|-------------------------------------|
| <input type="checkbox"/> | Government Operations  | <input type="checkbox"/>            | Government Services                 |
| <input type="checkbox"/> | Planning & Development | <input type="checkbox"/>            | City Council                        |
| <input type="checkbox"/> | Public Hearing         | <input checked="" type="checkbox"/> | Liquor Control Commission (5/16/16) |

|                 |  |           |     |                          |    |                          |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|
| Estimated Cost: |  | Budgeted: | YES | <input type="checkbox"/> | NO | <input type="checkbox"/> |
|-----------------|--|-----------|-----|--------------------------|----|--------------------------|

If NO, please explain how item will be funded:

**Executive Summary:**

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 massage establishment license or impose a fine, or both, by reason of the Complain of Violation filed by the Chief of Police, James Keegan, of offenses happening on or about April 29, 2016 at the establishment of Still Waters Spa, 2075 Prairie Street, St. Charles.

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

Citation and Notice of Hearing  
Memo  
Letter from Attorneys Office of Bochte, Kuzniar & Navigato, LLP

**Recommendation / Suggested Action** *(briefly explain):*

Discussion Regarding Massage Establishment Citation and Hearing Notice for Still Waters Spa located at 2075 Prairie Street, St. Charles

*For office use only:*

*Agenda Item Number:* 11

**COPY**

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 MASSAGE )  
ESTABLISHMENT LICENSE OF: )  
 ) Case Number 2016-LC-06  
STILL WATERS SPA, LLC )

**CITATION AND NOTICE OF HEARING**

TO: STILL WATERS SPA, LLC  
2075 Prairie Street, 104  
St. Charles, IL 60174

**PLEASE TAKE NOTICE THAT** on May 16, 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 5.20.150 of the Municipal Code of the City of St. Charles.

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 massage establishment 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 5.20.150(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 NILLES, AT 630/377-4422.**

DATED this \_\_\_\_ day of May, 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: STEVEN ALLENDEE & YANLIN ZHANG at S.C.P.O.  
11:50 hrs on the 5<sup>th</sup> day of May, 2016.

ALP 0-340

SUBSCRIBED AND SWORN TO  
before me this 5<sup>th</sup> day of May, 2016.

Sarak Cass  
NOTARY PUBLIC



**COPY**

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 MASSAGE )  
ESTABLISHMENT LICENSE OF: )  
 ) Case Number 2016-LC-06  
Still Waters Spa, LLC )  
2075 Prairie Street, 104 )  
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. That on or about April 29, 2016, at approximately 12:28 p.m., the Licensee, Still Waters Spa, LLC, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

**OFFENSE**

Violated Section 5.20.130(D) of the Massage Establishment Act which states:

“No person shall advertise, promote, or refer to himself or herself as a massage therapist as herein defined without being a massage therapist as provided in this chapter or Illinois statute.”

Violated Section 5.20.110(A) of the Massage Establishment Act which states:

“Supervision. A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this

chapter by any agent or employee of the licensee shall constitute a violation by the licensee.”

3. On or about April 29, 2016, Still Waters Spa, LLC was operating under a Massage License issued by the City of St. Charles.

4. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and are in violation of and contrary to Sections 5.20.130(D) and 5.20.110(A) of the St. Charles Municipal Code.

5. That the Licensee, Still Waters Spa, LLC 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 5.20.150 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the Massage Business Commission, hold a hearing on this matter and take such action against Still Waters Spa, LLC as the Massage Business Commissioner shall deem appropriate under the circumstances.



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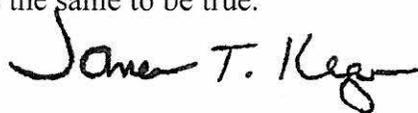
James Keegan  
Chief of Police  
City of St. Charles, Illinois

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.

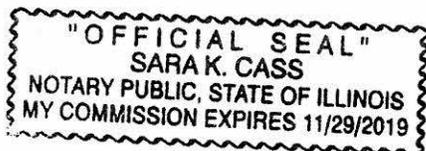


\_\_\_\_\_  
James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO  
before me this 3<sup>rd</sup> day of May, 2016.



\_\_\_\_\_  
NOTARY PUBLIC



## ARRAIGNMENT FORM

I, Steve Allender, as agent for Still Waters Spa, LLC being a licensee charged with a violation of Chapter 5.16 of the Municipal Code of the City of St. Charles at 2075 Prairie Street, 104, 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.

Still Waters Spa, LLC

Signature:

By: [Signature]

Date:

05/12/16

Subscribed and sworn to before me

This 12TH day of MAY, 2016.

[Signature]  
Notary Public



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

LICENSE

Granting this license does not entitle the licensee to operate or maintain a business in violation of any other law or ordinance

CITY OF ST. CHARLES MUNICIPAL LICENSE

KEEP POSTED IN PUBLIC VIEW

LICENSE NO:

8341-1

VALID FROM

05 01 2016

TO

04 30 2017

MESSAGE LICENSE

UNDER THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES, THIS CERTIFICATE WHEN PROPERLY VALIDATED, AFFIRMS THAT THE APPROPRIATE LICENSE FEE HAS BEEN PAID

SEAL

ACCOUNT NUMBER

44070

LICENSEE: Still Waters Spa, LLC  
2076 Prairie Street  
Suite 104  
St. Charles IL 60174

MAYOR

*Raymond P. Roggi*

CITY CLERK

*Nancy Garrison*

STILL WATERS SPA, LLC

ANNUAL QUARTER DAILY

DATE ISSUE

| MONTH | DAY | YEAR |
|-------|-----|------|
| 05    | 01  | 2016 |

DATE DUE

| MONTH | DAY | YEAR |
|-------|-----|------|
| 04    | 30  | 2016 |

DATE EXPIRES

| MONTH | DAY | YEAR |
|-------|-----|------|
| 04    | 30  | 2017 |

AMOUNT DUE

\$250.00

LICENSE

Granting this license does not entitle the licensee to operate or maintain a business in violation of any other law or ordinance

**CITY OF ST. CHARLES MUNICIPAL LICENSE**

**KEEP POSTED IN PUBLIC VIEW**

LICENSE NO: **8341-1**

VALID FROM 

|    |    |      |
|----|----|------|
| 05 | 01 | 2015 |
|----|----|------|

 TO 

|    |    |      |
|----|----|------|
| 04 | 30 | 2016 |
|----|----|------|

**MESSAGE LICENSE**

ACCOUNT NUMBER: 

|       |
|-------|
| 44070 |
|-------|

SEAL

UNDER THE MUNICIPAL CODE OF THE CITY OF ST. CHARLES, THIS CERTIFICATE WHEN PROPERLY VALIDATED, AFFIRMS THAT THE APPROPRIATE LICENSE FEE HAS BEEN PAID

LICENSEE: **Still Waters Spa, LLC**  
 2076 Prairie Street  
 Suite 104  
 St. Charles IL 60174

**STILL WATERS SPA, LLC**

MAYOR: *Raymond P. Rogin*

CITY CLERK: *Nancy Garrison*

ANNUAL  QUARTER  DAILY

| DATE ISSUE |     |      |
|------------|-----|------|
| MONTH      | DAY | YEAR |
| 09         | 28  | 2015 |

| DATE DUE |     |      |
|----------|-----|------|
| MONTH    | DAY | YEAR |
| 04       | 30  | 2015 |

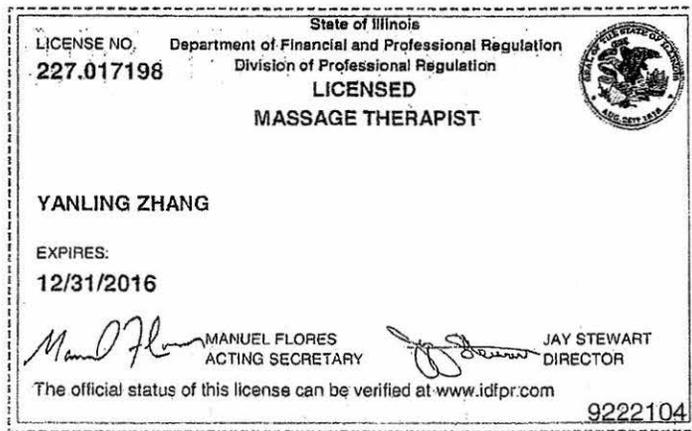
| DATE EXPIRES |     |      |
|--------------|-----|------|
| MONTH        | DAY | YEAR |
| 04           | 30  | 2016 |

| AMOUNT DUE |
|------------|
| \$250.00   |



Cut on Dotted Line ✂

For further reference, the Department is now providing a personal customer identification "Contact Number" which you may use in lieu of your social security number or FEIN number when contacting the Department. Your number is: 3842585



Cut on Dotted Line ✂

# State of Illinois

Department of Financial and Professional Regulation  
Division of Professional Regulation

LICENSE NO.  
227.016181

The person, firm or corporation whose name appears on this certificate has complied with the provisions of the Illinois Statutes and/or rules and regulations and is hereby authorized to engage in the activity as indicated below.

EXPIRES:  
12/31/2016

LICENSED  
MASSAGE THERAPIST

YUFEN FAN  
932 W 35TH ST  
CHICAGO, IL 60609



*Manuel Flores*

MANUEL FLORES  
ACTING SECRETARY

*Jay Stewart*

JAY STEWART  
DIRECTOR

The official status of this license can be verified at [www.idfpr.com](http://www.idfpr.com)

9328800

For further reference, the Department is now providing a personal customer identification "Contact Number" which you may use in lieu of your social security number or FEIN number when contacting the Department. Your number is: 3772209

|   |   |
|---|---|
| State of Illinois   |   |
| LICENSE NO.   | Department of Financial and Professional Regulation |
| <b>227,016181</b>   | Division of Professional Regulation                 |
| <b>LICENSED</b>   |   |
| <b>MASSAGE THERAPIST</b>  |   |
| YUFEN FAN   |   |
| EXPIRES   |   |
| <b>12/31/2016</b>   |   |
|                        | MANUEL FLORES<br>ACTING SECRETARY                   |
|                      | JAY STEWART<br>DIRECTOR                             |
| The official status of this license can be verified at <a href="http://www.idfpr.com">www.idfpr.com</a> |   |
| <b>9328800</b>  |   |

Cut on Dotted Line >



# Case Report Summary



Print Date/Time: 05/09/2016 13:21  
Login ID: kschult  
Case Number: 2016-00009288

ST CHARLES POLICE DEPARTMENT  
ORI Number: IL0451400

## Case

Case Number: 2016-00009288      Incident Type: 5000 ALL OTHER CRIM OFFENSES  
Location: 2075 PRAIRIE ST 104      Occurred From: 04/29/2016 12:28  
SAINT CHARLES, IL 60174      Occurred Thru: 04/29/2016 12:36  
Reporting Officer ID: 0048 - Lamela      Disposition:  
Disposition Date:  
Reported Date: 04/29/2016 12:57 Friday

## Offenses

| No. | Group/ORI | Crime Code | Statute            | Description                   | Counts |
|-----|-----------|------------|--------------------|-------------------------------|--------|
| 1   | State     | 5000       | 225 ILCS 57.0/30-B | VIOLATE MASSAGE LICENSING ACT | 1      |

## Subjects

| Type         | No. | Name                 | Address  | Phone         | Race                   | Sex    | DOB/Age |
|--------------|-----|----------------------|--|---------------|------------------------|--------|---------|
| ARRESTEE     | 1   | XIUQIN, JI           | 2048 WESSEL CT<br>SAINT CHARLES, IL 60174      | (312)918-7985 | ASIAN/PACIFIC ISLANDER | FEMALE | 50      |
| OTHER PERSON | 1   | NIEDZWIEDZ, ROBERT S | 2048 WESSEL CT<br>SAINT CHARLES, IL 60174      | (630)945-0059 | WHITE                  | MALE   | 54      |
| OTHER PERSON | 2   | ALLENDER, STEVEN F   | 4202 N GALENA RD<br>PEORIA, IL 61614           | (309)643-4510 |                        |        | 55      |
| OTHER PERSON | 3   | ZHANG, YANLING       | 809 BARBRA AVE<br>SOUTH ELGIN, IL 60177        | (309)643-4510 | ASIAN/PACIFIC ISLANDER | FEMALE | 49      |
| WITNESS      | 1   | BEETER, RYAN         | 211 N RIVERSIDE AVE<br>SAINT CHARLES, IL 60174 | (630)377-4435 |                        |        |         |

## Arrests

| Arrest No. | Name       | Address                                     | Date/Time        | Type | Age |
|------------|------------|---|------------------|------|-----|
| 20490 A    | XIUQIN, JI | 2075 PRAIRIE ST 104 SAINT CHARLES, IL 60174 | 04/29/2016 12:57 |      | 50  |

## Property

| Date       | Code     | Type     | Make | Model | Description         | Tag No. | Item No. |
|------------|----------|----------|------|-------|---------------------|---------|----------|
| 04/29/2016 | EVIDENCE | CURRENCY |      |       | 2 - 50 Dollar bills | 20111   | 1        |

### Chain of Custody

| Date             | Transaction  | From               | From Role | To                    | To Role          |
|------------------|--|--------------------|-----------|-----------------------|------------------|
| 05/02/2016 09:00 | Type: Intake<br>Code: INITIAL<br>Tag Number:<br>Remarks: | 0057-Dave Ketelsen | DETECTIVE | 0131-Richard Sullivan | PROPERTY OFFICER |

## Vehicles

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

## OfficerID: alamela, Narrative

On 04/25/2016, I conducted a brief background investigation for STILL Waters Spa who had applied to renew their Massage Establishment License. While conducting the background investigation, I made contact with the owner of the business, Yanling Zhang. I asked Yanling if I would be able to conduct an inspection of the business, which is required for the background investigation. Yanling stated that she was not at STILL Waters Spa, however, the business was open. I informed Yanling that I would be en route to STILL Waters Spa to conduct the inspection and that I would contact her with any areas of concern.

At approximately 1130 hours, I went to STILL Waters Spa and conducted an inspection. The business floor plan has not changed since the date of the initial background investigation. There was an Asian female sitting behind the desk in the waiting room. The Asian female did not speak English.

During the inspection, the female Asian called Yanling and was speaking Chinese. I then spoke with Yanling and asked who the female employee was. Yanling stated that the female was her friend and not an employee. Yanling stated that the female resides close to the business. Yanling stated that she instructed her friend to open the business but not to give any massages. Yanling assured me that her friend was not giving massages to customers. I asked Yanling to instruct the female Asian to produce identification and Yanling stated that she could not understand me. Yanling does not speak English very well. During the phone conversation, the call disconnected. I took photographs of what I observed. Prior to leaving, I instructed the female Asian to close the business since there was no one there who possessed a valid State of Illinois Massage Therapist License.

On 04/29/2016, the St. Charles Police Department conducted a Massage Establishment Compliance Check at STILL Waters Spa, located at 2075 Prairie Street #104 in St. Charles, Illinois. CSO Ryan Beeter agreed to be the U/C to conduct this compliance check. CSO Beeter's assignment was to enter STILL Waters Spa and request a (1) hour massage and ensure / evaluate their legal compliance. CSO Beeter was given \$100.00 (\$50 - S/N: IB 07247951 B, \$50 - S/N: AK 60469782 A), which was photographed and recorded.

Prior to going to STILL Waters Spa, I informed CSO Beeter that there was a female Asian employee who was not a licensed Massage Therapist at the business and that she should not be providing anyone with massages. I showed CSO Beeter a photograph of the subject that was taken during the inspection. I provided CSO Beeter with instructions to allow the female Asian to begin the massage. I instructed CSO Beeter to quickly end the massage and to notify me if this subject attempts to provide him with a massage.

Detective Ketelsen, Detective Bauwens, Detective Schuessler, Commander Gatlin and I followed CSO Beeter to STILL Waters Spa. At 1228 hours, I observed CSO Beeter enter STILL Waters Spa. During this time, I did not observe anyone else enter or exit from the business.

At 1236 hours, I observed CSO Beeter exit STILL Waters Spa. I observed CSO Beeter enter his vehicle. CSO Beeter notified me via radio and stated, "It's a go." Detective Schuessler and I met with CSO Beeter in the parking lot of STILL Waters Spa. CSO Beeter stated that he paid the female Asian who was in the picture I showed him \$100 (2 \$50 bills) for a (1) hour massage. CSO Beeter advised that the female Asian gave him \$40 back in change. CSO Beeter advised that the female Asian was wearing a blue shirt and blue jeans. CSO Beeter also stated that there was another female Asian inside of the business.

At that point, Detective Ketelsen, Detective Bauwens, Detective Schuessler, Commander Gatlin and I approached the business. As I was walking up to the front door, I observed the (2) Asian females walking away from the door. As I entered the business, both subjects were walking fast north down the hallway towards the rear door. The female Asian that began to give CSO Beeter a massage stopped in the hallway and said "Hi!" The second female Asian exited through the rear north door. Detective Schuessler and Detective Bauwens met with the second female Asian while I spoke with the subject who provided CSO Beeter with a massage.

The employee walked me into the first room on the east side of the business, which had a massage table in it. Along the wall I noticed a clear plastic bag that contained female clothing that was sitting on top of a suit case. The employee provided me with her passport and she was identified as Ji Xiuqin. I confirmed that this was the same subject that I had met on 04/25/2016 during the business inspection. It appeared that Ji was residing inside of the business. (See attached photos) I requested CSO Beeter to enter the business and he identified Ji as the subject who provided him with a massage. (See CSO Beeter's Supplementary Report) Ji did not speak English and only spoke Chinese. Ji made contact with Yanling's husband, Steven Allender. I spoke with Steven and informed him of what occurred. I informed Steven that Ji was going to be arrested and charged with Violating the Massage License Act. Ji provided Detective Ketelsen with the (2) \$50 bills that CSO Beeter gave her for the massage. (See Detective Ketelsen's Supplementary Report) Ji was taken into custody and transported to the St. Charles Police Department. The (2) \$20 bills that were given to CSO Beeter for change were left on the front desk and they were photographed.

I then met with Detective Bauwens who was with the second female Asian. She provided me with her passport and she was identified as Jia Xiaoling (dob) . Jia did not speak English and also only spoke Chinese. Jia was instructed to leave the premises and she complied.

Investigators cleared from the business and responded back to the St. Charles Police Department. Detective Ketelsen, Detective

Bauwens and Detective Schuessler processed Ji. While doing so, Detective Ketelsen spoke with Ji's boyfriend, Robert Niedzw regarding Ji's place of residency and obtained other personal information.

I ran Ji through the Illinois Department of Financial and Professional Regulations for a Massage Therapist License, which showed "No Record". (See attached IDFPD document) I also made contact with the I.C.E. Law Enforcement Support Line and ran an Immigration Alien Query on Ji. I later received a response stating that Ji was legally admitted into the US on 02/18/2016 and is admitted until 08/17/2016. (See attached LEADS/NCIC document) I prepared Ji's charging documents and provided her with a copy of her complaint form. Ji was released on a Personal Recognizance and issued a court date of 05/19/2016 at 0900 hours at the Kane County Branch Court. Ji's boyfriend, Robert came to the police department to pick her up. This case is cleared by adult arrest.

Cleared by Adult Arrest  
DL#340  
JLG315

## **OfficerID: rbeeter, Narrative**

On 042916 at 1228 hours I entered into the business located at 2075 Prairie St "STILL WATERS SPA". Upon entering I was greeted by two female Asians one wearing a red and white shirt with jeans and the other wearing a blue T-shirt and blue jeans (the female earlier identified to me by Det Lamela #340 as not having a massage license) Ji Xiuqin. The female with the blue shirt stood up from a couch and walked me back to the 2nd room on the West side of the building. Once inside the room I asked the female how much for an hour massage and she clearly did not understand me. She then paused and spoke to the other female in a different language and told me it was \$60 dollars for an hour. I then gave her two \$50 bills, the female then quickly returned with two (2) \$20 bills. She then closed the door while I undressed and laid down on the table. Soon after laying down the same female returned to the room and began giving me a back and shoulder massage. I then stopped the massage and told her I needed to leave and that I would "come back later". She then left the room while I got dressed. The female then returned with her phone and started to use a translator app with me. I once again told her that I needed to leave but would be back.

I then exited the business (1236hrs) and went back to my vehicle where I contacted detective lamela via radio and told him it was "a go". I then meet with Lamela and other detectives on scene and identified the female the female that performed my massage.

No further Action  
RAB397  
JLG315

## **OfficerID: dketelsen, Narrative**

### **Violation Of Massage Licensing Act / All Other Criminal Offenses**

On 042916 I was assisting in booking Ji Xiuqin at the St Charles Police Department. She was allowed to make a phone call and she contacted a male subject. She then handed me the phone and I spoke with a subject who identified himself as being Robert Niedzwiedz. Robert was told why Ji was arrested. I asked him what his address was and if Ji lived with him. He advised that he lived at 2048 Wessel Ct in St Charles, but Ji did not live with him. Robert said that he has been dating Ji for approximately 3 months. He said the whole time that he has been dating Ji she has been living where she works at Still Water Spa.

I advised Robert that Ji was not suppose to be living at this location. I asked if I could use his address on the charging documents and bond form so Ji would be assured of receiving any other mail sent to her regarding her court case. He stated this would be alright.

Upon releasing Ji I met with Robert in front of the SCPD. I explained the documents to Robert since Ji did not speak English. He was shown when and where her court date will be and advised he will help her make this court date.

No Further Action.

DK #328  
JLG315

## Police Department

# Memo

Date: 5/5/2016

To: Commander Jerry Gatlin #315

From: Detective Drew Lamela #340

Re: STILL Waters Spa / Citation and Notice of Hearing

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On 05/05/2016, at 1040 hours, I went to STILL Waters Spa to serve the owner, Yanling Zhang with her Citation and Notice of Hearing regarding an arrest that took place at the establishment on 04/29/2016. Upon arrival, I was greeted by an older female Asian subject who did not speak English. I asked the subject for name and she could not answer my question. I asked the subject if Yanling was at the business and she could not answer my question. I walked over to a small desk where Yanling's business license and State of Illinois Massage Therapist is posted. These licenses were the only licenses displayed in the waiting area. I did not locate the female Asian's State of Illinois Massage Therapist License. I pointed to the licenses and asked the female Asian if she had a license and she stated, "Yeah, yeah".

The female Asian then entered the hallway and entered the first room on the east side of the hallway. I followed her into the room and she was calling the owner. As she called the owner, she retrieved her State of Illinois Driver's license from her purse. She handed me her driver's license and her cell phone. I then spoke with Yanling's husband, Steven Allender. I informed Steven of who I was and he immediately stated, "We have a licensed masseuse working right now. She is licensed." I asked Steven for her name and he could not provide me with that information. I asked Steven if he and Yanling were coming to the establishment and he stated that they were 30 minutes away. I informed Steven that I had documents to issue Yanling and asked that he meet with me at the St. Charles Police Department before going to STILL Waters Spa. Steven stated that he and Yanling would meet with me at the police department prior to going to STILL Waters. I then ended my conversation with Steven.

I identified the female Asian employee through her State of Illinois Driver's License as **Yu Fen Fan (dob) 02/13/1959** who resides at 932 W. 35<sup>th</sup> Street Floor #1 in Chicago, Illinois 60609. (DL#: F500-9605-9644) I returned to the St. Charles Police Department and ran Ms. Fan through the Illinois Department of Financial and Professional Regulation for a Massage Therapist License. Ms. Fan does possess a valid license #227.016181. (See attached copy of IDFPR license)

*Service, Courage, Professionalism, Dedication*



While at STILL Waters Spa, I noted that the establishment was in violation of the following offenses:

**5.02.090 – Display of Licenses**

Every person licensed as a massage business under this chapter shall display such license in a prominent place in the public reception area of the massage establishment.

**5.20.110 – Conditions and Restrictions of License**

**A. Supervision**

A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this chapter by any agent or employee of the licensee shall constitute a violation by the licensee.

This concludes this memo.

Detective Drew Lamela #340



Illinois Department of Financial and Professional Regulation

### Lookup Detail View

Contact

| Name      | City/State/Zip         | DBA/AKA |
|-----------|------------------------|---------|
| YUFEN FAN | Chicago, IL 60609-1513 |         |

Contact Information

License

| License Number | Description                | Status | First Effective Date | Effective Date | Expiration Date | Ever Disciplined |
|----------------|----------------------------|--------|----------------------|----------------|-----------------|------------------|
| 227016181      | Licensed Massage Therapist | ACTIVE | 09/25/2013           | 12/22/2014     | 12/31/2016      | N                |

License Information

Generated on: 5/5/2016 10:56:17 AM

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May 10, 2016

**Sent via email only to [jmc@hmcpc.com](mailto:jmc@hmcpc.com)**

John McGuirk  
Hoscheit, McGuirk, McCracken & Cuscaden, P.C.  
1001 East Main St., Suite G  
St. Charles, IL 61074

**Re: Still Water Spa, LLC  
St. Charles Case No.: 2016-LC-06**

Dear Mr. McGuirk:

As a follow up to our earlier conversation, I write to advise that this office represents the interests of Still Water Spa, LLC with reference to the above captioned matter. The entitled matter is currently scheduled for hearing before the Local Liquor Control Commission on Monday, May 16, 2016. Unfortunately, my client will be unavailable to attend the hearing due to the fact that her husband is scheduled to have surgery on May 16th and she needs to provide him transportation to the hospital and to stay with him. As such, I am respectfully requesting a continuance to the next available hearing date before the Commission. If need be, I can attend the hearing scheduled for May 16th and formally request a continuance.

Please let me know if the continuance can be secured without my presence and if so, what the new hearing date will be. Otherwise, if my presence is required, please inform me and I will promptly appear on May 16th on behalf of my client.

Thank you in advance for your attention to this matter. Should you have any questions, please do not hesitate to call me.

Very Truly Yours,

BOCHTE, KUZNIAR & NAVIGATO, LLP

  
MICHAEL T. NAVIGATO

MTN/kg