AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING

MONDAY, MAY 15, 2017
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET

1. Call to Order.

2. Roll Call.

3. Recommendation to approve a proposal for a Class B liquor license application for new owners to take over Taste of Himalayas located at 110 N 3rd Street, St. Charles.

4. Recommendation to approve WalMart Online Ordering and Grocery Pickup through www.grocery.walmart.com.

5. Motion to accept and place on file minutes of the April17, 2017 Liquor Control Commission meeting.

6. Other Business.

7. Public Comment

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

9. Adjournment.

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).

ST. CHARLES SINCE 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	Agenda Item number: 3
	Title:	Recommendation to Approve a Proposal for a Class B liquor License Application for New Owners to take over Taste of Himalayas located at 110 N 3rd Street, St. Charles
	Presenter:	Chief Keegan, Police Department

Meeting: Liquor Control Commission	Date: May 15, 2017	
Proposed Cost: $	Budgeted Amount: $	Not Budgeted: ☐

Executive Summary (*if not budgeted please explain*)**:**

This is a request for a class B liquor license for Taste of Himalayas located at110 N 3rd Street, St. Charles. This is a long standing St. Charles restaurant of which the current owner has decided to sell this business to new owners who are seeking this license. Everything about the current business operations will remain the same and no late permit is being requested.

The same goes for the business plan which is fine dining restaurant with full service bar; serving authentic Indian and Nepali food along with Indian wine and beer.

All paper work is in order, background checks have been completed by the Police Department and city staff recommends approval for this application to move forward to the Government Operations Committee meeting.

Attachments (*please list*)**:**
Liquor License Application
Background Check
Site Plan
Menu

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to approve a proposal for a Class B liquor license application for new owners to take over Taste of Himalayas located at 110 N 3rd Street, St. Charles.

City of St. Charles, Illinois Liquor Control Commissioner

CITY RETAIL LIQUOR DEALER LICENSE APPLICATION

APPLICATION FEE IS NON-REFUNDABLE

Incomplete applications will not be accepted.
Completed applications may be submitted to:
Two East Main Street, St. Charles, IL 60174-1984

Date Application Received: _____ ☑ **New Application** ☐ **Renewal Application**

APPLICATION CHECKLIST

Check items to confirm all are attached to this application	**Applicant**	**Office Use Only**
Application Fee	☐	☐
Completed Application for all questions applicable to your business.	☑	☑
Copy of Lease/Proof of Ownership	☐	☐
Copy of Dram Shop Insurance or a letter from insurance agent with a proposed quote.	☐	☐
Copy of Articles of Corporation, if applicable.	☑	☑
Completed B.A.S.S.E.T. (Beverage Alcohol Sellers & Servers Training) form – filled out for **all** employees. A copy of the B.A.S.S.E.T. certificate is **only** needed for **each manager**. It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for all of their employees.	☑	☑ 1 of 2
Copy of Site Plan for Establishment (Drawn to scale including the parking lot, patio and/or deck, outdoor seating).	☑	☑
Copy of Floor Plan for Establishment (Drawn to scale and **must include** the layout of the establishment with tables, chairs, aisles, displays, cash register, bar, and lounge area with dimensions, percentage, and square footage noted for each space). Be sure to also include all **fixed objects**, such as pool tables, bar stools, vending/amusement machines; as well as all **exits**.	☑	☑
Copy of Business Plan, to include: ☑ Hours of Operation ☑ Copy of Menu ☑ Whether or not live music will be played at this establishment ☑ Will there be outdoor seating and/or outdoor designated smoking area ☑ **Do not include a marketing or financial plan with this business plan**	☑	☑
Are any building alterations planned for this site? If not sure, please contact **Building & Code Enforcement at 630.377.4406** and/or **Fire Prevention Bureau at 630.377.4458** to discuss whether or not a walk-thru and/or permit are necessary for this business.	☐	☐
All managers have been fingerprinted who are employed by your establishment. When new management is hired, it is imperative you contact the Mayor's office to be fingerprinted so the City's business files are appropriately updated.	☐	☑

OFFICIAL USE ONLY

☐ Approved* ☐ Denied Date Approved/Denied:_____ Customer Number:_____

_____ _____

Signature of Mayor, Liquor Control Commissioner Date Issued

***ISSUANCE OF THIS LICENSE IS CONTINGENT ON MEETING ALL REQUIRED BUILDING AND FIRE DEPARTMENT REQUIREMENTS.**

APPLICANT INFORMATION

A. Type of Business: ☐ Individual ☐ Partnership ☑ Corporation ☐ Other (explain):

B. Business Name: TASTE OF HIMALAYAS (PARENT CORPORATION: TBX FOODS, LLC)

C. Business Address: 110 N 3RD ST SAINT CHARLES IL 60174

D. IL Tax ID Number:	E. Business Phone:	F. Business E-mail:	G. Business Website:
82-0723550	331-333-0150	jay.gulati@hotmail.com	www.tasteofhimalayas.com

H. Contact Person:	I. Title:	J. Phone No.:
ABHISHEK GULATI	PRESIDENT	[redacted]

K. If Corporation, Corporation Name: TBX FOODS, LLC

L. Corporation Address (city, state, zip code): 1611 SOUTHRIDGE TRAIL ALGONQUIN IL 60102

BUSINESS ESTABLISHMENT LOCATION INFORMATION

A. **Type of Establishment:** ☐ Package ☑ Restaurant ☐ Tavern ☐ Hotel/Banquet/Arcada/Q-Center ☐ Other

B. Address applying for liquor license (exact street address):	C. Number of Parking Spaces:	D. Outside Dining s.f. [17.20.020-R]:	E. Holding Bar s.f. [5.08.010-F]:
110 N 3RD ST SAINT CHARLES IL 60174	5	~ 750 sq ft	~ 100 sq ft

F. Total Building s.f.:	G. Total Number of Seats:	H. Number of Bar Seats:	I. Sale Counter s.f.:	J. Live Entertainment Area s.f. [5.08.010-H]:

K. Kitchen s.f.:	L. Cooler s.f.:	M. Dry Storage s.f.:	N. Seating Area s.f.:	O. Retail/public Area s.f.:	P. Service Bar s.f. [5.08.010-O]:

Q. Brief Business Plan description based on type of establishment listed above:

GRANDFATHERED FROM PREVIOUS APP

MANAGER INFORMATION

Full Name, include middle initial: KRISHNA P CHITTURI Title: MANAGER

Birthdate: 12/20/60 Birthplace: VIJAYAWADA, INDIA Driver's License#: [redacted] Phone: [redacted]

Home Address: [redacted] BOLINGBROOK IL

Full Name, include middle initial: Title:

Birthdate: Birthplace: Driver's License#: Home Phone:

Home Address:

Full Name, include middle initial: Title:

Birthdate: Birthplace: Driver's License#: Home Phone:

Home Address:

PROPOSED FLOOR PLAN/LAYOUT OF PROPERTY	
Mandatory: attach to this application a floorplan or layout of the proposed facility to include the following:	
CLASS B LICENSES	
1.	Every application for a Class B license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale showing the following (***check off once complete***): a. The location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof; b. The designated use of each room or segregated area (i.e. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided); c. The proposed seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.**
2.	**The site drawing is subject to the approval of the Local Liquor Control Commissioner. The Local Liquor Commissioner may impose such restrictions as he deems appropriate on any license by noting the same on the approved site drawing or as provided on the face of the license.**
3.	A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4.	**It shall be unlawful for any Class B licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.**
CLASS C LICENSES	
1.	Every application for a Class C license, whether an initial application or a renewal application, shall have attached thereto a site drawing of the proposed licensed premises, drawn to scale, showing the following (***check off once complete***): a. The location of all rooms, segregated areas, including outdoor seating areas and the square footage thereof; b. The designated use of each room or segregated area (e.g. dining room, holding bar, service bar, kitchen, restrooms, outdoor seating areas, all rooms and segregated areas, including outdoor areas, where alcoholic liquor may be served or consumed and all locations where live entertainment may be provided; c. The proposed seating capacity of rooms or segregated areas where the public is permitted to consume food and/or alcoholic beverages and/or live entertainment may be provided.**
2.	**The site drawing is subject to the approval of the Local Liquor Commissioner. The Local Liquor Commissioner may impose such restrictions as he deems appropriate on any licensee by noting the same on the approved site drawing or as provided on the face of the license.**
3.	A copy of the approved site drawing shall be attached to the approved license and is made a part of said license.
4.	**It shall be unlawful for any Class C licensee to operate and/or maintain the licensed premises in any manner inconsistent with the approved site drawing.**
****THE FIRE PREVENTION BUREAU WILL FURNISH ALL FINAL, PERMITTED OCCUPANCY NUMBERS FOR THIS LICENSE.**	

CORPORATION / PREMISES QUESTIONS	
1.	If applicant is an individual or partnership, is each and every person a United States citizen **(5.08.070-2)**? ☑ **Yes** ☐ **No** Is any individual a naturalized citizen? ☑ **Yes** ☐ **No** **If yes**, print name(s), date(s), and place(s) of naturalization:
2.	**List the type of business of the applicant (5.08.070-3):** RESTAURANT & BAR
3.	Number of years of experience for the above listed type of business **(5.08.070-4)**: 3 YEARS
4.	**Amount of merchandise that normally will be in inventory when in operation (5.08.070-5): $** 20,000
5.	Location/address and description of business to be operated under this applied for license **(5.08.070-6)**: 110 N 3RD ST SAINT CHARLES IL 60174 NEPALI/INDIAN RESTAURANT & BAR
6.	**Is the premises owned or leased (5.08.070-6A)?** ☐ **Owned** ☑ **Leased**
7.	If the premises are leased, list the names and addresses of all direct owners or owners of beneficial interests in any trusts, if premises are held in trust **(5.08.070-6B)**: **Name of Building Owner:** SAME AS PREVIOUS APPLICATION Address of Building Owner: -GRANDFATHERED Mailing Address of Building Owner (if different): Phone Number: E-mail Address: **Name of Building Owner:** Address of Building Owner: Mailing Address of Building Owner (if different): Phone Number: E-mail Address: **Name of Building Owner:** Address of Building Owner: Mailing Address of Building Owner (if different): Phone Number: E-mail Address:
8.	**Does the applicant currently operate, or operated in the past, any other establishment within the City of St. Charles that requires a liquor license?** ☐ **Yes** ☑ **No** **If yes, please list the business name(s) and address(es):**

9.	Does applicant have any outstanding debt with the City of St. Charles, including, but not limited to, utility bills, alcohol tax, and permit fees, for any current or previous establishment owned, operated or managed by the applicant? ☐ **Yes** ☑ **No** **If yes, please note the City of St. Charles requires all debt to be paid in full before consideration of a new or renewed liquor license is issued.**
10.	Are any improvements planned for the building and/or site that will require a building permit? ☐ **Yes** ☑ **No** **If yes,** has a building permit been applied for? ☐ **Yes** ☐ **No** **If yes,** date building permit was applied for with Building & Code Enforcement:
11.	Has applicant applied for a similar or other license on the premises other than the one for which this license is sought **(5.08.070-7)**? ☐ **Yes** ☑ **No** **If yes,** what was the disposition of the application? Explain as necessary:
12.	Has applicant (and all persons listed on page 1 of this application) ever been convicted of a felony under any Federal or State law, or convicted of a misdemeanor opposed to decency or morality **(5.08.070-8)**? ☐ **Yes** ☑ **No** Is applicant (and all persons listed on page 1 of this application) disqualified from receiving a liquor license by reason of any matter contained in Illinois State law and/or City of St. Charles Municipal Ordinances? ☐ **Yes** ☑ **No**
13.	**List previous liquor licenses issued by any State Government or any subdivision thereof (5.08.070-9). Use additional paper if necessary.** **Government Unit:** Date: Location, City/State: Special Explanations: **Government Unit:** Date: Location, City/State: Special Explanations:
14.	Have any liquor licenses possessed ever been revoked **(5.08.070-9)**? ☐ **Yes** ☑ **No** **If yes,** list all reasons on a separate, signed letter accompanying this application. Has any director, officer, shareholder, or any of your managers, ever been denied liquor license from any jurisdiction? ☐ **Yes** ☐ **No** **If yes,** proceed to Question 15. If more space is needed, please attach a separate sheet of paper with the information.

15.	**Complete ONLY if yes was answered to the questions above (14):** Name: Name of Business: Position with the Business: Date(s) of Denial: Reason(s) for Denial of License:
16.	**Date of Incorporation (Illinois Corporations) (5.08.070-10):** MARCH 8th 2017 **Date qualified under Illinois Business Corporation Act to transact business in Illinois (Foreign Corporation):** MARCH 8th 2017
17.	Has the applicant and all designated managers read and do they all understand and agree not to violate any liquor laws of the United States, the State of Illinois, and any of the ordinances of the City of St. Charles in conducting business**(5.08.070-11)**? ☑ **Yes** ☐ **No** Have you, or in the case of a corporation, the local manager, or in the case of a partnership any of the partners, ever been convicted of any violation of any law pertaining to alcoholic liquor? ☐ **Yes** ☑ **No** Have you, or in the case of a corporation the local manager, or in the case of a partnership any of the partners, ever been convicted of a felony? ☐ **Yes** ☑ **No** Have you ever been convicted of a gambling offense? ☐ **Yes** ☑ **No** (If a partnership or corporation, include all partners and the local manager(s).) Will you and all your employees refuse to serve or sell alcoholic liquor to an intoxicated person or to a minor? ☑ **Yes** ☐ **No**
18.	**Mandatory: All individual owners, partners, officers, directors, and/or persons holding directly or beneficially more than five (5) percent in interest of the stock of owners by interest listed on page 1 of this application must be fingerprinted by the City of St. Charles Police Department (5.08.070-A12).** Has this been done? ☑ **Yes** ☐ **No** **If yes, date(s):** 4/10/17
19.	**Mandatory:** Has the applicant attached proof of Dram Shop Insurance to this application or already furnished it to the City of St. Charles **(5.08.060)**? ☐ **Yes** ☑ **No** If already furnished, date of delivery: **NOTE: Insurance must be issued from May 1, 20XX – April 30, 20XX in accordance with City code 5.08.060. Request a prorated rate from your insurance company if you are applying for a new license during this timeframe.**

20.	**Mandatory:** Is the premises within 100 feet of any real property of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands, or children; and/or any military or naval station **(5.08.230)**? ☐ **Yes** ☑ **No**

COMMENTS/ADDITIONAL INFORMATION

B.A.S.S.E.T. TRAINING

Please list employees required to have B.A.S.S.E.T training on this page – include all managers, assistant managers, bartenders, and clerks who are permitted to make alcoholic liquor sales. Include copies of certificates for managers only and mark Manager if applicable. Add another page, if needed.

Name: KRISHNA (First) CHITTURI (Last) PRASAD (Middle) Manager

Home Street Address: [redacted]

City, State, Zip: BOLINGBROOK IL 60490

Date of Course: 03/07/2017 Place Course was Taken: 360TRAINING.COM

Birthdate: [redacted] Certificate Granted: 03/07/2017 Expiration: 03/08/2018

Name: (First) (Last) (Middle) Manager

Home Street Address:

City, State, Zip:

Date of Course: Place Course was Taken:

Birthdate: Certificate Granted: Expiration:

Name: (First) (Last) (Middle) Manager

Home Street Address:

City, State, Zip:

Date of Course: Place Course was Taken:

Birthdate: Certificate Granted: Expiration:

Name: (First) (Last) (Middle) Manager

Home Street Address:

City, State, Zip:

Date of Course: Place Course was Taken:

Birthdate: Certificate Granted: Expiration:

NEW MANAGEMENT REQUIREMENTS

Whenever a new manager comes on board, the City must be notified and that person must be fingerprinted.

It is the business establishment's responsibility to keep copies of all B.A.S.S.E.T. certificates on file for their employees.

APPLICATION FOR LATE NIGHT PERMIT	
SUPPLEMENTAL TO LIQUOR LICENSE FOR CLASS B/C	
To: St. Charles Liquor Control Commission	Date: 04/05/17
I now possess or have applied for a liquor license Class	
Applicant's Name:	
Name of Business:	
Business Address:	
Business Phone:	

N/A

SUPPLEMENTAL PERMIT APPLIED FOR

Payment of Late Night Permit fee is required at the time the permit is issued.

☐ 1:00 a.m. Late Night Permit – fee of $800.00

☐ 2:00 a.m. Late Night Permit – fee of $2,300.00

NOTE: Other permits that may be available upon request include:

- Class E – Special Event License (1 to 3-day event @ $100.00 per day)
- Outdoor Dining Permit (Contact Community & Economic Development @ 630.377.4443)

SIGNATURES

_____

Applicant's Signature

☐ **Liquor Commissioner hereby directs City Clerk to issue permit indicated above.**

_____ _____

Liquor Commissioner's Signature **Date**

ADDENDUM TO RETAIL LIQUOR LICENSE APPLICATION	
To be completed by the City of St. Charles Police Department	
Date: 04/05/2017	Name of Applicant: KRISHNA P CHITTURI
Name of Business: TBX FOODS, LLC DBA TASTE OF HIMALAYAS	
Address of Business: 110 N 3RD ST SAINT CHARLES IL 60174	Ward Number:

To Liquor Control Commissioner, City of St. Charles, Illinois

Pursuant to the provision of the City of St. Charles Municipal Code, Chapter 5.08, Alcoholic Beverages, the following guide shall be in effect for the investigation of an applicant for a Retail Dealer's Liquor License:

1.	Date on which applicant will begin selling retail alcoholic liquors at this location: JULY 1ST 2017
2.	**Is the location within 100 feet of any church; school; hospital; home for the aged or indigent persons; home for veterans, their wives/husbands or children; or any military or naval station?** ☐ **Yes** ☑ **No**
3.	If the answer to question 2 is yes, answer the following: Is applicant's place of business a hotel offering restaurant service, a regularly organized club, a restaurant, a food shop, or other place where the sale of alcoholic liquors is not the principal business? ☐ **Yes** ☐ **No** N/A **If yes, answer a, b and c:** a. State the kind of such business: b. Give date on which applicant began the kind of business named at this location: c. Has the kind of business designated been established at this location for such purpose prior to February 1, 1934, and carried on continuously since such time by either the applicant or any other person? ☐ **Yes** ☐ **No** N/A
4.	**If premises for which an alcoholic liquor license is herein applied for are within 100 feet of a church, have such premises been licensed for the sale of alcoholic liquor at retail prior to the establishment of such church?** ☐ **Yes** ☑ **No** **If yes, have the premises been continuously operated and licensed for the sale of alcoholic liquor at retail since the original alcoholic liquor license was issued therefore?** ☐ **Yes** ☐ **No** N/A
5.	Is the place for which the alcoholic liquor license is sought a dwelling house, flat, or apartment used for residential purposes? ☐ **Yes** ☑ **No**
6.	**Is there any access leading from premises to any other portion of the same building or structure used for dwelling or lodging purposes and which is permitted to be used or kept accessible for use by the public? (Connection between premises and such other portion of building or structure as is used only by the applicant, his/her family and personal guests not prohibited.)** ☐ **Yes** ☑ **No**
7.	If applicant conducts or will conduct in the same place any other class of business in addition to that of City Retailer of Alcoholic Liquor, state the kind and nature of such business: ☑ **Yes** ☐ **No** RESTAURANT

8.	Are all rooms where liquor will be sold for consumption on the premises continuously lighted during business hours by natural light or artificial white light so that all parts of the interior shall be clearly visible? ☑ Yes ☐ No
9.	Are premises located in any building belonging to or under the control of the State of Illinois or any other political subdivision thereof, such as county, city, etc.? ☐ Yes ☑ No
10.	Are the premises for which license is herein applied for a store or place of business where the majority of customers are minors of school age or where the principal business transacted consists of school books, school supplies, food or drinks for such minors? ☐ Yes ☑ No
11.	It is required by the City of St. Charles that all employees undergo BASSET training. Provide a copy of the certificate of training completion for each manager. All certificates for managers have been submitted: ☑ Yes ☐ No
12.	From your observation and investigation, has applicant–to the best of your knowledge–truthfully answered all questions? ☑ Yes ☐ No **If no, state exceptions:**
13.	Have all persons named in this application been fingerprinted? ☑ Yes Fingerprinted by: CSO Beeler #397 Date: 04/01/17
14.	Other necessary data:

SIGNATURES
ENDORSEMENTS AND APPROVALS

INVESTIGATING OFFICER

Investigating Officer Signature	346 / CMDR. **Badge Number & Rank**

ENDORSEMENT OF THE CHIEF OF POLICE

Recommend Issuing Liquor License: ☐ Yes ☐ No

Signature Of Chief of Police	**Date**

ENDORSEMENT OF THE LIQUOR CONTROL COMMISSIONER

Recommend Issuing: ☐ **Yes** ☐ **No** **Date:**_____

Comments

_____

Liquor Commissioner

ENDORSEMENT OF THE FIRE CHIEF

Recommend Issuing: ☐ **Yes** ☐ **No** **Date:**_____

Comments:

_____

Fire Chief

ENDORSEMENT OF THE BUILDING COMMISSIONER

Recommend Issuing: ☐ **Yes** ☐ **No** **Date:**_____

Comments:

Zoning Classification:_____ _____

Building Commissioner

ENDORSEMENT OF THE FINANCE DIRECTOR

Recommend Issuing: ☐ **Yes** ☐ **No** **Date:**_____

Comments:

_____

Finance Director

APPROVAL OF THE CITY COUNCIL

Approved for Issuing: ☐ **Yes** ☐ **No** **Vote: Ayes**_____ **Nays**_____

_____ Date:_____

Attested to by City Clerk

Police Department

ST. CHARLES
SINCE 1834

Memo

Date: 4/12/2017

To: The Honorable Ray Rogina, Mayor - Liquor Commissioner

From: James Keegan, Chief of Police

Re: Background Investigation – Taste of Himalayas

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.

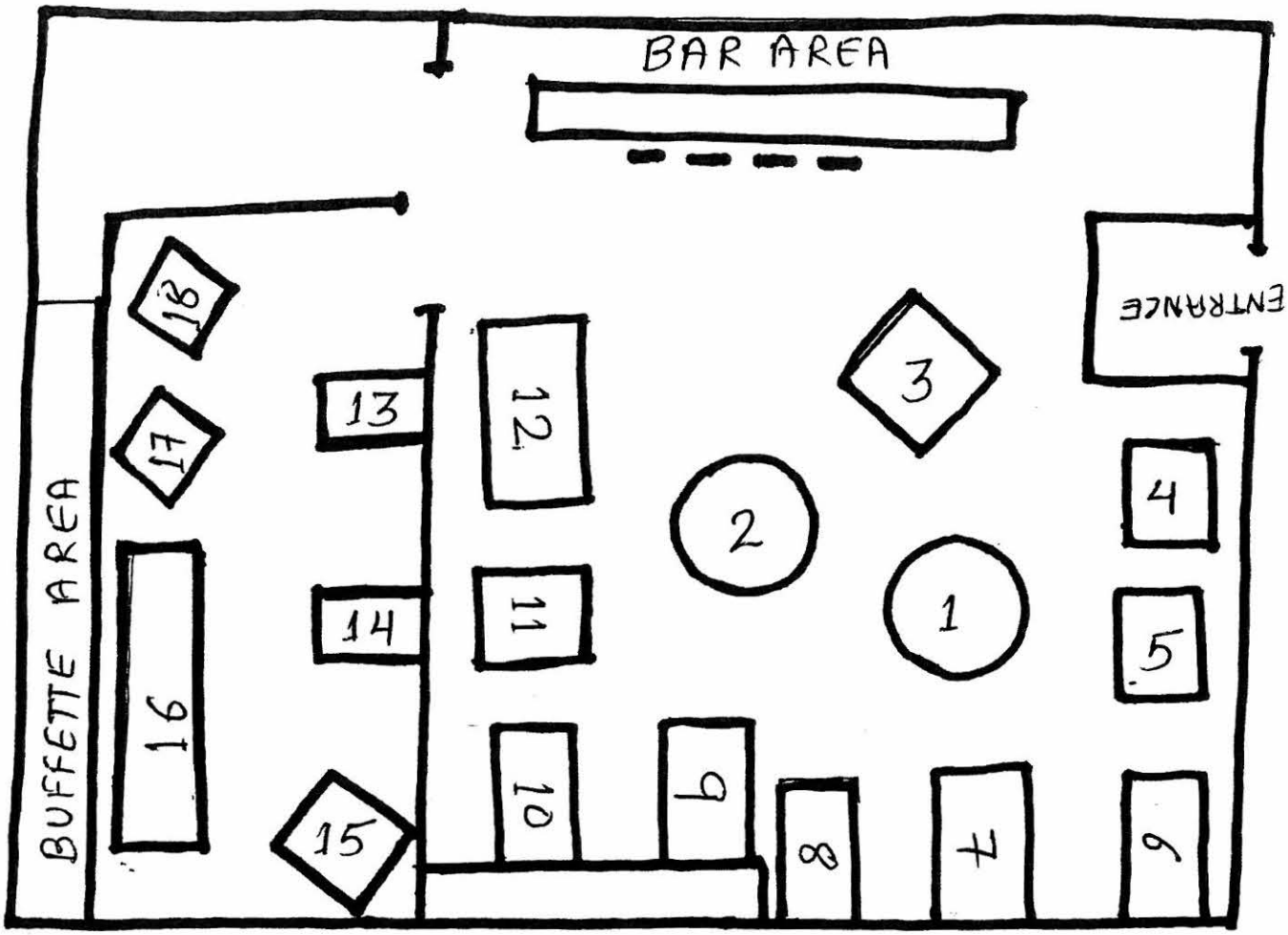
As you are aware, this site has operated as a longstanding St. Charles restaurant. Recently, the ownership group has decided to sell their business and the new owners are seeking a liquor license.

The site location/floor plans and the corresponding application materials were reviewed by my staff. We found nothing of a derogatory nature that would preclude either the site location or the applicants from moving forward with an on-site consumption license, subject to City Council approval.

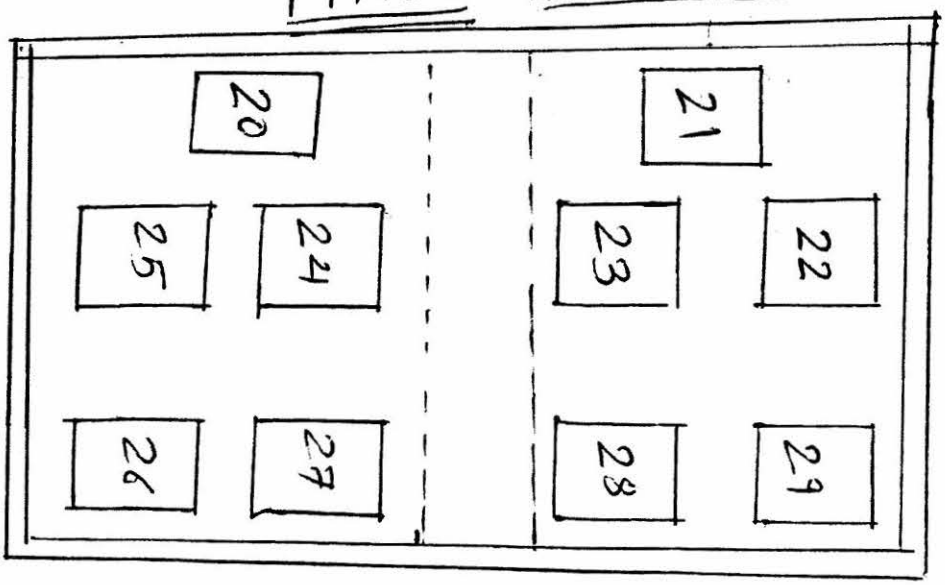
Thank you in advance for your consideration in this matter.

Class B Request 110 N. 3rd Street

TASTE OF HIMALAYAS



PATIO- SEATING



Taste of Himalayas
Restaurant & Bar
110 North 3rd street,
St.Charles, IL 60174
Phone: 630-444-1575
www.tasteofhimalayas.com

IMPORTANT REMINDERS:

* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.

* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.

* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is TBXF. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

Keep this part for your records. CP 575 B (Rev. 7-2007)

Return this part with any correspondence so we may identify your account. Please correct any errors in your name or address.

CP 575 B

9999999999

Your Telephone Number ( ) -

Best Time to Call

DATE OF THIS NOTICE: 03-08-2017
EMPLOYER IDENTIFICATION NUMBER: 82-0723550
FORM: SS-4 NOBOD

INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

TBX FOODS LLC
ABHISHEK GULATI MBR
1611 SOUTHRIDGE TRL
ALGONQUIN, IL 60102

Our Menu

Download PDF

Vegetarian Appetizers

1. Vegetable Samosa (2 pieces).....$3.99
   Crispy pastry stuffed with green peas, potatoes, fresh coriander leaves with mild spice and herbs.
2. Paneer Pakora.....$6.99
   Homemade cottage cheese cubes marinated in our mild spice dipped in batter of chickpeas flour and deep fried.
3. Chilli Pakora.....$5.99
   Finger chilli peppers dipped in a chick peas flour with our own spices and herbs than deep fried.
4. Mixed vegetable Pakora.....$5.99
   Fresh assorted vegetables deeped with mild spices chick peas flour and deep fried
5. Chef's Special assorted Appetizer (for 2 People).....$11.99
   Assortments of fresh vegetable pakora, samosa, chilli pakora and paneer pakora .

Non - Vegetarian Appetizers

6. Keema Samosa(2 pieces).....$5.99
   Crispy pastry stuffed with minced lamb, peas, fresh coriander leaves with mild spice and herbs.
7. Chicken Pakora.....$7.99
   Mildly spice of boneless chicken pieces dipped in batter and deep fried.
8. Tandoori mixed Grill (For 2 people).....$19.99
   A mixed platter of our chosen tandoori presentations which includes chicken tikka, shish kabab, tandoori

Lunch (Buffet)
Tuesday-Friday
11:30 am - 2:30 pm

Saturday - Sunday
12:00 pm - 3:00 pm

Dinner ((Ala Carte)
Tuesday-Saturday
5:00 pm - 10:00 pm

Sunday
5:00 pm - 9:00 pm

* Restaurant closed on Monday

chicken, malayi kabab and tandoori shrimp, served on hot sizzling platter.

9. Chicken Mo Mo (Nepali style Appetizer).....$9.99
Minced chicken mixed with our own Nepalese spices stuffed in a thin flour wrap, steamed and served with Nepali chutney.

10. Chhoela from Himalayas (Nepali style Appetizer).....$10.99
Boneless chicken marinated with our own Nepalese style and roasted in a clay oven, served with touch of fresh ginger, garlic, onion & cilantro.

11. Khashi ko Bhutuwa (Nepali style Appetizer).....$11.99
Boneless goat meat cubes stir fried with Nepalese spices and herbs, Garnished with cilantro.

12. Chilli Chicken Dry (Nepali style Appetizer).....$10.99
Fried Marinated Boneless Chicken stir fried with green peppers, onions and Nepalese spices and herbs. It's our own perfection

Accompaniments

13. Himalayas Garden Salad.....$5.99
Fresh garden salad with cucumbers, carrots, tomatoes and lettuce garnished with cilantro and serve with our own dressing raita

14. Mixed Raita.....$2.99
Chilled homemade yogurt blended with cucumber and garnished with roasted cumin seeds and fresh cilantro.

Tandoori Specialties

Tandoor is a barrel shaped Indian clay oven which is used for roasting lamb, chicken, sea foods and baking breads with fired charcoal or a gas at a temperature of 600 degrees (approximately). Tandoori foods are low in Cholesterol, which recommended for all .All tandoori items serve on hot sizzling platter.

15. Achari Chicken (Nepali style dish).....$16.99
Tender bite size of boneless chicken cubes marinated with blended pickle and seasoning spice in a sour base and roasted in clay oven.

16. Tandoori Chicken (Full - Half).....$17.99 / $9.99
The tastiest way to clay oven whole or half chicken marinated in blended yogurt and seasoning spice and herbs to its perfection.

17. Chicken Tikka.....$16.99
Tender bite size of boneless chicken cubes marinated in blended yogurt and mild spices roasted in clay oven.

18. Chicken Malayi Kabab.....$16.99
Tender boneless chicken cubes marinated in a low fat sour cream and our mild spices, roasted to get perfect taste.

19. Reshmi Kabab.....$16.99
Minced white chicken supreme marinated in a low fat sour cream, light Indian spices and cooked in clay oven to its perfection.

20. Shish Kabab.....$18.99
Minced lamb with our own combination of herbs and spices, roasted in a clay oven.

21. 21. Lamb Tikka.....$19.99
Boneless cubes of tender lamb marinated in blended yogurt, garlic, and ginger with mild spices and roasted in a clay oven.

22. Tandoori Prawn.....$24.99
Finest jumbo shrimp marinated with mild spices and cooked in a clay oven.

23. Tandoori Mixed (Chef's special for 2 people)..... $26.99
An assortment of tandoori chicken, chicken tikka, reshmi kabab, shish kabab , lamb tikka Malayi Kabab and tondoori shrimp serve on hot sizzling platter.

Poultry Dishes (Includes Basmati Rice)

24. Chicken Curry.....$12.99
Boneless chicken cooked with a delicately spiced curry sauce.

25. Chicken Makhani (Mild).....$14.99
Tandoori boneless chicken cooked with creamy tomato sauce, butter and mild spices.

26. Chicken Tikka Masala (Mild).....$14.99
Marinated boneless chicken roasted &cooked with delicious sauce, garnished with ginger & Cilantro

27. Chicken Palak (Mild).....$14.99
Tender boneless chicken cooked with fresh spinach (Saag) in a rich blend of north Indian spices.

28. Chicken Korma (Mild).....$14.99
Boneless pieces of chicken cooked in a rich and delicious almond flavored creamy sauce.

29. Chicken chilli Masala (Hot).....$13.99
Boneless chicken pieces cooked with green chilli, onions and hot Indian spices.

30. Chicken Vindaloo (Hot).....$13.99
Delicious combination of chicken and potatoes sautéed with cumin seeds, onion, cilantro and cooked with firey south Indian delight.

31. Chicken Jalfrazie.....$13.99
Marinated chicken sautéed with fresh green vegetables, garnished with ginger, cilantro, spices and herbs.

32. Kukhura ko Masu (Nepali style dish).....$12.99
Bone in chicken cooked with typical Nepalese village style spices and herbs.

Lamb Dishes (Includes Basmati Rice)

33. Lamb Curry.....$14.99
Tender lamb cubes cooked in a traditional flavorful curry sauce.

34. Keema Matter.....$14.99
Minced lamb meat cooked with green peas, chopped onions, tomatoes, ginger and Indian spices, garnished with fresh cilantro.

35. Lamb Tikka Masala (Mild)..... $15.99
Tandoori roasted boneless lamb cubes cooked with our chef's special creamy sauce.

36. Lamb Pasanda (Mild).....$15.99
Tender pieces of boneless lamb meat cooked with rich creamy sauce and garnished with saffron, nuts and herbs.

37. Lamb Palak (Mild).....$15.99
Boneless pieces of lamb cooked with fresh spinach (Saag) and Indian sauce, garnished with ginger.

38. Lamb Vindaloo (Hot).....$14.99
Delicious combination of boneless lamb and potatoes sautéed with onion, cumin seeds, cilantro and cooked with firey South Indian delight.

39. Lamb Rogan Josh.....$14.99
Tender lamb pieces cooked in traditional Indian spices and a saffron flavored gravy sauce.

40. Khasi ko Masu (Nepali style dish).....$13.99
Bone in goat meat cooked with traditional Nepalese village style spices and herbs.

From The Fresh Water (Includes Basmati Rice)

41. Jhinge machha ko Tarkari (Nepali style dish).....$19.99
Carefully seasoned shrimp with an exotic blend of Himalayas curry sauce.

42. Shrimp Chilli Masala (Hot).....$19.99
Seasonal shrimp cooked with fresh green chilli and rich sauce, with touch of garlic and ginger.

43. Tandoori Prawn Masala (Mild).....$22.99
Clay oven roasted jumbo shrimp cooked in a very special mild seasoned sauce.

44. Shrimp Madras (Hot).....$19.99
Seasonal shrimp cooked in a medium spicy gravy sauce along with coconut flavor.

Fresh from the Garden (Includes Basmati Rice)

45. Matter Paneer (Mild).....$13.99
Fresh Homemade cottage cheese cooked with green peas, tomatoes, ginger, garlic and creamy mild sauce

46. Palak Paneer (Mild).....$13.99
Delicately flavored spinach cooked with fresh homemade cottage cheese, garnished with chopped ginger, an exotic delight.

47. Paneer Makhani (Mild).....$13.99
Fresh homemade cottage cheese cooked with our chef's delightful tomatoes creamy sauce.

48. Dal Makhani (Mild).....$11.99
Delicately assorted whole lentils beans cooked with creamy sauce and garnished with garlic and herbs.

49. Aloo Gobhi.....$11.99
Fresh cauliflower and potatoes cooked with seasoned perfection, garnished with fresh cilantro along with ginger.

50. Chana Masala.....$11.99
Delicious chickpeas cooked in an exotic blend of north Indian spices and herbs, garnish with cilantro.

51. Jeera Aloo.....$11.99
Potatoes simmered with cumin seeds, onion, ginger, tomatoes and garlic, spiced with exotic mixed masala.

52. Bhindi Masala.....$11.99
Fresh Okra sautéed with onions, tomatoes and north Indian spices and herbs

53. Baigan Bharta (Mild).....$12.99
Tender, mashed eggplant blended with onions, tomatoes and green peas, cooked to richness of the spices

54. Himalayas Vegetable Korma (Mild).....$12.99
Combination of fresh garden vegetable mix cooked with mild blended cashew nut sauce.

55. Palungo Ko Saag (Nepali style dish).....$11.99
Fresh garden spinach cooked with chopped tomatoes, onions, garlic and ginger to get real Nepalese taste.

56. Jhane Ko Dal (Nepali style dish).....$11.99
Yellow lentils cooked to perfection in a traditional wok with own Nepalese spices and herbs.

57. Himalayas Vegetable Kofta $12.99
Fresh home made cottage cheese mixed with garden vegetable formed in ball and cooked with fresh blended tomatoes and gravy sauce.

58. Bhuteko Cauli (Nepali style dish).....$11.99
Fresh garden cauliflower sautéed with very own Nepalese herbs and spices, garnished with cilantro and ginger.

59. Himalayas Mix Vegetables $11.99
Baby potatoes cooked with fresh garden peas, cut beans, lima beans along with tender carrots.

Basmati Rice Specialties

60. Steam Basmati $4.99
Fine quality long grained basmati rice especially imported from India.

61. Pulav Rice.....$5.99
Saffron Rice with fresh garden peas and cumin seeds.

62. Vegetable Biryani (It's a meal by itself).....$13.99
Basmati rice and fresh vegetables flavored with saffron and cooked with a special sauce.

63. Chicken Biryani (It's a meal by itself).....$15.99
Aromatic basmati rice mixed with boneless chicken, cooked with delicately spiced including saffron,exotic sauce and herbs.

64. Lamb Biryani (It's a meal by itself).....$17.99
Aromatic basmati rice mixed with boneless lamb, cooked with delicately spiced including saffron, exotic sauce and herbs.

65. Prawn Biryani (It's a meal by itself).....$18.99
Basmati rice mixed with shrimp, cooked with mild Indian spices on low heat to rich real flavored and taste.

66. Chef's Special Biryani (It's a meal by itself).....$19.99
Combination of chicken, lamb and shrimp cooked with our own chef's special spices and sauce.

67. Khasi ko Biryani (Nepali style dish).....$15.99
Pure basmati rice with bone in goat meat, richly flavored with saffron and cooked in aromatic Nepalese Style spices.

68. Kukhura ko Biryani (Nepali style dish).....$13.99
Pure basmati rice with bone in chicken, richly flovored with saffron and cooked in aromatic Nepalese style apices.

69. Chef's Special Veg-Thali (Nepalese style value meal for 1 person).....$17.99
A complete combination of vegetarian platter with Vegetable Korma, Garden Spinach, Jhaneko dal, Mix Vegetables, serve with Rice, Roti, Raita and Kheer.
(This item is not available for Carry-out)

70. Chef's Special Non Veg-Thali (Nepalese style value meal for 2).....$30.99
A complete combination of non vegetarian platter with Chicken tikka, Lamb tikka, Tandoori chicken, Khasi ko masu, Kukhura ko masu, Jhaneko dal serve with Rice, Roti, Raita, Salad and Kheer.
(This item is not available for Carry-out)

Freshly Tandoori Baked Breads

71. Tandoori Naan.....$2.99
Popular Indian style soft flour bread baked on the wall lining of the clay oven.

72. Tandoori Roti.....$2.99
Traditional Indian wheat bread baked in our clay oven.

73. Garlic Naan..... $3.99
Naan made from refined flour with a subtle touch of garlic.

74. Tandoori Paratha.....$3.99
Multi- layered wheat bread cooked in our clay oven and garnished with pure butter.

75. Garlic And Basil Naan.....$3.99
Naan made from refined flour with a subtle touch of garlic and basil.

76. Onion Kulcha.....$3.99
Soft flat bread stuffed with freshly chopped onion and cilantro, baked in our clay oven.

77. Aloo Paratha.....$3.99
Whole wheat bread stuffed with mashed potatoes, green peas, cilantro and spices.

78. Poori (2 pieces).....$3.99
Tender and puffy wheat bread deep fried in pure vegetable oil, it gets great taste with chana masala.

79. Bhatoora.....$2.99
Soft leavened and fermented bread deep fried in pure vegetable oil, it gets great test with chana masala.

80. Bread Basket.....$16.99
Assortments of Naan, Roti, Garlic naan, Paratha and Onion kulcha.

Sweets and Desserts

81. Kheer (Nepali style Dessert).....$2.99
Aromatic basmati rice pudding, sprinkled with almond and pistachios.

82. Kulfi (Indian Ice Cream) $2.99
Traditional home made Indian ice cream, your choice of Mango or Pistachios.

83. Gulab Jamun.....$3.99
Golden fried milk pastry ball dumplings in sweet hot saffron syrup and serve hot.

84. Gajar Halwa.....$2.99
Grated carrots cooked gently in milk and generously sprinkled with nuts and serve hot.

Kids Friendly Meal

85. Chicken tender fried pakora, Butter chicken, Rice, A Dessert and choice of juice or soda, Very mild food for all kids, Yummmy they will love it.....$7.99
(This item is not available for Carry-out)

86. Macaroni & Cheese meal, Which includes A dessert and choice of juice or soda. It's very healthy and favorite food for all Kids.....$6.99
(This item is not available for Carry-out)

Chef's Creations

Kadai Specials
Your choice of meat or sea food cooked with onions, chopped tomatoes, bell peppers and chefs special sauce.
Chicken..... $14.99
Lamb.....$15.99
Shrimp.....$19.99

Pudina Masala Specials
Your choice of meat or sea food cooked with mint, tomatoes and onions base gravy sauce
Chicken..... $14.99
Lamb.....$15.99
Shrimp.....$19.99

Danshak Specials
Your choice of meat or sea food cooked with yellow lentils and masala sauce
Chicken..... $14.99
Lamb.....$15.99
Shrimp.....$19.99

* Our goal is to provide all verities of food with in this menu, but if you don't see anything you like to have it please feel free to ask with our manager and we will try to accommodate you.

* Gratuity of 18% will be charge on your total bill if the party is five or more.

* Don't forget our all you can eat lunch buffet six days a week. If you want to order Ala Crate during lunch hours please feel free to ask our server. We are here to accommodate all your needs as we can.

Thank you for your co-operation and support towards us.
Prices and Menu Items are subject to change without prior notice

We Do Catering For Any Occasion. Please inquire with the Manager for more details.
We Accept All major Credit Cards

© 2011 All Right Reserved By Taste of Himalayas. All Rights Reserved. 110 North 3rd Street, St. Charles, IL, 60174 Landline: 630-444 1575 Designed By: Sarobar

ST. CHARLES SINCE 1834	**AGENDA ITEM EXECUTIVE SUMMARY**	Agenda Item number: 4
	Title:	Recommendation to Approve WalMart Online Ordering and Grocery Pickup through www.grocery.walmart.com
	Presenter:	Chief Keegan – Police Department

Meeting: Liquor Control Commission	Date: May 15, 2017	
Proposed Cost: $N/A	Budgeted Amount: $N/A	Not Budgeted: ☒

Executive Summary (*if not budgeted please explain*)**:**

The attached material from Walmart explains in great detail their corporate movement towards online ordering and pick-up via www.grocery.walmart.com. Although this concept and business practice is not yet permitted within St. Charles, the below mentioned liquor code does allow for this practice with City Council approval.

Staff has vetted this request and reviewed the attached material including Walmart's safeguards against alcohol being delivered to minors or those impaired. Community Development has also reviewed our zoning code to ensure compliance.

Staff recommends approval of this concept with the aforementioned controls being instituted and implemented by both corporate Walmart and our St. Charles location.

Please see the attached liquor code language and the loose leaf handout from Walmart.

5.08.250 – Regulations Applicable Generally

17. Licenses – Curb/Drive-Through Service -No license issued under this chapter authorizes the sale, gift or delivery of alcoholic liquor utilizing curb service, drive-through window without City Council approval, or any other similar methodology unless said delivery is part of a catering package and the associated liquor order is made in conjunction with said food order or the alcohol delivered was purchased at the sales location and is part of a special order/special event delivery. All other such sales, gifts or deliveries are prohibited.

Attachments (*please list*)**:**
WalMart Grocery Pickup Procedure

Recommendation/Suggested Action (*briefly explain*)**:**
Recommendation to approve WalMart Online Ordering and Grocery Pickup through www.grocery.walmart.com

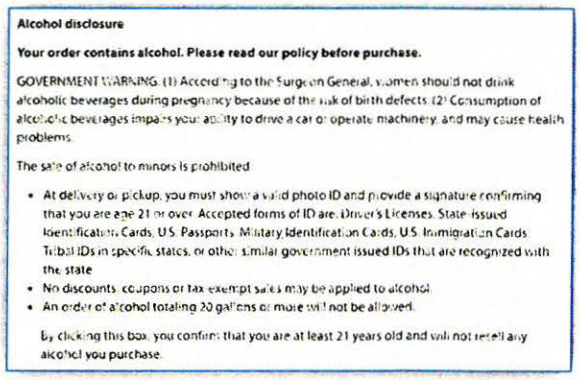
Global eCommerce Compliance
Online Grocery Pickup Procedure Guide

Placing Order

- Customer places order online through grocery.walmart.com
- Customer selects desired products and the timeframe/location for pickup
- Customer completes the order by supplying Walmart with payment information
- Walmart authorizes and holds the card information but funds are not transferred from the card

Where allowed by state and local law, customers can include alcoholic beverage product in their online grocery order through grocery.walmart.com.

All alcoholic beverage product item pages on grocery.walmart.com are flagged with a notification explaining the restrictions around purchasing this product.
If the customer checkouts with an alcoholic beverage product in their basket, this notification is displayed again at checkout and is displayed after checkout in the customer's order confirmation email.



Alcohol disclosure

Your order contains alcohol. Please read our policy before purchase.

GOVERNMENT WARNING: (1) According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects. (2) Consumption of alcoholic beverages impairs your ability to drive a car or operate machinery, and may cause health problems.

The sale of alcohol to minors is prohibited.

- At delivery or pickup, you must show a valid photo ID and provide a signature confirming that you are age 21 or over. Accepted forms of ID are: Driver's Licenses, State-issued Identification Cards, U.S. Passports, Military Identification Cards, U.S. Immigration Cards, Tribal IDs in specific states, or other similar government issued IDs that are recognized with the state.
- No discounts, coupons or tax-exempt sales may be applied to alcohol.
- An order of alcohol totaling 20 gallons or more will not be allowed.

By clicking this box, you confirm that you are at least 21 years old and will not resell any alcohol you purchase.

Picking / Staging

- A store associate picks the customer's order from the store's sales floor
- Once picked, customer's orders are staged in the designated holding area at the pickup location

Per state and local laws, all associates picking alcohol are of the required age

When the order is picked and staged by store associates, all bags containing alcoholic beverage product are labeled with an "alcohol" sticker

Global eCommerce Compliance
Online Grocery Pickup Procedure Guide

Dispensing / Completing Order

- When the customer arrives at the store they check-in and park in a designated area for order pick-up.
- A store associate brings out the order and reviews the manifest with the customer.
    - They review any substitutions, missing items, and allow the customer to inspect the order if they would like
- When satisfied with their order the customer signs a hand held device and authorizes payment on the credit card information provided at the time of order placement
- Walmart charges the customer's card for the full amount after the customer signature is recorded
    - If customer abandons the order we release the authorization on the card and put all items ordered back into the store's inventory

If a customer's order includes alcoholic beverage product, the store associate is prompted by their handheld device to request customer age and ID *(these are the same prompts that occur at the registers in the store)*

The customer is required to show valid ID (same as in store) and the associate is required to enter birth date into their handheld device (same as in store)

- If over 21, the order will be released, the customer signs, and the card is charged *(from here, this is the same process as above)*
- If the customer is under 21 or cannot provide a valid ID, **the alcoholic beverage products are removed from the customer's order**. The customer can sign for the remaining items and the card is charged for the amount (minus the cost of the alcoholic beverage products)

#5

MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, APRIL 17, 2017

1. Call to Order.
The meeting was convened by Liquor Commissioner Rogina at 4:35 p.m.

2. Roll Call

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

Absent:

Others Present: Mark Koenen, Atty. John McGuirk, Police Chief Keegan, Deputy Police Chief Kintz, Atty. Tim O'Neil, and Tina Nilles

3. Motion to accept and place on file minutes of the Liquor Control Commission meetings held on March 20, 2017.

Motion by Ald. Lewis second by Payleitner to accept and place on file minutes of the Liquor Control Commission meeting held on March 20, 2017.

Voice Vote: Ayes: unanimous, Nays: none. **Chrmn. Rogina** did not vote as Chairman. **Motion carried.**

4. Recommendation to approve a proposal for a new Class B liquor license for DRM Deli Inc. to be located at 610 East Main Street, St. Charles.

Chief Keegan: The applicant is not here tonight.

Chrmn. Rogina: What has been our past precedence on these incidences? If they don't appear at tonight's Government Operations Committee, it is off the agenda for this month.

Chief Keegan: I can quickly give you a quick overview. This is a recommendation to approve a proposal for a new Class B liquor license for DRM Deli Inc. located at 610 East Main Street. This deli is a sustained business for the last several months on the near east side of St. Charles at 610 East Main Street. The site and business plans are attached in the packet. He would like to offer liquor service; the hours of operation are also noted in your packet. I know there has been some discussion on a possible patio as well.

Ald. Payleitner: Is there outdoor seating there now?

Chrmn. Rogina: I've been there and I don't recall seeing any outdoor seating but it was cold at the time.

Ald. Payleitner: With a liquor license they will have to fence it off.

Chief Keegan: We've done patios in several places, so if the Liquor Commission and Council approve the site plan then we would move forward to the next steps that are required.

Ald. Lewis: I thought it was a state law that you couldn't serve alcohol on a state highway. *(There was some discussion of the site plan that was submitted as to where the entrance to proposed patio would be in conjunction with Main Street.)*

Mark Koenen: That area is all private property as well as the parking lot immediately in front of their business on Rt. 64.

Chrmn. Rogina: There are more questions to be ask and we'll take no position on this and move it to Government Operations Committee and if he is not here for that, it will be deferred to next month.

5. Recommendation to approve a proposal for a Class B liquor license application for new owners to take over Taste of Himalayas located at 110 N 3rd Street, St. Charles.

Chief Keegan: This is a recommendation to approve a proposal for a Class B liquor license application for new owners to take over Taste of Himalayas located at 110 N 3rd Street, St. Charles. The applicants are not here this afternoon. This is an ownership change and no changes whatsoever to the business plan.

Chrmn. Rogina: As you pointed out this is a long standing business with just change of ownership and everything else remains the same with the same good food.

Ald. Lewis: I think the applicant should have been here out of respect for what he wants and the privilege of having a liquor license.

Chrmn. Rogina: Let the record reflect that the same situation is being taken by the Liquor Commission that there will be no position taken and we'll move forward without a recommendation to Committee meeting this evening.

6. Recommendation to approve an outdoor patio permit for Vintage 53 located at 162 S 1st Street, Unit C.

Chief Keegan: This is a recommendation to approve an outdoor patio permit for Vintage 53 located at 162 S 1st Street, Unit C. This request is before the committee for one reason; when we typically approve a liquor license the associated floor plan and business plan is approved at the same time. This applicant because his business adjoins to city property right-of-way, the City would have to approve the patio. This is not an uncommon occurrence; the 1st Street Plaza has

ZaZa's, McNally's, Puebla and Pizzeria Neo where we've had some of these uses approve for outside consumption with appropriate parameters of seating being barricaded and roped off.

Ald. Lewis: Do you have to serve food to have an outdoor patio or can you just sit there and have a glass a wine?

Chief Keegan: We do codify in our code that you have to have food in conjunction with alcohol outside on a patio.

Chrmn. Rogina: I noticed across the way at McNally's people were outside with a beverage but food was being served out there.

Ald. Payleitner: We're here because this is changing the business plan and floor plan – correct?

Chief Keegan: That and also we need specific authority from the City because it's on the City's right-of-way.

Robert Gehm: How many seats do you expect to have out there on the sidewalk?

Mario Grado, Vintage 53, 162 S 1st Street: Three or four tables with eight seats comfortably.

Chrmn. Rogina: Just a point on that, I recall a conversation we had back when 1st Street was going on of a couple of citizens coming forth saying that they would like to see "el fresco" patio dining when weather was nice to create that kind of atmosphere. I certainly think it creates the "piazza" atmosphere.

Ald. Lewis: To that point I agree with you but I'm curious how wide is the sidewalk that is left over once these tables are there? If two people are walking down the street, do they now have to go single file to get pass your place?

Mr. Grado: I measured out the space that would be used and there is space to walk. The only exception is the light post but there is sidewalk there to pass by on.

Ald. Lewis: My only suggestion is that you error on the side of the pedestrian; if you could give them a little more room that would be a little more street friendly.

Motion by Ald. Payleitner, second by Gehm in moving forward to committee for a recommendation of approval for an outdoor patio permit for Vintage 53 located at 162 S 1st Street, Unit C.

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

7. Continuation of a Court Hearing regarding tobacco violation citation for Rose Smoke N' Vapor, 902 S Randall Road, St. Charles. ***(Please refer to Court Reporter***

transcript for the remainder of the minutes taken on this hearing.)

8. Other Business

9. Public Comment – None.

Motion by Mr. Gehm, second by Ald. Payleitner to enter into Executive Session at 5:20 p.m. to discuss tobacco violation citation for Rose Smoke N' Vapor.

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

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

Motion by Mr. Gehm, second by Mr. Amenta to return from Executive Session at 5:37 p.m.

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

11. Adjournment

Motion to adjourn by Ald. Lewis, second by Amenta to adjourn meeting at 5:38 p.m.

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

Planet Depos
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Transcript of Hearing

Date: April 17, 2017
Case: St. Charles Liquor Commission Hearing

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BEFORE THE LIQUOR CONTROL COMMISSION

OF THE CITY OF ST. CHARLES

----------x

In Re: :

Rose Smoke N' Vapor, :

902 South Randall Road. :

----------x

HEARING (Continued)

St. Charles, Illinois 60174

Monday, April 17, 2017

4:48 p.m.

Job No.: 139383

Pages: 1 - 35

Reported by: Paula M. Quetsch, CSR, RPR

1 HEARING, held at the location of:
2
3
4 ST. CHARLES CITY HALL
5 2 East Main Street
6 St. Charles, Illinois 60174
7 (630) 377-4400
8
9
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12
13 Before Paula M. Quetsch, a Certified Shorthand
14 Reporter, Registered Professional Reporter, and a
15 Notary Public in and for the State of Illinois.
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1 PRESENT:
2 MAYOR RAYMOND ROGINA, Chairman
3 CHUCK AMENTA, Member
4 ROBERT GEHM, Member
5 MAUREEN LEWIS, Member
6 RITA ANNE PAYLEITNER, Member
7
8 ALSO PRESENT:
9 ROSE BAIG
10 JOHN MC GUIRK, City Attorney
11 TINA NILLES, Secretary
12 TIM O'NEIL, Counsel
13 CHIEF JAMES KEEGAN, St. Charles
14 Police Department.
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1 C O N T E N T S

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
ABDULLAH BAIG				
BY MR. O'NEIL	6			
ERIC MAHAN				
BY MR. O'NEIL	10			
NICHOLAS ANSON				
BY MR. O'NEIL	15			
BY MS. BAIG		23		
BY MR. O'NEIL			24	

	W/D	ID	EVD
CITY EXHIBITS			
Exhibit 1 Bottle of Valgous		7	19

1 P R O C E E D I N G S
2 MAYOR ROGINA: All right. Item 7 for the
3 continuation of a court hearing regarding
4 Rose Smoke N' Vapor, 902 South Randall Road,
5 St. Charles.
6 Counsel, O'Neil is here. Do you have counsel
7 or are you representing yourself?
8 MS. BAIG: Yes.
9 MAYOR ROGINA: Fair enough. So before I turn
10 this over -- petitioner always has the first burden
11 of proof or the burden to bring forth the facts here.
12 Before we do that, I'd just like to state that
13 this is a matter before the local Liquor Commission
14 of the City of Charles in the matter of the tobacco
15 license of Rose Smoke N' Vapor, Incorporated,
16 902 South Randall Road, St. Charles. And, more
17 specifically, if you give me a moment here, the charge
18 here is the sale of a tobacco product to a minor.
19 With that I'll turn the presentation over to
20 Counsel O'Neil.
21 For the record, counsel will present the
22 evidence. If there's a question that I need to ask,
23 I will do so. Any witnesses that are called by
24 Counsel O'Neil you have a right to question.

1 MS. BAIG: Okay.
2 MR. O'NEIL: Thank you, your Honor, ladies
3 and gentlemen. I will waive a opening statement.
4 First, I'd call Abdullah Baig. I'd like to
5 call him first as a witness, if you may swear him
6 in, your Honor.
7 (Witness sworn.)
8 MAYOR ROGINA: Would you like to stand?
9 THE WITNESS: That's fine.
10 ABDULLAH BAIG,
11 having been duly sworn, testified as follows:
12 DIRECT EXAMINATION BY COUNSEL FOR THE CITY
13 BY MR. O'NEIL:
14 Q Sir, would you state your name and spell
15 your name for the record?
16 A My name is Abdullah Baig.
17 Q Can you spell that, please?
18 A A-b-d-u-l-l-a-h B-a-i-g.
19 Q And how old are you, sir?
20 A 47.
21 Q And do you have any trouble understanding
22 the English language? In other words, can you
23 understand my questions and answer my questions?
24 A Yes. Sure.

1 Q Okay. And what do you do for a living?
2 A I'm working in the shop.
3 Q What is "the shop"?
4 A It's a vape shop.
5 Q Is it called Rose Smoke 'N Vapor?
6 A Rose Smoke 'N Vapor.
7 Q Are you an employee of that company?
8 A Yes.
9 Q Do you own part of that company?
10 A Yes.
11 Q Were you working on February 9th, 2017, in
12 the early evening around 6:30?
13 A Yes.
14 Q All right. And what is the purpose of
15 Rose Smoke 'N Vapor? What products do you sell?
16 A We sell different kinds of things for
17 different customers for vape.
18 Q Are you aware that the State law of Illinois
19 and the ordinances of the City of Charles prohibit
20 the sale of tobacco or alternate tobacco products to
21 anyone under the age of 18 years of age?
22 A Yes.
23 (Chief's Exhibit 1 marked for identification.)
24 Q I'm going to show you Chief's Exhibit 1.

1 For the record that's a bottle of Valgous,
2 V-a-l-g-o-u-s. Do you recognize what this product is?
3 A Product?
4 Q Is that an alternative tobacco product?
5 A Yes.
6 Q And is this product prohibited by the
7 ordinance of the City of St. Charles and the laws of
8 State of Illinois to be sold to anyone under the age
9 of 18 years of age?
10 A Yes.
11 Q Do you recall if you sold any of this product
12 on February 9th, 2017?
13 A We sold lot of different people, but I
14 didn't sold him another.
15 MAYOR ROGINA: Can you repeat the answer? I
16 heard you say you sold to a lot of people, but then
17 I didn't hear the last part.
18 A (Continuing.) But we didn't sold under
19 18 years of age.
20 MR. O'NEIL: Your Honor, I'd ask that that
21 be stricken as nonresponsive. I just asked if this
22 product was sold on that date, not anyone's age.
23 MAYOR ROGINA: Strike that from the record.
24 And could you repeat the question? The question

1 being whether that product was sold on that date to
2 someone.
3 A (Continuing.) Yes. We sold that date, sell
4 that product.
5 Q And how much does this product sell for?
6 Around $12 with tax?
7 A $12 plus tax.
8 Q So the price on this is $12?
9 A Right.
10 Q Plus the tax?
11 A Yeah. At that time we are having a promotion,
12 so we are selling for $12 plus tax.
13 MR. O'NEIL: All right. I have no further
14 questions of this witness.
15 MAYOR ROGINA: Do you have anything further
16 you want to add to his questions? I know you're
17 representing yourself; you're pro se. Do you have
18 anything else to say on that point?
19 MS. BAIG: No.
20 MAYOR ROGINA: Thank you. You may step back.
21 Counsel, proceed.
22 (Witness sworn.)
23 ERIC MAHAN,
24 having been duly sworn, testified as follows:

1 DIRECT EXAMINATION BY COUNSEL FOR THE CITY
2 BY MR. O'NEIL:
3 Q Sir, state your name and spell your last for
4 the record, please.
5 A Eric Mahan, M-a-h-a-n.
6 Q What is your occupation?
7 A I'm a commander with St. Charles Police
8 Department.
9 Q How long have you been employed by the City
10 of St. Charles?
11 A 21 years.
12 Q And how long have you been a commander?
13 A 6 1/2.
14 Q All right. With respect to this case, did
15 you pull the dispatch tickets from the date of this
16 incident, being February 9th, 2017?
17 A Yes, I did.
18 Q All right. On the dispatch tickets -- first
19 of all, what is the dispatch ticket? What are we
20 discussing?
21 A That would be a CAD, computer-automated
22 dispatch ticket that's generated by Tri-com dispatch
23 when a call is received.
24 Q And according to the -- and these records

1 are kept in the ordinary course of business?
2 A Yes.
3 Q And they're made at or about the time that
4 the event occurred?
5 A Correct.
6 Q With respect to the time that Tri-com created
7 the event, what time did that show?
8 A That was at 1834 military time.
9 Q So for us guys that weren't in the military,
10 that's 6:34 in the evening?
11 A 6:34 p.m.
12 Q To be more specific, 6:34 and 38 seconds; is
13 that correct?
14 A That's correct.
15 Q And does the CAD ticket also show what time
16 Officer Anson was dispatched to Rose Smoke 'N Vapor?
17 A Yeah. That was at 1835 or 6:35 p.m.
18 Q All right. Specifically, 1835 and 56 seconds?
19 A Correct.
20 Q And what time did the CAD ticket show that
21 Officer Anson arrived on scene?
22 A That was at 1847 or 6:47 p.m.
23 Q And what time did Officer Anson clear the
24 scene?

1 A I think it was 1905 or 7:05 p.m.
2 Q At some point he returned to issue the
3 citation. Do you recall what time that was?
4 A That was 1941 or 7:41.
5 Q All right. So at some point --
6 MAYOR ROGINA: Counsel, if I may. At 7:05 he
7 vacated the premises. At 7:41 he returned with a
8 citation?
9 Q Officer Anson cleared the premises at 7:05 and
10 returned at 7:41 to issue the citation?
11 A That's correct.
12 MAYOR ROGINA: Okay. Thank you.
13 Q Now, Commander Mahan, you are aware that last
14 time we were here the respondent, the owner of the
15 store stated she would produce videotape of that
16 day; is that correct?
17 A That's correct.
18 Q And when did you first -- first of all, when
19 was the videotape of the store on that evening
20 produced?
21 A This afternoon at 12:03 p.m.
22 Q Prior to 12:03 p.m., what did you do in an
23 effort to retrieve the videotape?
24 A At 10:00 this morning I went to the business

1 at the time that it opened, and I spoke to the owner
2 asking -- advising that we had not yet received it
3 as requested at the last hearing. She had told me
4 that she needed to still contact ADT and -- which I
5 believe she had said during the last hearing. But
6 she said she would e-mail what she had on her phone.
7 Q Ultimately, you received it at 12:03?
8 A That's correct.
9 Q Was it sent in the form of an e-mail or in
10 the form of a DVD?
11 A It was sent in the form of an e-mail as an
12 attachment.
13 Q Have you had an opportunity to review the
14 videotape of the evening in question?
15 A Yes, I have.
16 Q And I also have the videotape that was
17 produced. Would you agree that the video starts at --
18 in civilian time 6:30 and 12 seconds?
19 A Yes.
20 Q And that it ends at 6:39 and 18 seconds?
21 A That's correct.
22 Q Does it show Officer Anson entering the
23 establishment?
24 A No, it does not.

1 Q Does it show anything prior to 6:30 and
2 12 seconds?
3 A No, it doesn't.
4 MR. O'NEIL: I have no further questions of
5 this witness.
6 MAYOR ROGINA: You have a right to ask him
7 questions. So you may step up here, and you can
8 direct your questions to Commander Mahan. Anything
9 you'd like to ask -- we're very flexible here. So
10 just go right ahead.
11 MS. BAIG: First of all, I just want to
12 apologize because my mother is sick, so after that
13 last hearing I have to go overseas to see her. I
14 just came back yesterday. That's why I was not able
15 to send you the video when I had it.
16 And we have a cloud system, and that cloud
17 system, we only can go 20 days prior. So what
18 happened, I had the video, but I sent it to you
19 guys, and ADT cannot go back and give me the whole
20 hour video. That's the problem.
21 MAYOR ROGINA: That is a problem. I would
22 agree with you on that. Is there any question you'd
23 like to ask Commander Mahan?
24 MS. BAIG: No.

1 MAYOR ROGINA: Anything further?
2 (No response.)
3 MAYOR ROGINA: Thank you, Officer. You may
4 step down.
5 MR. O'NEIL: Officer Anson.
6 (Witness sworn.)
7 NICHOLAS ANSON,
8 having been duly sworn, testified as follows:
9 DIRECT EXAMINATION BY COUNSEL FOR THE CITY
10 BY MR. O'NEIL:
11 Q Sir, state your name and spell your last for
12 the record, please.
13 A Nicholas Anson, A-n-s-o-n.
14 Q And, sir, what is your occupation?
15 A Police officer for the City of St. Charles.
16 Q How long have you been a sworn peace officer
17 for the City of St. Charles?
18 A 12 years.
19 Q I want to draw your attention to
20 February 9th, 2017, of this year. Were you working
21 that day?
22 A I was.
23 Q What shift were you working?
24 A Evenings.

1 Q Were you dispatched to Rose Smoke 'N Vapor
2 at 902 South Randall Road, city of St. Charles?
3 A I was.
4 Q And approximately what time did you arrive
5 on scene?
6 A I believe it was quarter after, give or take --
7 I'm sorry -- 6:45-ish, give or take.
8 Q When you arrived at the scene, whom did you
9 meet with?
10 A Mr. Trainer, Teener, the complainant.
11 Q You mean Mr. Durando?
12 A Durando -- I'm sorry.
13 Q So there are two Stephen Durandos in this
14 case. A there's senior and junior; is that correct?
15 A Correct.
16 Q And pursuant your investigation of the
17 complaint, what did Stephen Durando, Sr., tell you?
18 A He had told me that he had found a vape pen
19 and e-juice in his kid's backpack when he came home
20 from school. He questioned his kid a little bit
21 more about the items, and he eventually told him the
22 kids at Marmion were purchasing these items at a
23 tobacco shop in town. He had his son point out the
24 said tobacco shop. His dad brought him over to that

1 shop and sent -- do you want me to keep going?
2 Q Yes. Tell the Commission what Mr. Durando,
3 Sr., told you.
4 A After he found out all of this, he drove his
5 son, his 14-year-old son to the Rose Smoke 'N Vapor,
6 parked out front the glass windows. He told me that
7 he waited because there was an older customer inside
8 at the time that he arrived. He waited for that
9 gentleman to leave. He provided his son with $20 and
10 told him to go and get what he could.
11 Moments later his kid came back out with a
12 bottle of e-juice.
13 Q And Mr. Durando told you that he had
14 provided his son $20. And did Mr. Durando tell you
15 how much his son spent in the store?
16 A He didn't give me the exact amount, but it
17 was about $12 with the change that he got back.
18 Q I show you Chief's Exhibit 1 for the record.
19 Do you recognize this exhibit, sir?
20 A I do.
21 Q And what is this exhibit?
22 A It is strawberry banana vape juice.
23 Q All right. And is the vape juice in Chief's
24 Exhibit 1, is that an alternative tobacco product?

1 A Correct.
2 Q Is that prohibited by St. Charles ordinance
3 and Illinois State law to be sold to someone under
4 the age of 18 years old?
5 A It is.
6 Q Where did you recover this item from?
7 A From Senior.
8 Q Senior had taken it from his son after he
9 left the store?
10 A Correct.
11 Q And it's sealed in an evidence package. Has
12 this merchandise been in this state unopened since
13 February 9th, 2017?
14 A It has.
15 Q Are there any alterations, deletions, or any
16 attempt to open?
17 A Not that I can see.
18 Q Are those your initials on the top of the
19 bag that sealed it shut?
20 A They are.
21 MR. O'NEIL: I'd ask that Chief's Exhibit 1
22 be admitted into evidence.
23 MAYOR ROGINA: Any objection?
24 MS. BAIG: No.

1 MAYOR ROGINA: All right.
2 (Chief's Exhibit 1 admitted into evidence
3 and retained by counsel.)
4 Q After you spoke to Mr. Durando, Sr., --
5 first of all, did Mr. Durando identify his son?
6 A He did.
7 Q And did Mr. Durando tell you how old his
8 son was?
9 A He did. He told me his son was 14 years old.
10 Q His father would know how old the kid is?
11 A Correct.
12 Q Now, did you talk to Stephen Durando, Jr.?
13 A I did.
14 Q Can you tell the Commission the physical
15 characteristics of Stephen Durando, Jr.?
16 A Very young. 5 foot, if that; 100 pounds, if
17 that. Very young looking boy.
18 Q And did he tell you how old he was?
19 A He did.
20 Q How old?
21 A 14.
22 Q And where does he go to school?
23 A Marmion Academy.
24 Q And when you spoke to Stephen, what did he

1 tell you about going in the store and what occurred
2 inside? Stephen, Jr., for the record.
3 A He said he walked up to the attendant that
4 was on duty, asked him for a certain brand of
5 e-juice. They didn't have the brand that he was
6 asking for, but he was pointed out this brand by the
7 clerk, and he purchased it and walked out.
8 Q Did Stephen, Jr., state anything about the
9 clerk stating to not tell the police?
10 A He did. He had made a comment to his father
11 that he was told not tell his parents or the police
12 where he had purchased it.
13 Q Based upon gathering that evidence from
14 Mr. Durando and Stephen, Jr., what did you do?
15 A I left them in the nearby parking lot and
16 went inside and spoke to the attendant on duty.
17 Q The attendant on duty, do you see him in
18 Council chambers today?
19 A I do.
20 Q Would you point him out and describe an
21 article of clothing?
22 A The gentleman standing behind me in the
23 polo-type shirt.
24 MR. O'NEIL: May the record reflect

1 identification of Mr. Baig?
2 MAYOR ROGINA: Thank you.
3 Q What conversation did you have with
4 Mr. Baig? What did you say to him, and what did he
5 say to you?
6 A I asked him if he knew why I was here. He
7 told me he did not. I asked him if he had just sold
8 a bottle of e-juice to anyone, and he said that he
9 did. I asked if he had identified -- asked for
10 identification from the subject, and he said he did
11 not. I informed him that he just sold a bottle of
12 e-juice to a 14-year-old, and he said something to
13 the matter of there were other people in the store
14 when the kid was in the store that appeared to be
15 with him.
16 Q And by that you meant -- you took it that he
17 was saying that there were people that were older
18 than him in the store that he thought --
19 A Correct.
20 Q -- were of age, but he still said he sold it
21 to the kid?
22 A Correct.
23 MS. BAIG: Did you say that?
24 MR. BAIG: No, I didn't say that.

1 MAYOR ROGINA: You'll get a chance to ask
2 him questions.
3 Q Following that, you returned to the business
4 sometime later and issued an ordinance violation for
5 sale of tobacco products to Mr. Baig; is that correct?
6 A Correct.
7 Q And at that point -- to your knowledge, that
8 case is still pending in the Circuit Court?
9 A Correct.
10 Q Did all this occur in the City of St. Charles,
11 Kane County, Illinois?
12 A Correct.
13 MR. O'NEIL: I have no further questions of
14 this witness.
15 MAYOR ROGINA: All right. You have a right
16 to ask the officer any questions you'd like to ask
17 him. Just make it clear and concise, and he'll
18 answer the questions to the best of his ability.
19 MS. BAIG: I just want to be clear one
20 thing. The parent is saying the kid is 14 years old.
21 In my shop 14 years old is not allowed to come in if
22 he's under 18.
23 MR. O'NEIL: Your Honor, she can testify
24 later, but can she just ask questions on

1 cross-examination?
2 MAYOR ROGINA: Ma'am, at the end, like
3 counsel is saying here, you can give an argument or
4 you can tell the Commission what you want to tell us
5 in a statement. Right now the purpose of this is to
6 ask him any questions you would like, or you can
7 confer with your husband and ask questions.
8 MS. BAIG: One question.
9 CROSS-EXAMINATION BY THE RESPONDENT
10 BY MS. BAIG:
11 Q Did my husband express that he sold to
12 14-year-old kid? That he said?
13 A He was the only person that was there.
14 MAYOR ROGINA: I'm sorry -- I didn't pick up
15 the question or the answer. I don't think the
16 commissioners did either. Very slowly, use the mic.
17 Q Does he say he sold to 14-year-old?
18 A Does he say he sold --
19 Q He sold to a 14-year-old.
20 A He didn't give me that exact answer, but he
21 told me that he had sold it to the customer that was
22 in there at the time, and that that was the only
23 customer in there.
24 MR. BAIG: No, I didn't sell to 14-year-old.

1 MAYOR ROGINA: Any further questions you have?
2 MR. O'NEIL: Maybe I can clear it up.
3 REDIRECT EXAMINATION BY COUNSEL FOR THE CITY
4 BY MR. O'NEIL:
5 Q When you spoke WITH Mr. Baig, you walked in
6 with the bottle that had been sold and asked
7 Mr. Baig had he just sold this?
8 A Correct.
9 Q And he said that he had?
10 A Correct.
11 Q And then you told him that he had sold it to
12 a 14-year-old kid?
13 A Correct.
14 Q And Mr. Baig said he was with a bunch of
15 older people?
16 A Correct.
17 Q He did not deny that he sold it to the
18 14-year-old?
19 A Correct.
20 MR. O'NEIL: All right. That's all.
21 MAYOR ROGINA: Anything else?
22 MS. BAIG: I don't, no.
23 MR. O'NEIL: At this point, your Honor, the
24 City rests.

1 MAYOR ROGINA: All right. Very good.
2 Mrs. Baig, do you have any evidence? If so,
3 fine, you may present that. If you want to question
4 your husband, that's fine. If counsel here has a
5 question or would like to question you further, he
6 may do so.
7 If there are no other questions or evidence
8 you want to produce -- and I would just say for the
9 record -- and I appreciate your comments earlier,
10 but going back to the previous month, I think
11 Chief Keegan and the rest of our staff, the
12 Commissioners and I were all relatively clear in
13 what we wanted. What we wanted was, it was your
14 argument -- we wanted a copy to view of the tape of
15 your establishment from 6:00 to 7:00. That would
16 have -- looking at the evidence presented here would
17 have suggested the possible sale, alleged sale,
18 Officer Anson coming into the premises and arriving
19 at 6:47. So it would have had all that activity on
20 the tape.
21 Now, from what you told me here and from
22 what's been presented, there was an e-mail sent, but
23 there's really no tape of that one hour.
24 MS. BAIG: We cannot go back 20 days. So

1 now it's like more than 45 days. So I don't know
2 how to get it.
3 MAYOR ROGINA: That's fine. That suggests
4 that the tape is not being produced.
5 Do you have any other evidence, or any other
6 questions, or any other comments you'd like to make?
7 MS. BAIG: The only evidence I provided to
8 them was that 15 minutes --
9 MR. O'NEIL: 9 minutes.
10 MS. BAIG: -- 9 minutes of the video I have.
11 Because I did not realize I have to record it for
12 the whole hour, and now I cannot go back and take
13 the video. That's the problem.
14 MAYOR ROGINA: All right. Now, usually --
15 you get last shots here. So why don't we allow
16 you -- do you have any closing remarks you'd like
17 to make?
18 MR. O'NEIL: Briefly. I'll be perfectly
19 honest with you, I don't have Mr. Durando, Sr. and
20 Jr. here so you could examine their credibility.
21 Why else would a grown man go back to a tobacco
22 shop, give his son $20 to go in and purchase
23 something and, coincidentally, corroborated by
24 Mr. Baig said at that time there was a sale on that

1 product and it was $12, and the kid came back with
2 approximately $8 in change. There's a corroboration
3 of what occurred.
4 The interesting thing in this case is, if it
5 was my business -- again, you can take the evidence
6 in your everyday experience in life. If I was given
7 a citation, on the scene I would have called ADT and
8 said, "Hey, save the video for me. Save the video."
9 At the last hearing I thought the Commission was
10 absolutely clear stating, "We want from 6:00 to
11 7:00." In fact, I remember Chief Keegan up here
12 stating that and the Commission ordering it.
13 Well, now this lady -- and I don't know her
14 from Adam, but she says, "We can't go back more than
15 20 days." Yet we get a snippet of tape from 6:30 and
16 12 seconds to 6:39 and 18.
17 Now, Tri-com took the first call from the
18 complainant. We've established that by computer
19 record that was made at 6:34 p.m. It necessarily
20 means the event had to occur before 6:34. Obviously,
21 a complainant is not going to call in a report
22 unless an event has occurred.
23 I think the logical assumption that you can
24 make -- and the Illinois Supreme Court will instruct

1 juries that this is the law -- is that if there's
2 evidence of a material fact that is missing, and
3 it's in the control of one party over the other, and
4 that party doesn't produce it, you can assume that
5 that evidence is evidence of guilt.
6 So our theory of the case is that at some
7 point prior to 6:30 and 12 seconds Durando, Jr.,
8 walks into the store, talks to Mr. Baig, hands him
9 the $20, Mr. Baig hands him the tobacco alternative
10 product and gives him $8 in change, which is
11 corroborated because it was on sale for $12, which
12 is exactly what Mr. Durando told the officer at the
13 scene. That can't be made up.
14 Why wouldn't you save the tape with something
15 that could affect your business, could affect your
16 wallet and pocketbook? Why wouldn't you save that
17 evidence if it was truly exculpatory? That's the
18 first thing I'd do. I've got this system for a
19 reason, to protect myself and my business. Yet we
20 don't have it.
21 So we have the establishment of the product,
22 tobacco alternative. We've established that the
23 young man that went into the store was 14 years of
24 age on the date of the incident. We've established

1 Mr. Baig sold that product at or about that time.
2 That's called circumstantial evidence. You don't
3 have a smoking gun in every case, but this is a
4 civil case where the evidence is a preponderance or
5 it's more likely true than not. That's the standard
6 that you have to assess in this case.
7 We've got the evidence that was taken from
8 the hands of Mr. Durando. We have Mr. Baig working
9 there. We have missing video that would exonerate,
10 yet they took no effort to get it until 12:03 today
11 when the only video that showed up shows absolutely
12 nothing exculpatory or inculpatory.
13 In other words, the only evidence in front
14 of you now is the statements of the witnesses
15 themselves and the evidence in front of you, and I
16 would ask that you find that the Chief's charges are
17 sustained.
18 Thank you.
19 MAYOR ROGINA: Thank you, Counsel.
20 Ma'am, you have a chance now -- this is not
21 a question period. Right now you have a chance to
22 say whatever you want to the Commissioners. Take
23 your time and say what you would like the Commission
24 to hear.

1 MS. BAIG: I just want to say one thing
2 because he says we don't have evidence. So I don't
3 know -- because this is the first time for us.
4 That's why when I started the video before, so I
5 recorded it from that video, and then I don't know
6 if you guys are going to ask me for one-hour video.
7 That's not my fault because after one month and
8 45 days, I got a question that we need the whole
9 hour video and I cannot go back. More than 20 days
10 I cannot make the video.
11 So it's a cloud-based system. Data -- after
12 20 days you cannot go back and take the video for the
13 whole hour. I have to provide a whole hour video.
14 I understand it's my fault because I don't know
15 that, how long I have to provide the video. So now,
16 if I go back, I can't see those videos. So these
17 videos are gone. So I can't do anything. This is
18 the first thing.
19 Second thing, they are saying, okay, the kid
20 comes in and they bought it. There's lot of people,
21 they do that; they come in and buy and send it
22 outside to their kids. Before this incident I had
23 another incident happen one month ago. Another
24 month ago some kids came in, and they said they

1 bought the cigarettes from us, even though we don't
2 sell the cigarettes. So the thing is people are
3 making something for us that I don't want to be
4 accepted.
5 So if they are saying, "He sold it to us," I
6 am positive if my husband says some other kid came
7 in or and they bought it for them -- like there's
8 parents that come, they buy for their kids. I'm not
9 selling to the kids; I'm selling to the parents.
10 Now, is the parents' responsibility why they are
11 buying it.
12 MAYOR ROGINA: Well, nobody will argue the
13 fact that parents have responsibilities relative to
14 a minor child.
15 Let me ask you this question. Last month at
16 this time you were before us and we had this -- and
17 I thought -- I hope you agree with me -- I thought
18 we were more than lenient here in the fact that we
19 said we were going to give you the entire month, and
20 we'll come back at this time --
21 MS. BAIG: Uh-huh.
22 MAYOR ROGINA: -- if I recall correctly, and
23 I think the minutes will reflect that. You were in
24 agreement. After the Chief made some comments

1 relative to what times he wanted to see, you said,
2 "That will be fine. We'll take care of that."
3 And I said to myself walking out of here,
4 they will produce a tape that will show whatever it
5 shows; it will be stamped with a date, and all will
6 be good one way or the other; we'll get to the bottom
7 of this.
8 Right now, as counsel has suggested -- and
9 we're going to discuss this, but as counsel suggested,
10 we heard from the officer, we heard from the other
11 officer who talked about the Tri-com order -- or the
12 call into Tri-com, and we don't have anything in here
13 from you other than you have denied it. I don't
14 deny that, no pun intended.
15 So we'll make a decision. Anything further
16 you'd like to add?
17 MS. BAIG: I just want to say because once I
18 accepted last month and we had hearing last month, I
19 don't know that we cannot go 20 days prior to the
20 that. So after the last hearing I contact ADT, and
21 then they said to me that we cannot go 20 days prior
22 to that. If I know that, I will let you know last
23 hearing that this is the case. So I wish I know at
24 that time but I don't know that.

1 MAYOR ROGINA: Lastly, this really has --
2 today is April 17th, and the citation was issued, as
3 counsel has indicated, well in the early part of
4 February. So we really have gone two months on this
5 matter. We're going to dispose of the issue and
6 move forward.
7 We will discuss the matter and let you know
8 of a decision 10 to 14 days. But I believe I am
9 safe in saying the following at least for your
10 edification:
11 From our standpoint here, we're not going to
12 close your place down at least on these matters.
13 We're not going to close the place down; we're not
14 going to revoke your license. Whether there's a
15 penalty involved or not is a matter for discussion.
16 And, finally, a decision will be made, and
17 we'll leave it at that for the time being. You
18 don't have to stay longer. We're going to go into
19 executive session.
20 Anything further?
21 MR. O'NEIL: Nothing further.
22 MAYOR ROGINA: I'm going to conclude this
23 hearing, and I'm going to ask for a motion under
24 5 ILCS 120/2 (c)(1) to move to executive session.

1 MEMBER GEHM: So moved.
2 MEMBER PAYLEITNER: Second.
3 MAYOR ROGINA: Moved and seconded.
4 You can call the roll on that.
5 SECRETARY NILLES: Gehm.
6 MEMBER GEHM: Yes.
7 SECRETARY NILLES: Payleitner.
8 MEMBER PAYLEITNER: Yes.
9 SECRETARY NILLES: Lewis.
10 MEMBER LEWIS: Yes.
11 SECRETARY NILLES: Amenta.
12 MEMBER AMENTA: Yes.
13 MAYOR ROGINA: Thank you. Thank you both.
14 (Off the record at 5:19 p.m.)
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1 CERTIFICATE OF SHORTHAND REPORTER
2
3 I, Paula M. Quetsch, Certified Shorthand
4 Reporter No. 084-003733, CSR, RPR, and a Notary Public
5 in and for the County of Kane, State of Illinois, the
6 officer before whom the foregoing proceedings were
7 taken, do certify that the foregoing transcript is a
8 true and correct record of the proceedings, that
9 said proceedings were taken by me stenographically
10 and thereafter reduced to typewriting under my
11 supervision, and that I am neither counsel for,
12 related to, nor employed by any of the parties to
13 this case and have no interest, financial or
14 otherwise, in its outcome.
15
16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 27th day of
18 April, 2017.
19
20 My commission expires: October 16, 2017
21
22 _____
23 Notary Public in and for the
24 State of Illinois