

AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MAY 15, 2023, 4:30 PM
2 E MAIN STREET

1. Call to Order.
2. Roll Call.
3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on April 17, 2023.
4. Recommendation to approve a Proposal for an E1 Temporary Liquor License Application for St. John Neumann Church, located at 2900 E Main Street.
5. Discussion Regarding a Complaint of Violation and Hearing Notice for Meijer Great Lakes, Ltd., 2929 Walker NW, Grand Rapids, MI, for a Tobacco License issued by the City of St. Charles for the location at 855 Randall Road, St. Charles.
6. Discussion Regarding a Complaint of Violation and Hearing Notice for St. Charles Tobacco 108, Inc., 2075 Prairie Street, St. Charles.
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).

MINUTES
THE CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING
MONDAY, APRIL 17, 2023, 4:30 PM

1. Call to Order.

The meeting was called to order by Commissioner Vitek at 4:30 pm.

2. Roll Call.

Present: Gehm, Zollers, Bancroft, Pietryla

Absent: None

3. Motion by Mr. Gehm, second by Ms. Zollers to accept and place on file minutes of the Liquor Control Commission meeting held on March 20, 2023.

Roll Call Vote: Ayes: Mr. Gehm, Ald. Bancroft, Ald. Pietryla, Ms. Zollers Nays: None, Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

4. Motion by Ald. Pietryla, second by Ald. Bancroft to accept and place on file the executive session minutes of the Liquor Control Commission meeting held on March 20, 2023.

Roll Call Vote: Ayes: Mr. Gehm, Ald. Bancroft, Ald. Pietryla, Ms. Zollers Nays: None, Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

5. Recommendation to approve a proposal for a B-1 liquor license application for Dave's Burritos, located at 3677 E Main Street.

Chief Keegan provided details for this new application. Daves Burritos has been doing business since September 2014. Yan David Barrios explained that all staff will be BASSET certified, and his intent is to sell beer and margaritas. The BASSET certification expiration date for Mr. Barrios will be verified.

Motion by Ald. Bancroft, second by Ald. Pietryla to recommend approval of a proposal for a B-1 liquor license application for Dave's Burritos, located at 3677 E Main Street.

Roll Call Vote: Ayes: Mr. Gehm, Ald. Bancroft, Ald. Pietryla, Ms. Zollers Nays: None, Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

6. Recommendation to approve a proposal for a massage license application for Zeal Spa Corporation, located at 2015 Dean Street.

Chief Keegan stated that this is the former Shangri La location which had a 5-year moratorium on licensure, which has now expired. The applicants are present and available to answer questions. There will be three employees in this business. It was explained that the owners chose this location because the build-out is quite suitable for a massage business, including 12 rooms and two saunas. The same owners have a Lombard location which has been open for two years.

Motion by Mr. Gehm, second by Ms. Zollers, to recommend approval of a Proposal for a massage license application for Zeal Spa Corporation, located at 2015 Dean Street.

Roll Call Vote: Ayes: Mr. Gehm, Ald. Bancroft, Ald. Pietryla, Ms. Zollers Nays: None, Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

7. Recommendation to approve an Ordinance to Amend Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Sections 5.08.095 “Late Night Permit,” and 5.08.140 “License – Renewal Deadline,” of the St. Charles Municipal Code.

Chief Keegan explained that City staff annually encounters repeated issues with obtaining license renewal applications and payment from business owners. It is proposed to use the same late fee structure for licenses and late-night permits as is currently in place for alcohol taxes. It is hoped that the revised late payment fee structure will result in the businesses taking the deadlines more seriously.

Motion by Ald. Pietryla, second by Ald. Bancroft, to recommend approval of an **Ordinance** to Amend Title 5 “Business Licenses and Regulations,” Chapter 5.08 “Alcoholic Beverages,” Sections 5.08.095 “Late Night Permit,” and 5.08.140 “License – Renewal Deadline,” of the St. Charles Municipal Code.

Roll Call Vote: Ayes: Mr. Gehm, Ald. Bancroft, Ald. Pietryla, Ms. Zollers Nays: None, Absent: None. Mayor Vitek did not vote as Commissioner. **Motion Carried**

8. Public Comment - none

9. Executive Session - none

10. Adjournment.

Motion by Ms. Zollers, second by Mr. Gehm, to adjourn the meeting at 4:45 pm.

Voice Vote: Ayes: Mr. Gehm, Ms. Zollers Nays: None, Absent: Ald. Bancroft, Ald. Pietryla. Mayor Vitek did not vote as Commissioner. **Motion Carried**

:sb

**AGENDA ITEM EXECUTIVE SUMMARY****Agenda Item Number: 4****Title:**

Recommendation to Approve a Proposal for a New Class E-1 Temporary Liquor License for St. John Neumann's Church for May 20, 2023

Presenter:

Police Chief Keegan

Meeting: Liquor Control Commission**Date:** May 15, 2023

Proposed Cost: N/A

Budgeted Amount: \$

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

Due to the timing of this event, this item is going directly to City Council for approval.

This is an application request for a Class E-1 Temporary Liquor License, authorizing dispensing beer on St. John Neumann's Church property located at 2900 E. Main St., as indicated on the proposed site plan. This temporary license is requested for a single, one-day event, to be held on Saturday, May 20, 2023 from 5 – 8 p.m.

PLEASE NOTE: this special event is being recommended for approval with the caveat that all approvals are contingent upon any governmental sanctions regarding public gatherings, social distancing, etc., pertaining to COVID-19.

Attachments *(please list):*

E-1 Liquor License Application; Site Plan

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve a proposal for a new Class E-1 Temporary Liquor License for St. John Neumann's Church on Saturday, May 20, 2023.

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

NON-REFUNDABLE
CITY OF ST. CHARLES
 TWO EAST MAIN STREET[†]
 ST. CHARLES, ILLINOIS 60174-1984



CITY LIQUOR DEALER LICENSE APPLICATION
CLASS E1 – NOT-FOR-PROFIT LICENSE
CLASS E3 – KANE COUNTY FAIR

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, Class E1 – Not-For-Profit License or E3 – Kane County Fair
 Commencing May 20, 2023 and ending May 20, 2023
 Time Starting 5:00pm and ending 8:00pm
 Location of Event St John Neumann Church, 2900 E Main Street, St Charles 60174

Name of Business St John Neumann Church
 Address of Business 2900 E Main St Business Phone 630-377-2797
 Is the Applicant a Not-For-Profit Organization? yes
 Authorized Agent Diocese of Rockford - Becky KOWALSKI Title BUSINESS MANAGER
 Has Applicant had a Class E1 License in the previous 365 days? no . If YES, on what date:
 Does Applicant have Dram Shop Insurance? no . If YES, attach evidence of insurance.

Requirements of a Class E1 / E3 – Not-For-Profit License

1. The Class E1 license fee is \$50.00 per day.
2. 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.**
3. Liquor supervisors shall be members of the organization holding the license.
4. Beer and/or Wine are the only alcoholic beverages to be sold.
5. Hours are restricted to 12 noon to 11:00 p.m.
6. Licensee must rope/fence off the licensed premises.
7. Are children/minors permitted in the licensed premises? (Y)N
8. Each patron must wear a wristband after having identification checked for legal alcohol consumption age.
9. A sign limited beer and/or wine consumption to the roped off area must be conspicuously displayed at all times.
10. **Each server of alcohol must be BASSET certified – need copy of BASSET certification.**
11. A copy of site plan diagram to include roped area shall accompany this application.
12. 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

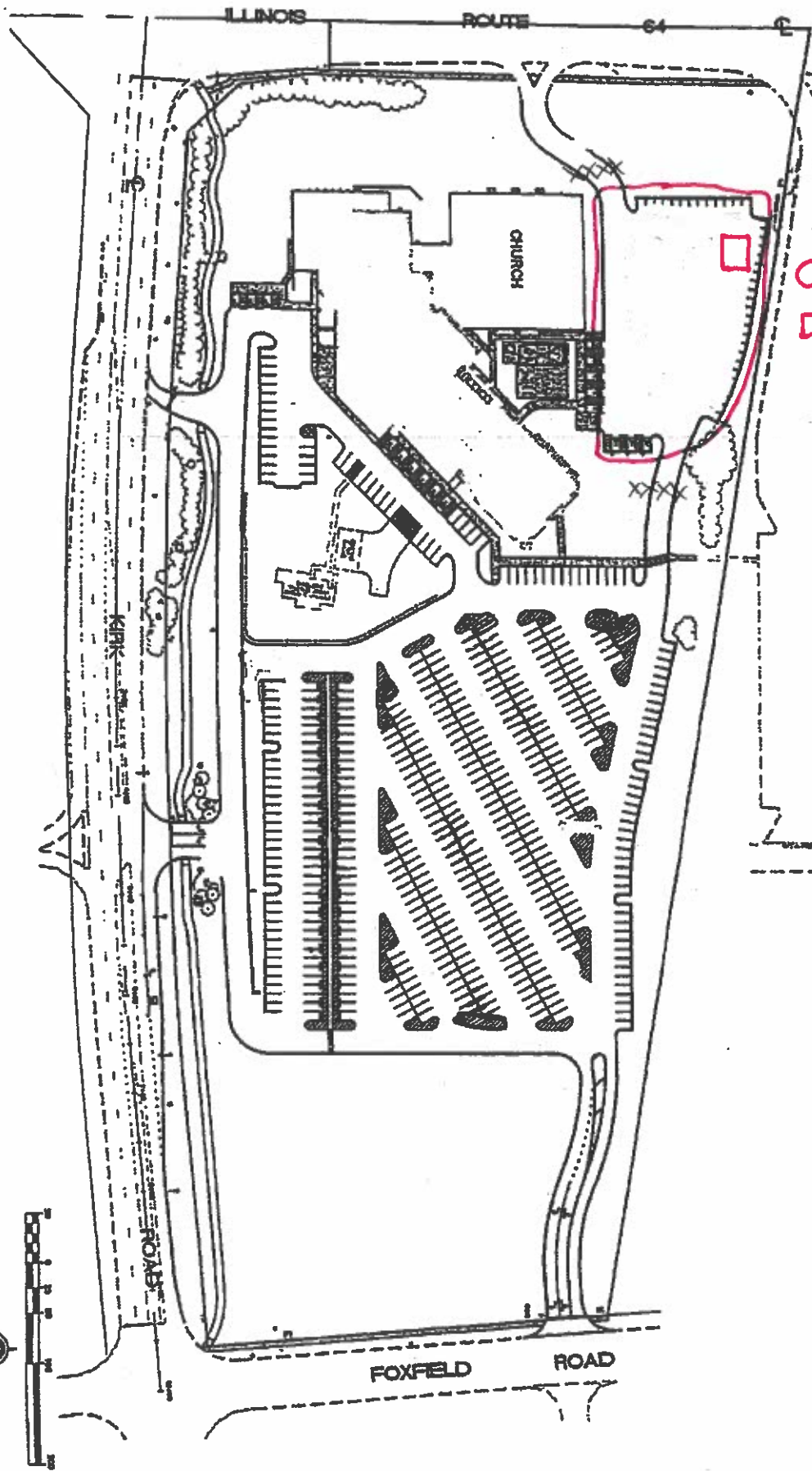
State of Illinois)
 County of Kane)



I/We, the undersigned, being first duly sworn, say that I/we have read the foregoing application and that the statements therein are true, complete, and correct and are upon my/our personal knowledge and information and are made for the purpose of inducing the City of St. Charles to issue the Liquor Dealer License, Class E1 to me/us for the location hereinbefore indicated; 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: Becky Kowalski Signed: Tracey R Conti
 Sworn to before me this 19th day of April, 2023
 Notary Public Tracey R Conti



APPROVED: _____ Date: 4/20/23 Chief of Police: James T. [Signature]
 Approved: _____ Date: _____ Liquor Commissioner: _____



 Location of the Festival
 Beer Tent

Supervisors
 Becky Kowalski
 Heidi Lanber
 Mark Restaino

TEMPORARY BASSET CARD

This document certifies that

ANNETTE GARRISON

has successfully completed the BASSET On The Fly
OFF-PREMISE BASSET certification course

CERTIFICATE #/STUDENT ID: 14570

ISSUE DATE: 04/13/2023



DUSTIN MEYERS

*PER ILCC RULES, THIS TEMPORARY BASSET CARD IS VALID FOR 30 DAYS

BASSET ON THE FLY

2626 Cole Ave, Suite 300 #512, Dallas, TX 75204 | 312-366-3383 | support@bassetonthe-fly.com
Licensed by the Illinois Liquor Control Commission (ILCC). License #5A-1141597.

BASSET ON THE FLY

2626 Cole Ave, Suite 300 #512, Dallas, TX 75204
312-366-3383

support@bassetonthe-fly.com
www.bassetonthe-fly.com

Per ILCC rules, this temporary BASSET card is valid for 30 days only. Your official 3-year BASSET card will be mailed by the Illinois Liquor Control Commission (ILCC).

Within 10 days of issuance, this certification should appear in the Illinois Liquor Control Commission's online database at www.ilcc.illinois.gov. If not, please contact us.



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 5

Title:

Discussion Regarding a Complaint of Violation and Hearing Notice for Meijer Great Lakes, Ltd., 2929 Walker NW, Grand Rapids, MI, for a Tobacco License issued by the City of St. Charles for the location at 855 Randall Road, St. Charles.

Presenter:

Police Chief Keegan

Meeting: Liquor Control Commission

Date: May 15, 2023

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

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

This is a complaint of violation being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local tobacco license issued or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of offenses happening on or about April 12, 2023, at the establishment of Meijer Great Lakes, Ltd., under a Tobacco License issued by the City of St. Charles for the location at 855 Randall Road, St. Charles.

Attachments *(please list):*

Citation, Notice of Hearing, and Arraignment Form

Discussion Regarding a Complaint of Violation and Hearing Notice for Meijer Great Lakes, Ltd., 2929 Walker NW, Grand Rapids, MI, for a Tobacco License issued by the City of St. Charles for the location at 855 Randall Road, St. Charles.

STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE)
TOBACCO LICENSE OF:)
) Case Number 2023-LC-2
Meijer Great Lakes, Ltd.)
2929 Walker NW)
Grand Rapids, MI 49544-9428)

Operation Location: 855 Randall Road, 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.

OFFENSE

2. On or about April 12, 2023, Meijer Great Lakes, Ltd. ("Licensee") was operating under a Tobacco License issued by the City of St. Charles for the location at 855 Randall Road, St. Charles, Illinois 60174 ("Premises").

3. On or about April 12, 2023, at approximately 2:43 p.m., Licensee, by and through its employees, officers and/or agents on the Premises, committed the following violation of the St. Charles Tobacco Code:

OFFENSE

Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

4. That the acts detailed in Sections of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. Licensee 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 Sections 5.16.180 of the St. Charles Municipal Code, that the Local Liquor Control Commission, a/k/a the Tobacco Commission, hold a hearing on this matter and take such action against Licensee as the Commission shall deem appropriate under the circumstances.



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

Nicholas S. Peppers
Storino, Ramello & Durkin
9501 West Devon Avenue
Suite 800
Rosemont, Illinois 60018
(847) 318-9500
npeppers@srd-law.com

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 24 day of April, 2023.



NOTARY PUBLIC



STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE)
TOBACCO LICENSE OF:)
) Case Number 2023-LC-2
Meijer Great Lakes, Ltd.)
License No. 8199-2)

CITATION AND NOTICE OF HEARING

TO: Meijer Great Lakes, Ltd.
2929 Walker NW
Grand Rapids, MI 49544-9428

Operation Location: 855 Randall Road, St. Charles, Illinois 60174

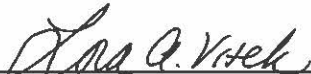
PLEASE TAKE NOTICE THAT on May 15, 2023, at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapters 5.16.180(B) of the Municipal Code of the City of St. Charles and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1 *et seq.*

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local tobacco license issued to you or impose a fine upon you, or both, by reason of the Complaint of Violation filed by the Chief of Police, James Keegan, a copy of which is attached.

AT WHICH TIME AND PLACE YOU MAY APPEAR AND DEFEND. YOU MAY BE REPRESENTED BY AN ATTORNEY IF YOU SO CHOOSE. ATTACHED HERETO IS AN ARRAIGNMENT FORM, WHICH IS INCORPORATED HEREIN. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING AND IF YOU FAIL TO APPEAR AT THE HEARING, YOU WILL BE FOUND GUILTY OF THE VIOLATION BY DEFAULT AND THE ST. CHARLES LOCAL LIQUOR CONTROL COMMISSIONER WILL DETERMINE THE APPROPRIATE PENALTY.

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.16.180(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, NICHOLAS S. PEPPERS, AT (847) 318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT (630) 377-4422.

DATED this 24th day of April 2023.



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

cc: Heather McGuire, 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: BRIAN LACH at MEISER
_____ on the 24TH day of April, 2023.



SUBSCRIBED AND SWORN TO
before me this 24TH day of April, 2023.


NOTARY PUBLIC



ARRAIGNMENT FORM

NOTE: THIS FORM MUST BE COMPLETED AND SUBMITTED TO THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE ARRAIGNMENT HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE ARRAIGNMENT 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.

I, CRAIG WHEELER, as agent for Meijer Great Lakes, Ltd., being a licensee charged with a violation of Chapter 5.16.070 of the Municipal Code of the City of St. Charles, pursuant to Case No. 2023-LC-2 ("Complaint"), at 855 Randall Road, St. Charles, IL 60174, do hereby:

I admit liability for the allegations set forth in the Complaint, 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.

I admit liability for the allegations set forth in the Complaint. I do not request a mitigation hearing.

Deny the allegations set forth in the Complaint. I request a hearing.

Meijer Great Lakes, Ltd.

By:

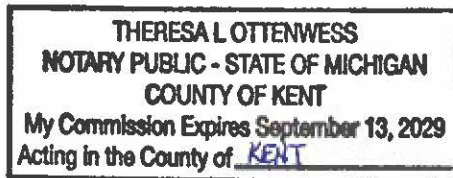
Craig Wheeler
(Signature)

Date:

26 Apr. 23

Subscribed and sworn to before me
this 26th day of APRIL, 2023.

Theresa L. Ottenwess
Notary Public



Form can be faxed to (630) 377-6034
or e-mailed to the attention of Tracey Conti
at tconti@stcharlesil.gov
Hard copy must follow by U.S. Mail

or Form can be faxed to (847) 318-9509
or e-mailed to the attention of
Nicholas S. Peppers at
npeppers@srd-law.com
Hard copy must follow by U.S. Mail



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: 6

Title:

Discussion Regarding a Complaint of Violation and Hearing Notice for St. Charles Tobacco 108, Inc., 2075 Prairie Street, St. Charles.

Presenter:

Police Chief Keegan

Meeting: Liquor Control Commission

Date: May 15, 2023

Proposed Cost: \$

Budgeted Amount: \$

Not Budgeted:

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

This is a complaint of violation being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local tobacco license issued or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of offenses happening on or about April 12, 2023, at the establishment Tobacco 108, Inc., 2075 Prairie Street, St. Charles.

Attachments *(please list):*

Citation, Notice of Hearing, and Arraignment Form

Discussion Regarding a Complaint of Violation and Hearing Notice for St. Charles Tobacco 108, Inc., 2075 Prairie Street, St. Charles.

STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE)
TOBACCO LICENSE OF:)
) Case Number 2023-LC-3
St. Charles Tobacco 108, Inc.)
2075 Prairie Street)
St. Charles, IL 60174)

Operation Location: 2075 Prairie Street, St. Charles, IL 60174

COMPLAINT OF VIOLATION

NOW COMES the Petitioner, James Keegan, Chief of Police of the City of St. Charles, Illinois, and files this complaint before the Local Liquor Control Commission of the City of St. Charles, Illinois, and states as follows:

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.

OFFENSE

2. On or about April 12, 2023, St. Charles Tobacco 108, Inc. ("Licensee") was operating under a Tobacco License issued by the City of St. Charles for the location at 2075 Prairie Street, St. Charles, Illinois 60174 ("Premises").

3. On or about April 12, 2023, at approximately 2:20 p.m., Licensee, by and through its employees, officers and/or agents on the Premises, committed the following violation of the St. Charles Tobacco Code:

OFFENSE

Sold tobacco/alternative nicotine product to a minor, in violation of Section 5.16.070 of the St. Charles Municipal Code.

4. That the acts detailed in Sections of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. Licensee 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 Sections 5.16.180 of the St. Charles Municipal Code, that the Local Liquor Control Commission, a/k/a the Tobacco Commission, hold a hearing on this matter and take such action against Licensee as the Commission shall deem appropriate under the circumstances.



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

Nicholas S. Peppers
Storino, Ramello & Durkin
9501 West Devon Avenue
Suite 800
Rosemont, Illinois 60018
(847) 318-9500
npeppers@srd-law.com

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 24 day of April, 2023.



NOTARY PUBLIC



STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

**BEFORE THE LOCAL LIQUOR CONTROL COMMISSIONER OF
THE CITY OF ST. CHARLES, ILLINOIS**

IN THE MATTER OF THE)
TOBACCO LICENSE OF:)
) Case Number 2023-LC-3
St. Charles Tobacco 108, Inc.)
License No. 8504-1)

CITATION AND NOTICE OF HEARING

TO: St. Charles Tobacco 108, Inc.
2075 Prairie Street
St. Charles, IL 60174

Operation Location: 2075 Prairie Street, St. Charles, Illinois 60174


PLEASE TAKE NOTICE THAT on May 15, 2023, at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapters 5.16.180(B) of the Municipal Code of the City of St. Charles and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act, 720 ILCS 675/1 *et seq.*

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local tobacco license issued to you or impose a fine upon you, or both, by reason of the Complaint of Violation filed by the Chief of Police, James Keegan, a copy of which is attached.

AT WHICH TIME AND PLACE YOU MAY APPEAR AND DEFEND. YOU MAY BE REPRESENTED BY AN ATTORNEY IF YOU SO CHOOSE. ATTACHED HERETO IS AN ARRAIGNMENT FORM, WHICH IS INCORPORATED HEREIN. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE HEARING AND IF YOU FAIL TO APPEAR AT THE HEARING, YOU WILL BE FOUND GUILTY OF THE VIOLATION BY DEFAULT AND THE ST. CHARLES LOCAL LIQUOR CONTROL COMMISSIONER WILL DETERMINE THE APPROPRIATE PENALTY.

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.16.180(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, NICHOLAS S. PEPPERS, AT (847) 318-9500 OR TO THE DEPUTY CITY CLERK, TRACEY CONTI, AT (630) 377-4422.

DATED this 24th day of April 2023.




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

cc: Heather McGuire, 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: PARTH PANDRELI at ST. CHARLES TOBACCO
_____ on the 24TH day of April, 2023.



SUBSCRIBED AND SWORN TO
before me this 24TH day of April, 2023.



NOTARY PUBLIC



ARRAIGNMENT FORM

NOTE: THIS FORM MUST BE COMPLETED AND SUBMITTED TO THE CITY CLERK WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE ARRAIGNMENT HEARING. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN THREE (3) CALENDAR DAYS PRIOR TO THE ARRAIGNMENT 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.

I, Shailesh Patel, as agent for St. Charles Tobacco 108, Inc., being a licensee charged with a violation of Chapter 5.16.070 of the Municipal Code of the City of St. Charles, pursuant to Case No. 2023-LC-3 ("Complaint"), at 2075 Prairie Street, St. Charles, IL 60174, do hereby:

- I admit liability for the allegations set forth in the Complaint, 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.
- I admit liability for the allegations set forth in the Complaint. I do not request a mitigation hearing.
- Deny the allegations set forth in the Complaint. I request a hearing.

St. Charles Tobacco 108, Inc.

By:

[Signature]
(Signature)

Date:

4. 27. 2023

Subscribed and sworn to before me this 27th day of April, 2023.

[Signature]
Notary Public



Form can be faxed to (630) 377-6034 or e-mailed to the attention of Tracey Conti at tconti@stcharlesil.gov
Hard copy must follow by U.S. Mail

or Form can be faxed to (847) 318-9509 or e-mailed to the attention of Nicholas S. Peppers at npeppers@srd-law.com
Hard copy must follow by U.S. Mail