

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

**MONDAY, JUNE 20, 2016
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET**

1. Call to Order.
2. Roll Call.
3. Motion to accept and approve the minutes of the May 16, 2016 Liquor Control Commission meeting.
4. Recommendation to approve a proposal contingent on manager background /fingerprinting being completed for a Class B Liquor License for Noodles & Company to be located at 3875 E Main Street, St. Charles (Former TGIF Restaurant).
5. Recommendation to approve a Class E-2 Temporary Liquor License for a series of six (6) individual events to be held at Riverside Avenue (Walnut & Second Avenues) for St. Charles Cruise Nites sponsored by the St. Charles Chamber of Commerce. The requested dates are: July 19 & 26, and August 2, 9, 16, 23 from 5:00 pm – 8:00pm. The Finery & Blacksmith Bar will be the local business licensee providing the alcohol.
6. Recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”, 5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions of Licenses”, 5.20.170 “Notice” and 5.20.180 (C) “Revocation or Suspension of Licenses” of the St. Charles Municipal Code.
7. Discussion regarding Tobacco Establishment Citation and Hearing Notice for ABHY, Inc d/b/a St. Charles Shell located at 307 W Main Street, St. Charles.
8. Discussion regarding Massage Establishment Citation and Hearing Notice for U Spa located at 615 S Randall Road, Ste. 100, St. Charles.
9. Discussion regarding Massage Establishment Citation and Hearing Notice for Massage World located at 2460 W Main Street, St. Charles.
10. Other Business.
11. Public Comment
12. Executive Session (5 ILCS 120/2 (c)(4)).
13. Adjournment

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MAY 16, 2016**

1. Opening of Meeting

The meeting was convened by Liquor Commissioner Rogina at 4:33 p.m.

2. Roll Call

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

Absent:

Others Present: Police Chief Keegan, Atty. John McGuirk, Mark Koenen, Cmdr. Gatlin, and Tina Nilles

3. Motion to accept and approve the minutes of the April 18, 2016 Liquor Control Commission meeting.

Motion by Mr. Amenta, second by Ald. Lewis to accept and approve the minutes of the April 18, 2016 Liquor Control Commission meeting.

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

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

Chris Minick: Enclosed in your packets are some amendment provisions that we would like to codify the City’s current practice on how we handle special events where alcohol is served and tickets are sold for a lump sum price. As the Commission is aware, we’ve had several requests recently for various product tasting events and various special events in and around of the City where the price of admission includes a packet of admission and perhaps some food items as well the service alcoholic beverages. What we’d like to do is codified the practice of applying the 2% alcohol tax to that ticket price so that we remove that ambiguity of the code as to how we handle the alcohol tax and the alcohol tax liability of these organizations to the City. There are two suggested paragraphs that we would insert into the ordinance that are included in your packet. The first item is Section B that defines an event for the purposes of the alcohol tax code and then the next section is paragraph C which inserts language into the code to memorialize the practice that I just spoke about when you apply the entire 2% tax to the lump sum ticket price that the event sponsors will charge in that particular instance. Staff does recommend approval of this particular ordinance and modifications to the City code.

Mayor Rogina: To clarify we are just codifying it into the code what has been our past practice

for years? It's an easy process to help these not-for-profits to sort out food from alcohol. This makes it cleaner.

Motion by Ald. Payleitner, second by Mr. Gehm to recommend approval of an Ordinance Amending Title 3 "Revenue and Finance", Chapter 3.42 "Alcohol Tax", Section 3.42.020 "Definitions", and Section 3.42.030 "Imposition of Tax" of the St. Charles Municipal Code.

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

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

Chief Keegan: This is a recommendation to approve a new D8 classification for the business proposal that will immediately follow my remarks. Late last year we were approach by a proprietor who wanted to open up a similar type business plan in the 1st Street business plaza called Paint with a Twist. That business never materialized but we had put motions in place to initiate a new classification; that being D8. So when we were approached by this business, we already had a lot of the language prepared. This issue here is to modify our code. We put out some correspondence to some adjoining municipalities that have similar business plans within their communities. I worked with Atty. McGuirk on the language; so codified in the attached ordinance is the language that encompasses an art entertainment district within a liquor establishment. This business plan involves art classes and the sale/consumption of both beer and wine on the license premises.

Chrmn. Rogina: I looked up last July's minutes and that's where we recommended to staff to come up with a D8 license after conversation of what you just talked about and it was moved by Ald. Payleitner and second by Mr. Gehm to have staff propose a D8 license. So we're just following through with what we suggest we do last July.

Ald. Lewis: Would this license, if they had outdoor seating, would this be in effect for outdoor seating if they chose to do so to go outside and paint?

Chief Keegan: This business did not ask for that in their business plan, but I think that would be on a case by case basis and we would have to initiate that discussion here at this commission.

Ald. Lewis: If someone else came along and asked for this, would we have to do another license class?

Chief Keegan: I don't think so, within our B/C classifications if that's the case so long as it is submitted into the business plan and site plan, we can approve it here at this commission and the Council level.

Atty. McGuirk: That's the way we've handled it, but we could put it in the ordinance. Those provisions may already be there, I would have to take a look at it.

Ald. Payleitner: As far as you know these proposed businesses will have no other retail sales involved. It's just for the classes involved. We can't have a liquor license that corresponds with retail sales.

Chief Keegan: That's not my understanding that would be the wishes of this proprietor.

Motion by Mr. Gehm, second by Payleitner to recommend approval of an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.08 "Alcoholic Beverages", Section 5.08.090 "License Classifications – Class D", and Section 5.08.100 "License Fees; Late Night Permit Fee; Fees Established" for a new D8 license of the St. Charles Municipal Code.

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

6. Recommendation to approve a proposal of a new Class D-8 liquor application for The Painted Vine Cellar, LLC to be located at 1 W Illinois Street, Ste. 110, St. Charles.

Chief Keegan: This is a recommendation to approve a proposal of a new Class D-8 liquor application for The Painted Vine Cellar, LLC to be located at 1 W Illinois Street, Ste. 110, St. Charles. The aforementioned business we talked about is looking to occupy the Fox Island Square building. This is an up and coming entertainment district. Just as of late we have two different establishments that have been approved, Charleston on the River and Prohibition St. Charles; and with the addition of the 1st Street buildings that are currently being constructed. Mr. Kessler and his wife have submitted a comprehensive business plan, their paperwork is in order, and they are looking to get off the ground as soon as possible.

Mr. John Kessler, 40W555 Fox Creek Drive, St. Charles.

Chrmn. Rogina: I know this is becoming the new rage as this is in other communities such as Geneva; what got you and your wife interested in this type of business?

Mr. Kessler: We got interested by doing it ourselves for a number of years and started realizing we wanted to do more. It's a business that lends itself well to not having to be there from 9:00 a.m. to 10:00 p.m. all the time since it's scheduled events. We went to other locations in Geneva, South Barrington, etc. and we see where it could be up-scaled a little bit and to make this even a finer experience and charge more with the location and doing more evening things and other unique opportunities and have better quality painters and make it a better experience all around.

Ald. Lewis: Will there be any food?

Mr. Kessler: No, if anyone wants food, they can bring it in, but we won't serve it.

Ald. Lewis: So if we have parties, they can bring it in on their own?

Mr. Kessler: Yes, and if they decided to cater which we don't see happening in a 2-1/2 session, we would be happy to recommend some of our local restaurants.

Ald. Payleitner: Are you going to have drop-ins or is this all scheduled parties?

Mr. Kessler: The goal is to get to six open sessions per week and then private parties on top of that. We are going to avoid Mondays/Tuesdays, but if someone wants to do a private event, we would take it and concentrate it between Wednesdays through Sundays. We'll also be right next door to Kimmer's.

Ald. Payleitner: A follow-up to my question from the previous ordinance item, will you have any additional sales or is just for the service? No painting products, etc.?

Mr. Kessler: No, we don't think it's worth it.

Ald. Payleitner: Also just so you understand that Illinois State Liquor Law does not allow it. If you sell liquor for consumption, you can't sell anything else.

Chrmn. Rogina: Do any of your competitors sell anything else in their stores?

Mr. Kessler: The only thing I seen in one of the businesses was the selling of frames for your artwork.

Chrmn. Rogina: I would be interested in getting a state interpretation as these places are all around. So the question I have is if you're going to allow painting and have people drink, etc.; to me a frame, for example, for their picture would be a complement. Whether that be an interpretation of a violation of state law, I don't know. It would be interesting to find out, if in fact down the line, you decide you would like to sell frames.

Mr. Amenta: Isn't this contingent on the new license being past first before this one?

Chrmn. Rogina: Absolutely, this would follow in order by having the law in place before the business.

Motion by Mr. Gehm, second by Ald. Payleitner to recommendation to approve a proposal of a new Class D-8 liquor application for The Painted Vine Cellar, LLC to be located at 1 W Illinois Street, Ste. 110, St. Charles after the approval of the ordinance itself.

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

- 7. Recommendation to approve the Class E-4 Temporary License for this series of three (3) events to be held on the 1st Street Plaza. The requested dates are: July 6, August 3, and September 7, 2016 from 5:00 p.m. to dusk. (The businesses involved are ZaZa's Trattoria, Puebla Modern Mexican, Pizzeria Neo, McNally's Traditional Irish Pub.)**

Chief Keegan: This is recommendation to approve the Class E-4 Temporary License for this series of three (3) events to be held on or in the 1st Street Plaza. Shay from McNally's is here tonight, but this is a culmination of four of the 1st Street Plaza businesses getting together, working with the DSCP, and it was a good process as we went through it. ZaZa's, Puebla Modern Mexican, Pizzeria Neo, and

McNally's would like to work in conjunction with the musicians that are there on Wednesdays to do what is called "Wine Down Wednesdays". They want to close down 1st Street Plaza from 5:00 p.m. 'til dusk and treat it as a courtyard, and have the folks not only enjoy the music but also be able to take their drinks out into the courtyard. There is a Hold Harmless agreement that all four businesses have executed, we looked into their licensure and this business model plan meets the E4 license. Each will have their respective Dram Shop insurance. We've indicated the first Wednesdays of July, August, September, and would like to have all three dates approved here and later on at the Government Operations. They want to see how the first one goes. It's a \$100 dollar expense for each occasion that will be shared amongst the four businesses. Originally we thought there would be a police presence that would be required on an overtime basis. We've worked with the petitioners and once we looked at the site and business plans, we'll do walk-throughs with our patrol staff but we're not going to burden the businesses for that additional expense in having an officer there from start to finish. These are four good solid businesses within our community. They need to police themselves as they typically do day in and day out. I feel solid and positive about this as the Chief of Police.

Shay Clark, 1890 Glenwood Drive, Dundee, IL.

Chrmn. Rogina: Your packet states you're doing some modeling after Dundee.

Shay: Yes, East Dundee has been doing this the last couple of years and when I saw it first last year, I thought this would really fit well in our plaza area on 1st Street.

Chrmn. Rogina: It's really refreshing in my mind to see four businesses work in a collegial fashion here; and the DSCP's mission is to have more small events downtown, use our beautiful plaza – so I really like this concept. My third point is this comment has been bantered around to me that people are saying that on occasion we close the whole 1st Street down and make it like a piazza like in Italy to let people roam around like a market. The concept is always intriguing in just getting people into our downtown area.

Shay: Our businesses are committed in doing things the right way in making sure no alcohol leaves the plaza.

Mr. Gehm: I agree with the Mayor that in putting a plan together and actually use the plaza, that doesn't get used much, and have people enjoy themselves is great. My only question is security and having it limited with only the three entrances to get in and out, it will be monitored by staff security?

Shay: Yes.

Ald. Payleitner: I like the idea but the esthetics of the plaza would be destroyed with orange snow fencing. Are there any other options?

Shay: I mentioned snow fencing because it's cheap and plentiful, but I hadn't given it much thought of any other way of doing it. It could be done without any fence at all and that would mean a few extra people to monitor it to keep people inside with the drinks.

Chrmn. Rogina: I agree about the esthetics of the fence and not having a fence is good, but how do you have control?

Shay: The idea was to funnel people so that one person could do it at the east point, west point, and garage parking area.

Tina: Balcony rope.

Everyone: Good idea.

Chrmn. Rogina: If the concept is good to the committee, I suggest we move on and let staff investigate on something more esthetically appealing.

Mr. Amenta: I agree, it's a beautiful area and to cheapen it with snow fencing is a no.

Ald. Payleitner: I would like to see dusk defined.

Shay: Dusk would be somewhere between 8:30 and 9:00 p.m. Entertainment is provided by the DSCP on Wednesdays and Fridays and I would work with Jake from the DSCP on specific music for the Wednesdays that we're talking about.

Ald. Payleitner: I would like to see you end with the music piece or a half hour after them.. They don't go to dusk.

Shay: We could work with the music. There is also talk about putting the lights back in the trees, not many people see them at Christmas, but during the summer there would be more people outdoors.

Ald. Lewis: There are other businesses in the plaza besides the restaurants; have you contacted them?

Shay: I have spoken to everyone including Dave the next door neighbor, who is our only resident of the plaza, and he is absolutely in favor of it.

Ald. Lewis: Food – it says in your packet there will be food involve. Explain how that works.

Shay: Well, for Pizzeria Neo, they do pizza and can put in a box. All four of us will come up with something suitable that can be taken out into the plaza. It's carry out no table service. It's just to get people outside for a few hours and then come back inside. We'll also be responsible for the cleanup of the plaza afterwards.

Ald. Lewis: I am in favor of this, but I think we're changing policy here. We're going in a different direction of years and years of making sure that no one ever walks out of the door with a drink in their hand; and now on Wednesdays, and possibly more, it's going to be managed but alright to do. I guess I want to make sure we have our ducks in a row and in order for the next group that wants to do something like this. I want to be careful in setting a precedent.

Chief Keegan: Shay has done a really good job in being the spokesperson for this. They will have plastic glasses and people will know the barriers and exit points. We're going to be out in force as much as we can, but really it's going to fall back on the businesses and they will dot the i's and cross the t's. If we're going to do this in good faith as a Liquor Commission, I think it starts with the concept of these businesses because they've given us no reason to doubt them.

Chrmn. Rogina: I think this is a good precedent with good people to get things rolling. Now, could something happen to throw things off? Sure, you take a chance on that. But I go back again to our business community who I've heard for the last 6-8 months that we like the concept of trying to bring people downtown that are going to patronize our businesses as oppose to the bigger blast of closing streets down and have elephant ears being sold on corners. I want to see our businesses succeed and am looking for ways that we can advance the businesses. If it doesn't work – we'll shut it down.

Ald. Lewis: What comes to mind is the car show like they have in Dundee. We have a car show and they may come along and ask the same.

Chrmn. Rogina: This is a concept regarding the car show, but I've had people come to me saying it would be a good idea in using the old Cordon Blues, which is vacant, and on those car show nights, setting up on the patio, beer and brats. What a wonderful idea. It would showcase that restaurant for somebody perhaps to get interested in moving into that restaurant. So I'm in favor of showcasing any or all of our businesses in an orderly manner.

Ald. Lewis: I agree with you to a point on that. One other thing I was thinking is what if we did smaller steps to move this along and just do July and August and not do September this year? It's after school starts, it's not summer any more. Start out small and don't invest a lot of money in roping and chains. That might be a chance to sit back and think about the direction this is going to go.

Shay: I agree. This is a learning curve. My colleagues all think this is a great idea, but until we actually make it work, we don't know all the outcomes.

Mr. Amenta: I don't see a problem with approving all three and they can decide after the first or second one if they want to do the third.

Ald. Payleitner: I worry about sending a message and I would like the message to be that we're doing this with caution. Not foreseeing a problem, but not launching 10 years of this but to do it one at a time. So there is one license for four businesses for three events and \$100 each time.

Chief Keegan: There is a lot work that has gone into this and its much easier after its put in place to rescind it or stop the presses than to come back and ask for more. There were a lot of meetings, discussion, and effort that went into this.

Chief Keegan: I would like for the minutes to show that we ask for last call/last service outside at 8:30 p.m. and cleared of alcohol by 9:00 p.m.

Chrmn. Rogina: I would also for an amendment to not recommend a snow fence but some more esthetically pleasing barrier.

Motion by Mr. Amenta, second by Mr. Gehm to recommend approval of a Class E-4 Temporary License for this series of three (3) events to be held on the 1st Street Plaza. The requested dates are: July 6, August 3, and September 7, 2016 from 5:00 p.m. to dusk. (The businesses involved are ZaZa's Trattoria , Puebla Modern Mexican, Pizzeria Neo, McNally's Traditional Irish Pub) with noted two amendments noted above.

Roll Call: Ayes: Gehm, Payleitner, Lewis, Amenta: Nays: None. Chrmn. Rogina did not vote

as Chair. **Motion Carried.**

8. Recommendation to approve a proposal for a Class B liquor license for “Alexander’s Café 64” to be located at 1650 W Main Street, St. Charles (former Gabby’s Restaurant).

Chief Keegan: This is a recommendation to approve a proposal for a Class B liquor license for “Alexander’s Café 64” to be located at 1650 W Main Street, St. Charles (former Gabby’s Restaurant). Mr. Karas is looking to occupy the former Gabby’s which has been shuttered for the last year or so. He not only owns and operates the Rookies in St. Charles but also the Village Squire restaurants in Dundee and South Elgin and other Rookies in the northwest suburbs. This is his second Alexander’s concept. He has one on Rt. 31 in Elgin. Mr. Karas is looking to open up a full service restaurant for breakfast and lunch sales. We did talk offline that there might be a conceptual line moving forward to either entertain a different business model down the road and/or for banquets or private parties. He does realize his request before you is a Class B liquor license which operates until midnight. We found no errors or problems with Mr. Karas site or documents.

Mr. Bob Karas, 646 Lake Ridge, South Elgin.

Chrmn. Rogina: We have several breakfast restaurants on the east side of town with Abby’s downtown and it’s nice to see another breakfast establishment on the west side of town. I’ve been to several of your establishments and you’re a good business man.

Mr. Gehm: I too live on the west side and after Gabby’s left, I look forward to your restaurant opening up.

Ald. Payleitner: It was just last year you stated you were barely make ends meet so I’m glad to see your doors are still open.

Mr. Karas: It is a tough business. I work ten times harder and this is my tenth location and probably made more money with only three locations 10 years ago. The Alexander’s in South Elgin was a little old, dated, and tire and we have recently remodeled and spent a million dollars on it and gave it a new look which is very modern, hired a new chef, and put together a very modern breakfast/lunch menu and the plan is to do the same thing with this location. Breakfast is more profitable these days and any restaurant that is open for breakfast is generally not open past 2:00 p.m. – that seems to be the trend.

Ald. Lewis: You have a liquor license up in Elgin?

Mr. Karas: Yes, we are not going to have full bar of alcohol and we don’t any counter service, just table and booths. It’s a good location but parking may be a little bit challenging.

Motion by Ald. Payleitner, second by Mr. Gehm to recommend approval of a proposal for a Class B liquor license for “Alexander’s Café 64” to be located at 1650 W Main Street, St. Charles (former Gabby’s Restaurant).

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

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

Chief Keegan: This is a recommendation to approve an Ordinance Amending Title 5 “Business Licenses and Regulations”, Chapter 5.20 “Massage Establishments”, Sections 5.20.010 “Definitions”, 5.20.080 (B), “Issuance and Denial of Licenses”, 5.20.110 “Conditions and Restrictions of Licenses”, 5.20.170 “Notices” and 5.20.180 (C) “Revocation or Suspension of Licenses” of the St. Charles Municipal Code. We are about one year into our massage licensing effort. We’ve taken a three-prong approach here at the City to legitimized massage practices within St. Charles. The first prong is the ordinance itself, initiated about a year ago. We’re the trail blazers in this regard and for the most part we’ve seen the fruits of our labor paying out in a legitimized stance in St. Charles.

The second phase that has fallen on Cmdr. Gatlin and my shoulders is the inspection compliance phase where we have an ongoing process to hold our licenses and businesses accountable with a zero tolerance type of approach. In fact four arrests have taken place ranging from prostitution to those that practice without a state issue massage license. The last phase of the three-prong approach is the due process phase or hearing phase; and within that hearing phase we take a look at our best practices to see what’s working and what we need to sharpen our pencil on. That due process component is what brings us here today.

The lion’s share of what we’re doing right now is the best practices and procedures we can in the industry. We’re trying to tackle a number of things: recidivism to make sure they don’t repeat that violation whether it be as simple as practicing without a massage license or not following some of the things codified in our ordinance. We are also looking for evidence of human trafficking and signs that folks are residing in the business in which we are inspecting. The last piece is the zoning.

So before you are three proposals to amend our ordinance. The first piece is to attack recidivism. What we seen in one location are repetitive violations of prostitution taking place. Contrary to all of our enforcement efforts, on behalf of the police department and city council enacting these ordinances, we’re still seeing the repeated acts of illicit activity. So before you is a stance that we would like to take if you have a location such as this, that regardless of our best efforts, continues to either rent out or find tenants that aren’t going to follow none of the laws of the State of Illinois, but also the ordinances of St. Charles. We’re asking that location not be allowed to function or have a current business as a massage facility.

Another component of this ordinance revision is residency. Of the four arrests that we made, on at least two occasions we’ve had signs of the folks operating the business are also residing there and evidence has been established whether it be clothes, toiletries, food. In some cases the business may be located in a strip mall and not a home and was also functioning as a residence of the masseuse.

Lastly the zoning piece; we’re continuing our efforts to be more collaborative in approving and regulating massage facilities. With this in mind, each and every application that comes forward, and the next license that we’re going to ask you to approve had a zoning question related to it. That’s why it’s important to look at this as an ordinance model where I not only look at it as the Police Chief, but

the Fire Chief; whether it involves life safety issues, egress/ingress of windows, how the business is alarmed and constructed, that our building official looks at the establishment on a case by case basis to make sure things are under requirements, what the business wants to operate and can legally function as such that the zoning is appropriate, and we've looked at it from best practices. We also have our Finance Department look at the business and applicant to make sure there are no outstanding liens to the City.

So this ordinance revision proposal is me coming back to you after a year saying this is what works and this is what hasn't, and this is what we need to do to stronger to strengthen our stance in our position within our ordinances. Any questions?

Chrmn. Rogina: I want to commend you, Counsel McGuirk, and Cmdr. Gatlin in putting this together. I know you've looked at the Wheaton model while crafting this ordinance.

Ald. Payleitner: When any license shall have been revoked for cause, no license shall be granted to any person for a period of five years. It doesn't say how many times.

Chief Keegan: Correct.

Motion by Ald. Payleitner, second by Mr. Amenta to recommend approval of an Ordinance Amending Title 5 "Business Licenses and Regulations", Chapter 5.20 "Massage Establishments", Sections 5.20.010 "Definitions", 5.20.080 (B), "Issuance and Denial of Licenses", 5.20.110 "Conditions and Restrictions of Licenses", 5.20.170 "Notices" and 5.20.180 (C) "Revocation or Suspension of Licenses" of the St. Charles Municipal Code.

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

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

Chief Keegan: This is a recommendation to approve a Massage Establishment license for International Medical Massage Association located at 2210 Dean Street #E-1, St. Charles. In talking about the three-prong approach, this particular applicant was pushed back a little bit to today's meeting from last month because of an issue on the zoning which was the last piece of the ordinance you just moved forward. This particular location is in the Randall Road Medical Office Plaza west of Randall and north of Dean Street. When it came to us we looked at the petitioner's background, site and business plans and found nothing of a derogatory nature that would preclude him from having a license. In fact this is the first petitioner we've seen who supplied numerous letters of recommendation from various folks in his profession. There was a question not so much about the St. Charles' zoning but the PUD that was initiated with Randallwood. Atty. McGuirk has opined on this along with Rita Tungare and documents are in your packet.

Michael Devo, Elgin, IL and my company name is International Medical Massage Association.

Chrmn. Rogina: It is refreshing to see as part of an application, solid recommendations. I know the Chief went through a very clear and concise point of the ugliness of what's happened here recently, but I want you to know in this spirit this is a thriving and profitable and good industry and should not be tainted.

Mr. Devo: Going along with your line of wanting to clean things up and going through the zoning issue with Russ Colby and having him described the PUD category they put me in, it was like tanning spas, masseuse and masseurs; those terms are no longer used. Those words are from the 70's. We are licensed and regulated and these groups should not be promoting massages anywhere unless they have a license. I would be happy to be a part of a commission on any massage any time because this affects me and I take it personal when these kinds of things happen.

Motion by Ald. Payleitner, second by Mr. Amenta to recommend approval of a Massage Establishment License for International Medical Massage Association located at 2210 Dean Street #E-1, St. Charles.

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

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

Chrm. Rogina: Now comes petitioner, James Keegan, Chief of Police of the City of St. Charles that on or about April 29, 2016, at approximately 12:28 p.m., the licensee, Still Waters Spa, LLC by and through its employees, officers and/or agents, committed the following violations of the St. Charles Massage Establishment code:

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

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

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

"Supervision. A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this chapter by any agent or employee of the licensee shall constitute a violation by the licensee." On or about April 29, 2016, Still Waters Spa, LLC was operating under a Massage License issued by the City of St. Charles. That the acts detailed in Section 2 of this Complaint of Violation are prohibited and are in violation of and contrary to Sections 5.20.130(D) and 5.20.110(A) of the St. Charles Municipal Code."

The arraignment form suggests a guilty plea and we would call a hearing and mitigation and the licensee has an opportunity themselves or agent/representative to come forward and present evidence to support the position to minimize any penalty. It's my understanding that Mr. Navigato is here from Bochte, Kuzniar & Navigato representing Still Waters Spa, LLC.

Atty. Navigato: I'm here representing my client Still Waters Spa and work with Bochte, Kuzniar & Navigato Law Firm in St. Charles. I'm not here to challenge your due process. I understand what the code section says and I'm here to tell you that my client violated that section. My client is from foreign descent – Chinese and her name is Yanling Zhang. She is recently married to an American citizen. This incident arose as a result of them requesting re-issuance of their business license which the City issued to them in 2015. When they renewed this license, the St. Charles Police came out for inspection and my client, the owner, was not there. She was with her husband in Peoria on a medical visit and there was an unlicensed individual at the business. The Police Department set up an inspection and set up an opportunity for someone to go in and this unlicensed individual was there and began a massage of which she shouldn't of done. My client came in to see me and we went through your ordinance word by word. It wasn't easy as she doesn't speak very much English. Her husband was there and I made it very clear to her what her responsibilities are. I made it very clear to her of what you, as a commission, require of their business as owners and made it clear to her that this cannot happen again based upon the nature of the business. I'm happy to report that the offense seems to be limited to not having a licensed massage therapist on the premises. I'm also happy to report that it didn't go any further or beyond that. The City of St. Charles did reissue her business license for FY2016/17, found the establishment to be clean and sanitary and was in compliance with all the provisions of your ordinance in Section 5.20.110.

So as I stand before you today, my client does have her business license. I also submitted to you her massage therapist license by the State of Illinois as well as the new employee she has hired that is also a licensed massage therapist. Under your rules, regulations and ordinances there must be a licensed massage therapist on the premises at all times. This is going to be corrected today as I stand before you. They've hired another licenses massage therapist to run this establishment when my client, the owner, who is also licensed cannot be on the premises. She does find it difficult that her husband still lives in Peoria and they travel up to St. Charles to operate this business. Other than this incident, I'm not aware of any other incident where this business has not been in good standing with the City. It has passed all the requirements of the City to obtain the renewal of the license. It was a mis-step; however, in mitigation I don't believe in the nature of the offense that it was compare to some of the other offenses that you might see in this area as illicit as some of the other offenses. We would ask that the Commission grant some leniency in lieu of any type of suspension or revocation of the license and issue a fine which would be stern. In going forward this business would be in compliance with your ordinances and I'm confident that I've been able to convey to my client what she needs to do going forward.

Chrmn. Rogina: Thank you. It won't be necessary for you to stay here. We'll be going into executive session to discuss this, but so that I am clear, I know you pleaded guilty, but I want to make sure I understand this. Whether the City issued a valid license for the new year or not; I read the report and it stipulated as well as by you. What bothers me is

there are three dates here: 4/25, 4/29, 5/5. The 4/25 is the date that the police came to do the check for the new license. At that point in time there was a violation as numerated in the complaint and no citation was issued. On 4/29 the police returned to do a compliance check and at that time another violation occurred. So in four days nothing was corrected. Then on 5/5, after the compliance check, the same thing happened; three separate occasions in a period of 4/25 to 5/5.

Atty. Navigato: I was not aware of the 5/5 date.

Chrmn. Rogina: In our packet we have a Citation, Notice of Hearing on the premises to the licensee and have a detailed memo to Cmdr. Gatling from Detective Lamella regarding the same thing happened.

Atty. Navigato: I can't address the 5/5 date because I do not have that report. My client is unable to be here due to her husband's medical problem and that is why I'm here requesting a continuance. In light of your recommendation to Mr. McGuirk, I appeared on their behalf. The documents I have here do not contain a 5/5 date, so I was unaware of a third incident.

Chrmn. Rogina: By our rules and regulations there had to be a formal issuance of a citation, so that had to take place at some point. When the officer did go and administer that Citation and Notice of Hearing, the same conditions still existed. That's my point. Your argument does hold some weight and we'll go in and discuss it.

Atty. Navigato: I do believe the intention of the new employee who has the massage therapy license now is subjective to these dates. She now understands what her requirements and obligations are and how stringent they are.

Ald. Payleitner: I want to be clear on what the supervision piece is. Supervision has to be a manager mentioned in the license which would be the owner or designee.

Atty. Navigato: I indicated to her that she needs to come down and get her license amended to have that massage therapist on her license because that is what the ordinance does require. That person has to be specifically identified on her license.

12. Other Business

Chrmn. Rogina: I want to lay something out to the Commission for a future meeting. We require as part of the application a business plan. I've looked through all these business plans and we'll agree that some are lacking and others have too much detail that provide us with information on their finances, goals, and even competitive analysis. This goes into a public document that anybody can read. I don't want to put anyone at a competitive disadvantage by having them divulging secrets, thoughts, goals moving forward, etc. I'm asking that we have a future meeting with some conversation before we go to Council to have them opined on this. Let us start the ball rolling and ask the question of what should a good business plan include and what is over kill. I'm just planting the seed today for a future meeting and ask staff to come back and provide us with some meat to put on the bone and go from there.

13. Public Comments – none.

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

Motion by Ald. Payleitner, second by Mr. Gehm to enter into Executive Session at 5:50 to discuss massage violations.

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

Motion by Ald. Payleitner, second by Mr. Amenta to come out of Executive Session at 6:12 p.m.

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

15. Adjournment

Motion to adjourn by Mr. Gehm, second by Mr. Amenta at 6:14 p.m.

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



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Proposal for a Class B Liquor License for Noodles & Company to be located at 3875 E Main Street, St. Charles (Former TGIF Restaurant)

Presenter: Chief Keegan

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/20/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is an application request for a new Class B liquor license for Noodles & Company to be located at 3875 E Main Street, St. Charles (former TGIF Restaurant). A late night permit is not being requested. Application packet is in order with background check completed by Police Department of the restaurant application. Corporate has informed us that a manager will be transferred from the Geneva restaurant to the St. Charles location and that person will be fingerprint and have a background check conducted. License will not be issued until background check is complete and occupancy permit is granted.

Attachments: *(please list)*

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

Recommendation / Suggested Action *(briefly explain):*

Recommendation to approve a proposal contingent on manager background /fingerprinting being completed for a Class B Liquor License for Noodles & Company to be located at 3875 E Main Street, St. Charles (former TGIF Restaurant).

For office use only: *Agenda Item Number: 4*

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

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



City Retail Liquor Dealer License Application (rev. 6/10) Non-Refundable

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

Business Type: Circle one Individual Partnership Corporation Other _____

Business Name Noodles & Company Sales Tax # 3400-1115

Business Address 3875 Main Street, St. Charles, IL 60174 Business Phone # 720-214-1900

Contact Person Sue Hamilton Title Licensing Coordinator Phone # 913-273-0564

Bassett Certification _____ License Class: B-4 913-488-6250

If Corporation, Corporate Name The Noodle Shop Co. - Colorado, Inc.

Corporation Address 520 Zang Street, Broomfield, CO 80021

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

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

Full Name, include Middle Initial Paul A. Strausen Title President/Director

Birth Date _____ Birthplace Hammond, IN Driver's License # _____ Home Phone # _____

Home Address _____

Full Name, include Middle Initial David J. Boennighausen Title Secretary

Birth Date _____ Birthplace St. Louis, MO Driver's License # _____ Home Phone # _____

Home Address _____

Full Name, include Middle Initial _____ Title _____

Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____

Home Address _____

Full Name, include Middle Initial _____ Title _____

Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____

Home Address _____

Schedule of Annual Fees for Retail Liquor Dealer License

Class A Package Liquor Sales:

A-1 (Pkg. Stores Only)	\$1,600/year
A-2 (Pkg. Stores – Grocery/Drug)	\$1,600/year
A-3 (Gourmet Beers & Wine)	\$1,600/year
A-4 (Brewery & Sales)	\$1,600/year

Class B Predominately Food

B-1 (Small Restaurant – no holding bar)	\$1,200/year
B-2 (Holding Bar[s])	\$1,600/year
B-3 (Live Entertainment)	\$2,600/year
B-4 (Beer & Wine Only)	\$1,200/year
B-5 (Counter Service Beer & Wine Only)	\$1,200/year

Class C Predominately Liquor:

C-1 (On Premise Sales)	\$1,300/year
C-2 (Entertainment)	\$2,600/year
C-3 (Beer & Wine Only)	\$1,200/yea

Class D (Site Specific & Hotel/Motel):

D-1 (Pheasant Run)	\$4,000/year
D-2 (Hotels/Motels)	\$2,000/year
D-3 (Banquet Halls & County Clubs)	\$2,000/year
D-4 (Clubs)	\$1,000/year
D-5 (Arcada)	\$2,000/year
D-6 (Q-Center)	\$2,000/year

Class E Temporary Licenses: E-1 (Not for Profit) -\$50/day; E-2 (Special Events-Class B&C Only) -\$100/day; E-3 (Fairgrounds) -\$50/day



Memo

Date: 5/26/2016

To: The Honorable Ray Rogina, Mayor-Liquor Commissioner

From: James Keegan, Chief of Police

A handwritten signature in black ink, appearing to be "J. Keegan", written over the printed name of the Chief of Police.

Re: Background Investigation-3875 E. Main Street (Class B) Noodles & Company

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 location formerly housed TGI Friday's before being transitioned into a three-unit/multi-use building (other tenants being ATI Physical Therapy and Pot Belly's). Noodles & Company (based in Colorado) is seeking to expand into the East Gateway and open a full-service/fast-casual restaurant with beer and wine in the aforementioned retail space.

The site location/floor plans and the corresponding application materials were reviewed by my staff. We also reviewed the business plan and corporate paperwork of Noodles & Company. We found nothing of a derogatory nature that would preclude either the site location or the applicant from moving forward with an on-site consumption license, subject to City Council approval with the following contingencies:

- This site is not yet built out but building plans and seating plans appear to adequate and sufficient (see attachment). The Liquor license would be contingent upon an occupancy permit being issued from the Fire Department and final inspection by the Building Department.
- A local manager has not been selected. Therefore, fingerprints and the manager's ability to possess a liquor license have yet to be vetted. Once that selection is made, a liquor license is contingent upon successful completion of the manger's police background and Basset certification.

I am recommending a liquor license subject to the above mentioned contingencies. Thank you in advance for your consideration in this matter.

GENERAL NOTES

- G.C. TO REFER TO MILLWORK SHOP DRAWINGS FOR SPECIFIC SIZES AND DETAILS.
- CAULK FIXED TABLES TO WALLS.
- CHAIN RAIL AND BASE TO BE INSTALLED AFTER BOOTHS FOR TIGHTEST FIT POSSIBLE.
- EQUIPMENT SPACING DIMENSIONS TO BE COORDINATED WITH KITCHEN EQUIPMENT REQUIREMENTS AND FIELD CONDITIONS.
- CORE DRILL STOOLS AND BOLT DOWN TABLES IF SLAB ON GRADE U.A.O.
- CENTERLINE OF STOOLS TO BE LOCATED 7-1/2" FROM FACE OF TABLE EDGE. SPACE STOOLS 2'-0" APART, O.C.
- TABLES WITH SINGLE BASE TO HAVE BASE MOUNTED AT THE CENTER POINT.
- REFER TO PLAN FOR TABLE BASE DIMENSIONS FOR TABLES WITH MORE THAN ONE BASE.
- STOOL BASE TULIP COVERS SHALL BE DRILLED AND TAPPED WITH SET SCREW INSTALLED TO PREVENT COVER FROM MOVING.

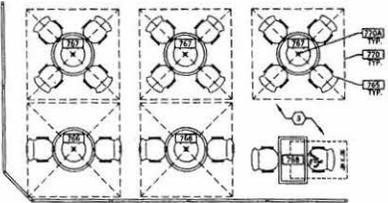
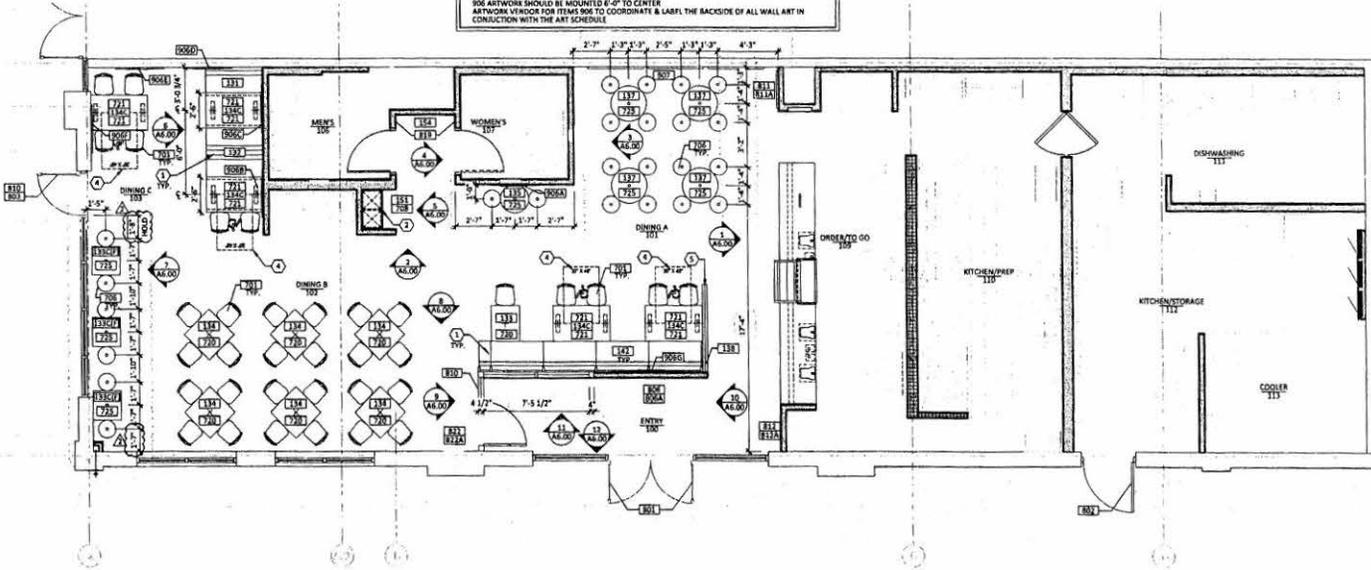
KEY NOTES

- BOOTH AND BANQUETTE SEATING TO BE BUILT WITH STORAGE.
- BOOSTER SEAT SHELF, BY MILLWORK SUPPLIER, 48" AFF. G.C. TO INSTALL.
- G.C. TO PROVIDE AND INSTALL VINYL COATED AIRCRAFT CABLE, MIN. 50 FT. LENGTH, TO LOCK PATIO TABLES AND CHAIRS, TYP.
- 2'-4" MIN CLEAR TYP. AT ACCESSIBLE SEATING.
- G.C. TO COORDINATE SUPPORT CONNECTIONS AT SLAB WITH MILLWORK SHOP DRAWINGS PRIOR TO STARTING CONSTRUCTION.

ART SCHEDULE

REF.	QUANTITY	SIZE	DESCRIPTION
906 A	1	41" X 41"	B&W PHOTO WITH FRAME
906 B	1	41" X 41"	B&W PHOTO WITH FRAME
906 C	1	41" X 41"	B&W PHOTO WITH FRAME
906 D	1	41" X 41"	B&W PHOTO WITH FRAME
906 E	1	41" X 41"	B&W PHOTO WITH FRAME
906 F	1	41" X 41"	B&W PHOTO WITH FRAME
906 G	1	41" X 41"	B&W PHOTO WITH FRAME
907	3	29" H X 46 1/2" W	"YAK PLEXI PANELS"
908	0	CUSTOM	VINYL WALL MURAL

NOTES:
906 ARTWORK SHOULD BE MOUNTED 8"-10" TO CENTER ARTWORK VERTICAL FOR ITEMS 906 TO COORDINATE & LABEL THE BACKSIDE OF ALL WALL ART IN CONDUCTION WITH THE ART SCHEDULE



FURNITURE PLAN
1/4" = 1'-0"



DATE: 12-04-2015
 REVISION DATE: 11-02-2016
 PROJECT NUMBER: 15-3000

NOODLES & COMPANY (#686)
 3875 E. MAIN STREET
 SAINT CHARLES, IL 60174
 FOR NOODLES & CO.
 520 ZANG ST., STE D, BROOMFIELD, CO 80021

ISSUANCE/REVISIONS
 △ ISSUED FOR PERMIT 12-04-2015
 △ ISSUED FOR BID 01-23-2016
 △ ISSUED FOR CONSTRUCTION 03-24-2016

FURNITURE PLAN & NOTES

SHEET:

A1.31

Business Plan - Narrative

Noodles & Company is a fast-casual family-friendly restaurant concept that offers healthy American, Asian and Mediterranean-style noodle dishes, soups and salads at reasonable prices for dine-in or carry-out. In addition to serving food, the business plan includes the offering for sale beer and wine for our adult customers. Noodles & Company has over 400 company owned locations throughout the United States and more than 50 locations operating in Illinois. Each location employs approximately thirty team members and is generally open from 10:30am to 10:00pm Sunday through Saturday. A copy of the menu and diagram of the premises is included with the application for a liquor license.

Noodles and Company plans to open a new location in Saint Charles, IL in July of 2016 at 3875 N. Main Street and respectfully requests a review of its application for a license to serve beer and wine on the premises.

SANDWICHES



BBQ Pork

Toasted ciabatta roll loaded with slow-braised pork, colorful coleslaw and barbecue drizzle

550 cal

6.99



The Med

Grilled chicken, mushrooms, spinach, red bell pepper, cucumber, red onion, our zippy Med dressing, cilantro and feta on flatbread

330 cal

5.99

Vegetarian option is available



Wisconsin Cheesesteak

Marinated steak, our Mac & Cheese sauce, cheddar and jack cheese, red onion, red bell pepper and mushrooms on ciabatta

570 cal

6.99



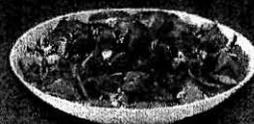
Spicy Chicken Caesar

Grilled chicken, romaine, spicy Caesar dressing, wonton strips and parmesan on flatbread

520 cal

5.99

SALADS



Spinach & Fresh Fruit Salad

Seasonal fruit, crumbled bacon, pecans, house-made croutons, red onion and blue cheese atop spinach with a balsamic fig drizzle

650 cal

7.99



Grilled Chicken Caesar

Grilled chicken, romaine, croutons, traditional dressing and parmesan

500 cal

7.99



Chinese Chicken Chop Salad

Grilled chicken, sesame-soy tossed mixed greens, Asian sprouts, cabbage, red bell pepper, cucumber, carrots, crispy wontons and black sesame seeds

480 cal

7.99



The Med Salad with Chicken

Grilled chicken, romaine, mixed greens, tomato, cucumber, red onion, olives, cavatappi pasta, spicy yogurt dressing and feta

490 cal

7.99

SHAREABLES

Potstickers 4.99 | 2.99

Chicken Dumplings - 6 or 3
340 | 170 cal

Rustic Hummus 5.29 | 3.29

Regular or Small
V 660 | 340 cal

Cheesy Garlic Bread 4.99 | 2.89

Toasted Slices - 6 or 3
V 660 | 330 cal

SMALL BITES

Cucumber Tomato Salad 2.49

V 110 cal

Tossed Green Salad 2.29

Balsamic, Sesame Soy, Med, Fat-Free Asian, Caesar
30-110 cal

Ciabatta / Flatbread .79

V 120 | 200 cal

Cookies 1.59

V 490-510 cal

Rice Krispy Treat 1.79

540 cal

DRINKS

Fountain Drinks 1.79 | 2.19

Kids .79

Fresh-Brewed Iced Tea 1.79 | 2.19

Bottled Drinks 1.69 | 2.49

1% or Chocolate Organic Milk 1.49

Beer 2.99 | 3.99

Wine glasses 5.00 | 6.00

bottles 24.00

Beer & wine may not be available at all locations

— Featured Dish —



Alfredo MontAmore

Spaghetti noodles, four-cheese blend, mushrooms, spinach, tomato and parmesan chicken. Topped with MontAmore cheese, parsley and cracked pepper

1270 cal

8.49

— Fan Favorite —



Thai Hot Pot

Signature curry broth, cabbage, sprouts, Fresno peppers, shiitake mushrooms, rice noodles, pulled chicken and pork, lime wedge and cilantro. Served with a side of toasted Asian flatbread

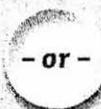
560 cal

8.49

With your choice of:

Side Salad

Tossed Green
Caesar
Tomato Cucumber
30-110 cal



Side Soup

Chicken Noodle
Thai Curry
Tomato Basil Bisque
130-160 cal

NOODLES
COMPANY

1
Choose Your Entrée

2
Pick Your Size

reg 5.69 sm 4.39

380-1040 cal 150-550 cal

3
Add Meat or Tofu

Naturally Raised Pork 150 cal +2.69

Parmesan-Crusted Chicken Breast 200 cal +2.59

Grilled Chicken Breast 112 cal +2.39

Marinated Steak 170 cal +2.69

Shrimp 70 cal +2.59

Oven-Roasted Meatballs 300 cal +2.39

Organic Tofu 180 cal +2.39

4
Green It Up or Soup It Up

1.00

Side Salad **Side Soup**

Tossed Green Chicken Noodle

Caesar Thai Curry

Tomato Tomato Basil

Cucumber Bisque

30-110 cal 120-160 cal

Substitute Gluten-Free Pasta +2.00

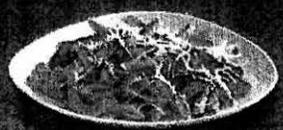
Want Extra Veggies +1.00 ea

Broccoli • Tomato • Cabbage • Spinach
Cucumber • Mushrooms • Red Bell Pepper
Carrots • Kalamata Olives • Red Onion
Shiitake Mushrooms

S = Spicy
V = Vegetarian
These dishes exclude seafood and fish

Allergies? Please ask for our Allergen Guide.
For the latest nutrition information
Visit: Noodles.com/nutrition

NOODLES & PASTA



Penne Rosa
Spicy tomato cream sauce, penne pasta, mushrooms, tomato, spinach, wine and parmesan or feta
V 410 | 790 cal
Try with parmesan-crusted chicken



Japanese Pan Noodles
Caramelized udon noodles in a sweet soy sauce, broccoli, carrots, shiitake mushrooms, Asian sprouts, black sesame seeds and cilantro
V 310 | 620 cal
Try with marinated steak



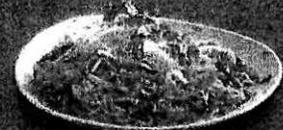
Wisconsin Mac & Cheese
A classic blend of cheddar and jack cheeses, cream and elbow macaroni
V 620 | 1040 cal
Try with oven-roasted meatballs



Thai Curry Soup
Yellow coconut curry broth, spinach, cabbage, mushrooms, tomato, red onion and rice noodles
V 230 | 450 cal
Try with organic tofu



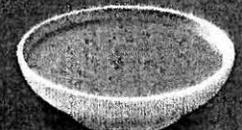
Pesto Cavatappi
Curly pasta, basil pesto, garlic, mushrooms, tomato, wine, cream, parmesan and Italian parsley
V 410 | 800 cal
Try with naturally raised pork



Pad Thai
Rice noodle stir-fry with scrambled egg, carrots, cabbage, sweet chili, citrus, peanuts, Asian sprouts and cilantro
420 | 830 cal
Try with sauteed shrimp



Spaghetti & Meatballs
Five meatballs on spaghetti, crushed tomato marinara and parmesan
650 | 920 cal
sm 6.79 reg 8.09



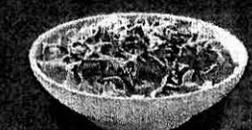
Tomato Basil Bisque
Rich and zesty tomato soup with cream, sherry, fresh basil, garlic and Italian parsley
V 260 | 520 cal
Try with parmesan-crusted chicken



Pasta Fresca
Penne with balsamic, olive oil, white wine and roasted garlic, red onion, tomato, spinach and parmesan or feta
V 410 | 790 cal
Try with grilled chicken breast



Bangkok Curry
Sweet coconut curry, broccoli, carrots, red bell pepper, onion, mushrooms, a light portion of rice noodles, served on cabbage with black sesame seeds
V 260 | 510 cal
Try with naturally raised pork



Steak Stroganoff
Marinated steak, mushroom sherry cream sauce, fresh herbs, cracked pepper, sautéed mushrooms, egg noodles and parmesan
650 | 1010 cal
sm 6.99 reg 8.29



Chicken Noodle Soup
Our signature soup with chicken breast, celery, carrots, onion and wavy egg noodles
100 | 380 cal



Whole Grain Tuscan Linguine
Whole grain linguine, broccoli, red bell pepper, onion, mushrooms, garlic, white wine, cream and parmesan
V 350 | 680 cal
Try with parmesan-crusted chicken



Indonesian Peanut Sauté
Spicy peanut sauce and rice noodle stir-fry, broccoli, carrots, cabbage, Asian sprouts, cilantro, crushed peanuts and lime
V 420 | 840 cal
Try with grilled chicken breast



Buttered Noodles
Tender wavy egg noodles, butter, Italian seasonings and parmesan
V 470 | 930 cal
any size .50 less
Try with oven-roasted meatballs

Order online. It'll be ready when you get here.

Skip our line by ordering online or your mobile device. Come in and head straight to the Pick-Up Register. Your meal will be ready to go.



--- Noodles.com/order ---



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Proposal for a Class E-2 Temporary Liquor License for a Special Event for St. Charles Cruise Nites Being Sponsored by the St. Charles Chamber of Commerce

Presenter: Chief Keegan

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/20/16)

Estimated Cost: _____ Budgeted: YES NO

If NO, please explain how item will be funded:

Executive Summary:

This is an application request for a Class E-2 Temporary License, authorizing for consumption of beer and wine for the St. Charles Cruise Nites being held on Riverside Avenue (Walnut & Second Avenue). This event is being sponsored by the St. Charles Chamber of Commerce and The Finery & Blacksmith Bar will be the local business licensee providing the alcohol. Consumption will be limited to the serving area of the former “Chord on Blues” outdoor patio located at 106 S Riverside Avenue. This temporary license request is for a series of six (6) individual events to be held on the following dates of the summer season: July 19 & 26, and August 2, 9, 16, 23, 2016. The event will be from 5:00 p.m. – 8:00 p.m.

Please see the attached Special Events packet for more detailed information about the event. Also this Class E-2 Temporary License was an add-on requested after the Special Events Permit was submitted.

Attachments: *(please list)*

- Liquor License Application
- Memo of Explanation
- Site Map
- Special Event Application

Recommendation/Suggested Action *(briefly explain):*

Recommendation to approve a proposal for a Class E-2 Temporary Liquor License for a special event for St. Charles Cruise Nites being sponsored by the St. Charles Chamber of Commerce.

For office use only: Agenda Item Number: 5

For Office Use

Received: 6/13/16
Fee Paid: \$600.00
Receipt #

CITY OF ST. CHARLES

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



CITY LIQUOR DEALER LICENSE APPLICATION
CLASS E2 - SPECIAL EVENTS

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 E2, 6 individual one day events
Commencing July 19, 2016 and ending August 23, 2016
Time Starting 5 pm and ending 9 pm
Location of Event 106 S Riverside St Charles Avenue

Name of Business Haute Concepts LLC DBA The Finery & Blacksmith Bar
Address of Business 305 W Main St St Charles, IL 60174 Business Phone 630 815 1887
Has Applicant had a Class E2 License in the previous 365 days? No. If YES, on what date:
5.08.050A1 Circle Choice to Show: Individual Partnership Corporation Other: LLC

Requirements of a Class E2 - Special Civic Event License

- 1. The Class E2 license fee is \$100.00 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. Beer and/or Wine are the only alcoholic beverages to be sold.
- 4. Hours are restricted to 12 noon to 12:00 midnight.
- 5. Licensee must rope/fence off the licensed premises.
- 6. Each patron must wear a wristband after having identification checked for legal alcohol consumption age.
- 7. Are children/minors permitted in the licensed premises? Y/N
- 8. A sign limited beer and/or wine consumption to the roped off area must be conspicuously displayed at all times.
- 9. Each server of alcohol must be BASSET certified - need copy of BASSET certification.
- 10. A copy of site plan diagram to include roped area shall accompany this application.
- 11. All security/police resources needed shall be attached to this application with approval of the Chief of Police before final issuance by Liquor Commissioner.

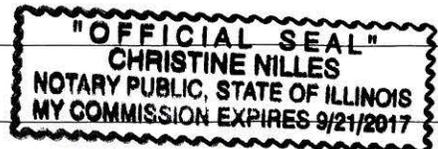
- 1. Name of class B, Class C or Class I Liquor License: The Finery & Blacksmith Bar
- 2. Has the applicant had a Class E2 License in the previous 365 days? No If Yes, on what date?
- 3. Is license to be used in conjunction with a special event approved by the City Council? yes
If yes, provide name of event: Cruise Nights
- 4. Is license to be used in conjunction with a picnic, bazaar, fair or similar assembly with food dispensing and/or sale the predominate purpose of the event? yes
- 5. Location/address of event. Important: Attached drawing of location to this application. 106 S. Riverside St. Charles IL
- 6. Important: If location is out of doors, attach proof of liability insurance (photocopy) from an approved insurance agency.

Affidavit

State of Illinois)
County of Kane)

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

Signed: [Signature] Signed: _____
Sworn to before me this 13 day of June, 2016.
Notary Public: [Signature]



ENDORSEMENT OF THE LIQUOR CONTROL COMMISSIONER

Approved: [Signature] Date: 6-15-16 Chief of Police: [Signature]
Approved: _____ Date: _____ Liquor Commissioner: _____



Memo

Date: 6/10/2016
To: The Honorable Ray Rogina, Mayor-Liquor Commissioner
From: James Keegan, Chief of Police
Re: Cruise Nites Being Sponsored by the St. Charles Chamber of Commerce

The purpose of this memorandum is to document and forward to your attention an application request for a Class E-2 Temporary License, authorizing the consumption of beer and wine for the St. Charles Cruise Nites, currently being held on Riverside Avenue (Walnut & Second Avenue).

This event is being sponsored by the St. Charles Chamber of Commerce and The Finery & Blacksmith Bar will be the local business licensee providing & serving the alcohol. Consumption will be limited to the serving area of the former "Chord on Blues" outdoor patio located at 106 S. Riverside Avenue. Employees from The Finery will be responsible for carding, credentialing and serving patrons (beer & wine) in plastic containers only. Alcohol will not be allowed outside of the patio area.

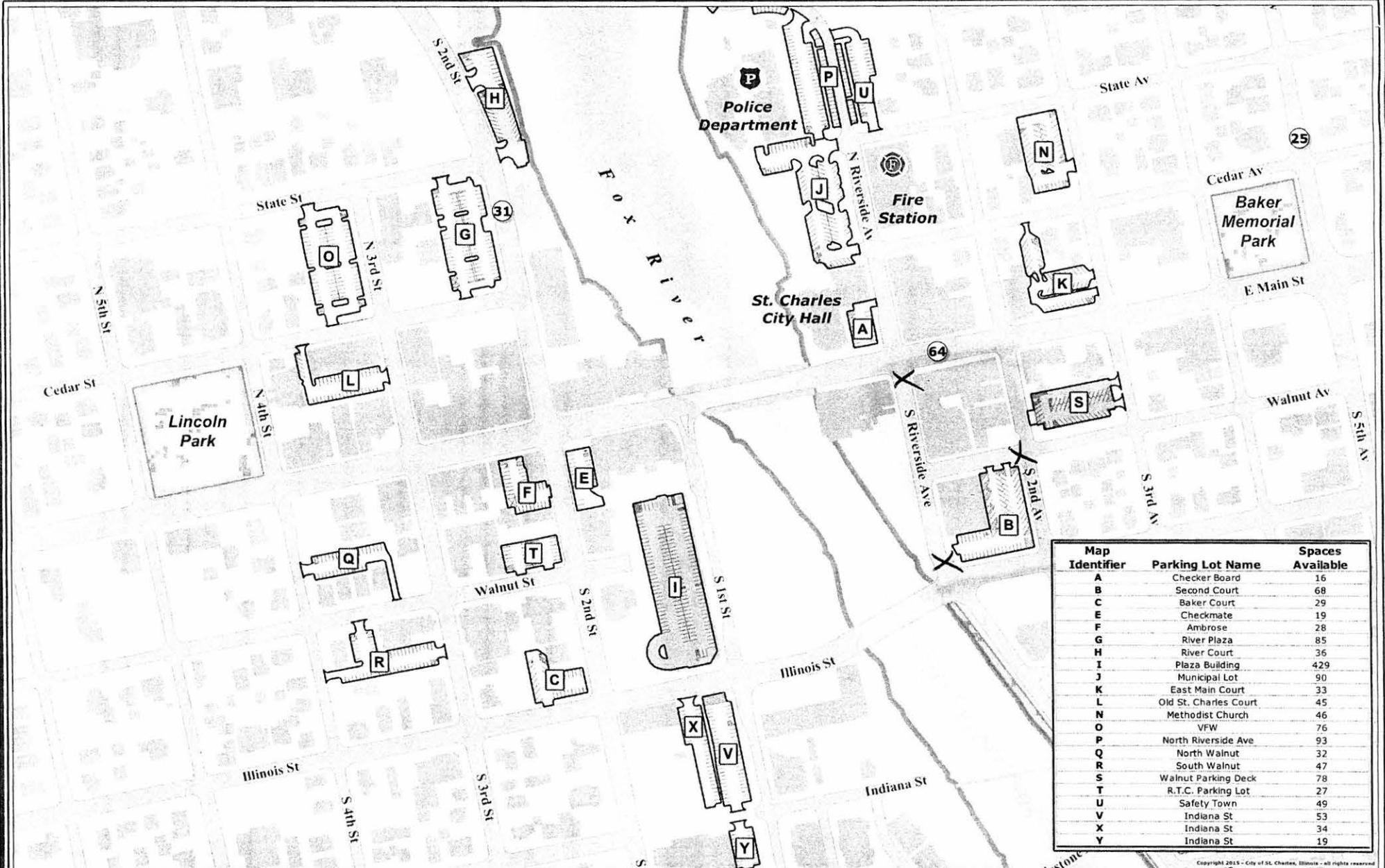
This temporary license request is for a series of six (6) events to be held on the following dates of the summer season: July 19 & 26, and August 2, 9, 16 & 23, 2016. The event will be from 5:00 p.m. – 8:00 p.m.

The site location and event plan for alcohol service was vetted through Commander Mahan and his staff after the initial application material was reviewed by the Special Events Committee. Staff feels comfortable with this event and will not be requiring extra-duty police services. Cruise Nites draws a mature and respectful crowd and both the Chamber of Commerce and The Finery have assured us the proper oversight.

Thank you in advance for your consideration in this matter.

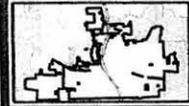


Downtown Parking



Map Identifier	Parking Lot Name	Spaces Available
A	Checker Board	16
B	Second Court	68
C	Baker Court	29
E	Checkmate	19
F	Ambrose	28
G	River Plaza	85
H	River Court	36
I	Plaza Building	429
J	Municipal Lot	90
K	East Main Court	33
L	Old St. Charles Court	45
N	Methodist Church	46
O	VFW	76
P	North Riverside Ave	93
Q	North Walnut	32
R	South Walnut	47
S	Walnut Parking Deck	78
T	R.T.C. Parking Lot	27
U	Safety Town	49
V	Indiana St	53
X	Indiana St	34
Y	Indiana St	19

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Revised Date:
September 4, 2015
Data Source:
City of St. Charles, Illinois
Farr County, Illinois
Douglas County, Illinois
Information: Telenavics Mensink
Coordinate System: Illinois State Plane East
North American Datum 1983



Public Parking Lot

This work was created for planning purposes only and is provided as is, without warranty of any kind, either expressed or implied. The information represented may contain proprietary and confidential property of the City of St. Charles, Illinois. Under United States Copyright protection, this work may not be reproduced, or distribute any part of this document without their written permission. To obtain written permission please contact the City of St. Charles at Two East Main Street, St. Charles, IL 60174.

RECEIVED
FEB 19 2016

Building & Code Enforcement
St. Charles, IL

CITY OF ST CHARLES
SPECIAL EVENT APPLICATION

THIS FORM MUST BE COMPLETED IN
FULL & SUBMITTED 90 or 30 DAYS PRIOR TO THE EVENT



Permit No. 116221246 Date of Meeting: 3/10/2016 Revised date 01/28/2015
Name of the Event: St Charles Cruise Mts Date(s) of Event: 8/19-26/12
10:00 7-19-26/12
8/19-21/16 + 8/23/2016

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

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

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

Special Event Submittal Check List

- **Special Event Application**
- Section 1 – Task List and Due Dates –90 day or 30 day submittal
- Section 2 – General Information
- Section 3 – Permits
- Section 4 – Site Plan and/or Route Map
- Section 5– Emergency Phone Tree and Contact
- Section 6 – Emergency Crisis Management Procedures
- Section 7 – Retail Merchants
- Section 8– Hold Harmless Agreement
- Any outstanding funds owed to the City of St. Charles
- Application(s) for other permit(s) (See answers in Section 3)**
- Outdoor Sales/Event Permit Application and Submittal Fee
 - \$65
- Loudspeaker/Amplifier License Application and Submittal Fee \$750
 - \$5 per day
- Class E Liquor License Application and Submittal Fee
 - \$50 per day – E-1 (Not-for-Profit)
 - \$100 per day – E-2 (Special Civic Event)
- Carnival License Application and Submittal Fee
 - \$30 each – Rides
 - \$20 each – Amusement Stands, Food Stands, Entertainment Shows, Other

Received: <u>2/19/2016</u>	Fee Paid: \$ <u>30</u>
Receipt # <u>883997</u>	Check # <u>009020</u>
Copies of application distributed to:	
Police: <u>2/20/2016</u>	Fire: <u>02/20/2016</u>
Electric: <u>02/20/2016</u>	PW: <u>03/20/2016</u>

SECTION 1 - TASK LIST AND DUE DATES

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

Task to be completed for Events that require <u>90 days</u> (All items due to City unless noted)	Days Due Before Event	Due Date
Date of the Special Event	- N/A -	7/19, 7/26, 8/2 8/9, 8/16, 8/23
If event takes place in downtown St. Charles you are to complete an application through the St. Charles Downtown Partnership.	120 days	
Submit Special Event Application	90 days	4/20/14
Payment of any outstanding funds due to the City of St. Charles	At time of submittal	
Provide verification of organization legal status, i.e. NFP, Partnership, Corporation A copy of 501(C)3 document is to be submitted with application.	At time of submittal	
Submit Class E Liquor License Application	90-days	4/20/14 N/A
Submit Outdoor Sales Permit Application	90-days	4/20/14
Submit Loudspeaker/Amplifier License Application	90-days	4/20/14
Submit Raffle Permit Application (Kane & DuPage County)	At time of submittal	
Submit Carnival License Application	90 days	N/A
Submit Fireworks Permit Application	60 days	N/A
Submit Original Certificate of Insurance	21 days	6/28/14
Submit copies of other required permits	At time of submittal	
Emergency Phone Tree	At time of submittal	
Emergency /Crisis Management Procedures	At time of submittal	
Submit Listing of Participating Retail Merchants/Applicable Food Vendors to Finance Department using Pre-Defined Form in Excel format	14 days	7/5/14
Notify residents/businesses of special event	14 days	7/5/14

City Services Requested:			Comments
Police	Yes	No	
Fire/EMS	Yes	No	
EMA	Yes	No	
Public Services	Yes	No	
Electric	<input checked="" type="checkbox"/> Yes	No	
Water	Yes	No	
Other:	Yes	No	

SECTION 2 – GENERAL INFORMATION Permit No. 110-27416

Name of Event: St. Charles Cruise Nites

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

Location of Event: South Riverside Avenue Between 64 & Illinois Street

Date(s) of Event: 7/19, 7/26, 8/2, 8/9, 8/16, 8/23 Hours of Event: 4:30pm to 8pm Estimated Attendance: _____

Event Website: WWW.STCHARLESCHAMBER.COM

Purpose of the event: To bring people downtown to view classic cars & promote chamber members.

Name of sponsoring organization(s): St. Charles Chamber of Commerce

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

(Documentation will need to be submitted providing status)

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

Contact person from sponsoring organization: Amanda Lutz

Organizer address: 211 S. Riverside Avenue

City: St. Charles State: IL Zip: 60174

Office Phone: (630) 524-8304 Cell Phone: (847) 354-5171 E-mail: marketing@stcharleschamber.com

Second contact person (emergency): Stacy Ekstrom Phone: (630) 338-5590

Is this an annual event? YES NO If yes, please provide event date(s) for next year: 7/18, 7/25, 8/1, 2017
8/8, 8/15, 8/22

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

NO incidents in past years, this has been a successful event!

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

N/A

SECTION 3 - PERMITS

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

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

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

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

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

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

Are you holding a raffle at your event? YES NO

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

Will you serve alcohol at your event? YES NO

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

Will there be amusement rides at the event? YES NO

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

Will you serve food at your event? YES NO

If yes, please indicate the number of vendors _____

Note: A list of food vendors must be submitted prior to the inspection of your event.

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

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

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

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

STREET	FROM	TO	DATES	TIMES
<u>Walnut Ave</u>	<u>2nd Ave</u>	<u>Riverside Ave</u>	<u>Thu, 7/26, 8/2</u>	<u>4:30-8pm</u>
<u>Riverside Ave</u>	<u>Main St.</u>	<u>Illinois Ave</u>	<u>8/9, 8/16, 8/23</u>	

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

Does your event require temporary electric service? YES NO

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

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

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

SECTION 4 - SITE PLAN AND/OR ROUTE MAP

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

See attached -

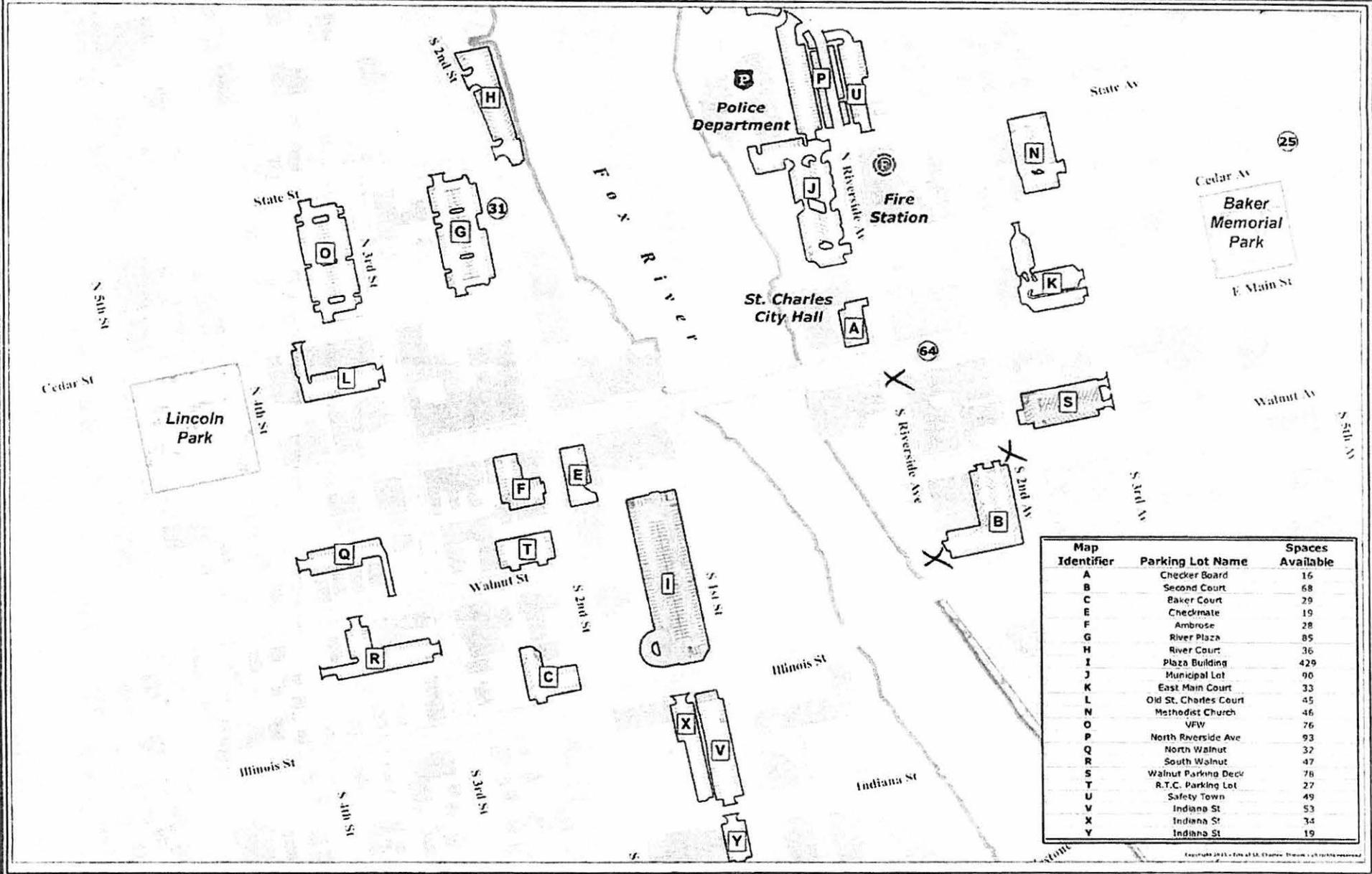
If applicable, the following must be included:

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

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

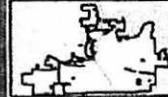


Downtown Parking



Map Identifier	Parking Lot Name	Spaces Available
A	Checker Board	16
B	Second Court	68
C	Baker Court	29
E	Checkmate	19
F	Ambrose	28
G	River Plaza	85
H	River Court	36
I	Plaza Building	429
J	Municipal Lot	90
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Q	North Walnut	32
R	South Walnut	47
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T	R.T.C. Parking Lot	27
U	Safety Town	49
V	Indiana St	53
X	Indiana St	34
Y	Indiana St	19

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City of St. Charles, Illinois
 Planning Department
 100 East Main Street, St. Charles, IL 62203-1001
 Phone: (618) 221-1100 Fax: (618) 221-1110
 www.cityofstcharles.org



Public Parking Lot

This map was prepared by the Planning Department of the City of St. Charles, Illinois. The information contained herein is for informational purposes only and does not constitute a contract or any other legal instrument. The City of St. Charles, Illinois, and its officials assume no liability for any errors or omissions in this map.

Section 5 – Emergency Phone Tree

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

Event Title St. Charles Cruise Nights Date(s) of Event 7/19, 7/26, 8/2, 8/9, 8/16, 8/23

Emergency Contact Information

Primary Contact: Amurnda Lutz Secondary Contact: Stacy Ekstrom

Title: Special Events & Marketing Coordinator Title: President CEO

Phone No: 847-354-5171 Phone no.: 630-338-5590

Tertiary Contact: _____ Operations Manager: _____

Title: _____ Title: _____

Phone No: _____ Phone no.: _____

Site Managers and miscellaneous contacts

Location: _____ Location: _____

Date(s): _____ Date(s): _____

Name: _____ Name: _____

Phone # _____ Phone #: _____

Location: _____ Location: _____

Date(s): _____ Date(s): _____

Name: _____ Name: _____

Phone # _____ Phone # _____

Location: _____ Location: _____

Date(s): _____ Date(s): _____

Name: _____ Name: _____

Phone #: _____ Phone # _____

Section 6– Emergency or Crisis Management Procedures

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

Emergency/Crisis Management Procedures

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

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

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

Additional Notes:

SECTION 7 – RETAIL MERCHANTS

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

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

Will your event include:

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

If no, no further action is necessary.

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

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

Signature: Amunda Lute

Date: 2/19/14

Name: Amunda Lute

Title: Special Events & Marketing Coordinator

SECTION 8 – INDEMNIFICATION/HOLD HARMLESS

In consideration of the City of St. Charles permitting the St. Charles Chamber of Commerce
(“Organization”) to conduct St. Charles Cruise MRS (“Event”), the Organization
recognizes, acknowledges and assumes any and all risks arising from or in any way
related to the Event.

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

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

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

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

provisions contained herein.

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

St Charles Chamber of Commerce
(Name of Organization)

2/19/16
(Date)

by Amanda Lutz
Authorized Signatory

Signed and sworn to before me this 19th day of February, 2016.

Deborah L. Graffagna
Notary Public



All applications must be signed and notarized.

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

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

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



To all to whom these Presents Shall Come, Greeting:

Whereas, a CERTIFICATE, duly signed and acknowledged, has been filed in the Office of the Secretary of State, on the 18th day of May A.D. 19 29 for the organization of the

THE ST. CHARLES CHAMBER OF COMMERCE

under, and in accordance with the provisions of "AN ACT CONCERNING CORPORATIONS" approved April 18, 1872, and in force July 1, 1872, and all acts amendatory thereof, a copy of which certificate is hereto attached;

Now Therefore, I, WILLIAM J. STRATTON, Secretary of State of the State of Illinois, by virtue of the powers and duties vested in me by law, do hereby certify that the said

THE ST. CHARLES CHAMBER OF COMMERCE

is a legally organized Corporation under the laws of this State.

In Testimony Whereof, I hereto set my hand and cause to be affixed the Great Seal of the State of Illinois.

Done at the City of Springfield, this 18th day of May A.D. 19 29 and of the Independence of the United States the one hundred and 53rd.

William J. Stratton
SECRETARY OF STATE.



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



DEPARTMENT: BUILDING & CODE ENFORCEMENT

PHONE: 630.377.4406

FAX: 630.443.4638

LOUDSPEAKER/AMPLIFIER LICENSE APPLICATION

Important: this application must be fully and accurately complete.

1. License term: FROM 7/19/11 TO 8/23/11 Number of Days 6
2. Applicant is: Corporation Partnership Individual
3. Applicant's Name St. Charles Chamber of Commerce Telephone # 630-584-8384
D/B/A Amanda Lutz
Address 211 S. Riverside Ave City/State/Zip St. Charles, IL 60174
4. Device Owner's Name _____ Telephone # _____
Address _____ City/State/Zip _____
5. Device(s) to be used, specific to power amplification (wattage) and output:
Speaker from Radio Stations: 103.9 The Fox, 105.5 The Star, 95.9 The River,
97.1 The Drive
6. Area where device(s) is/are to be used:
within car show area 1st Ave, 2nd Ave, & Walnut Street
Electricity needed at the corner of Walnut Ave & 2nd Ave.
7. Amplification system will be used for:
 Music
 Public Speaking
 Other (describe) _____
8. If used for music, what type (include name of artist/band if applicable):
Oldies, Classic Car Show Music, Hits Music played on: 103.9 The Fox,
105.5 The Star, 95.9 The River & 97.1 The Drive

9. Time of day device(s) is/are to be used: 5pm - 8pm

By signing this application, the applicant agrees to all the provisions of Chapter 9.24 of the City of St. Charles Municipal Code.

Applicant Alvanda Lutz
Signature

The fee for such a license will be \$5.00 per day, payable when the application is submitted for review. The city's police chief will reserve the right to review the application, and in conjunction with the Public Health and Safety Committee, either approve or deny the license request.

Approved: _____

Denied: _____

by: _____
Chief of Police

For Office Use			
Date Received _____	Fee Paid _____	Receipt No. _____	Permit No. _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
8/25/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Wine Sergi Insurance 1000 E. Warrenville Road Suite 101 Naperville IL 60563		CONTACT NAME: PHONE (A/C, No, Ex): 630-513-6600 E-MAIL: Address:jarar@winesergi.com FAX (A/C, No): 630-513-6399	
INSURED St Charles Chamber of Commerce 216 Riverside Ave St. Charles IL 60174		INSURER(S) AFFORDING COVERAGE INSURER A: Cincinnati Insurance Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
STCHAR1		NAIC # 10677	

COVERAGES

CERTIFICATE NUMBER: 1962776191

REVISION NUMBER:

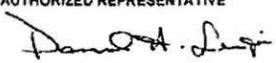
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	Y		EPP0155672	9/1/2015	9/1/2016	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			EBA0155672	9/1/2015	9/1/2016	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$1,000,000 BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTIONS \$0			EPP0155672	9/1/2015	9/1/2016	EACH OCCURRENCE \$1,000,000 AGGREGATE \$ \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	EWC0266296	9/1/2015	9/1/2016	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The City of St. Charles is an additional insured as respects general liability coverage as required by written contract for the operations of the above insured.

CERTIFICATE HOLDER**CANCELLATION**

City of St Charles 2 E Main Street St Charles IL 60174	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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AGENDA ITEM EXECUTIVE SUMMARY

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

Please check appropriate box:

<input type="checkbox"/> Government Operations (6/20/16)	<input type="checkbox"/> Government Services
<input type="checkbox"/> Planning & Development	<input type="checkbox"/> City Council
<input type="checkbox"/> Public Hearing	<input checked="" type="checkbox"/> Liquor Control Commission (6/20/16)

Estimated Cost:		Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO	
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If NO, please explain how item will be funded:

Executive Summary:

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

Attachments: *(please list)*

Memo
Ordinance

Recommendation / Suggested Action *(briefly explain):*

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

<i>For office use only:</i>	<i>Agenda Item Number: 6</i>
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Memo

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

Introduction

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

Proposed Modifications

5.20.010 “Definitions”

PREMISES. The area depicted in the License Application.

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

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

That the following addition (in red) shall be added to Section 5.20.110 “Conditions and Restrictions of Licenses”:

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



licensee. This requirement does not apply to premises in which massage services are performed by a licensed massage therapist by appointment only.

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

M. Public Access. Every massage establishment that operates on the first floor of a building with direct access from outside the building shall separate the area of the premises in which massages are performed from a public reception and/or waiting room area, and the public entrance to the establishment shall be open and unlocked during all of the hours that massage services are offered, open or advertised to be open to the public. This requirement does not apply to premises in which massage services are performed by appointment only in:

1. Single offices that are rented on second stories; or
2. Single offices in first floors that are interior spaces from which patrons have access through public spaces.”

N. Exterior Window Coverings. No massage establishment shall be equipped with tinted or one-way glass in any room or office. Any windows or doors into the lobby shall not be covered. The lobby must be clearly visible from the exterior of the business at all times.”

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

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

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

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

Summary

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

Thank you in advance for your cooperation in this matter.

City of St. Charles, Illinois
Ordinance 2016-M-_____

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

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

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

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

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

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

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

The following definition is added to Section 5.20.010:

PREMISES. The area depicted in the License Application.”

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

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

shall make written verification to the Local Liquor Control Commissioner concerning compliance with the codes and ordinances of the City.”

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

That the following is added to Section 5.20.110:

- A. Supervision. A licensee of a licensed massage establishment shall have the premises supervised at all times when open for business. Any business rendering massage services shall have at least one person who is a licensed massage therapist on the premises at all times while the establishment is open. The licensee shall personally supervise the business, or shall delegate such supervisory responsibility to a manager whose name is listed on the massage business license and shall not violate, or permit others to violate, any applicable provisions of the chapter. The violation of any provision of this chapter by any agent or employee of the licensee shall constitute a violation by the licensee. *This requirement does not apply to premises in which massage services are performed by a licensed massage therapist by appointment only.*
- L. *No person shall reside in any portion of the licensed premises.”*
- M. *Public Access. Every massage establishment that operates on the first floor of a building with direct access from outside the building shall separate the area of the premises in which massages are performed from a public reception and/or waiting room area, and the public entrance to the establishment shall be open and unlocked during all of the hours that massage services are offered, open or advertised to be open to the public. This requirement does not apply to premises in which massage services are performed by appointment only in:*
 - 1. *Single offices that are rented on second stories; or*
 - 2. *Single offices in first floors that are interior spaces from which patrons have access through public spaces.”*
- N. *Exterior Window Coverings. No massage establishment shall be equipped with tinted or one-way glass in any room or office. Any windows or doors into the lobby shall not be covered. The lobby must be clearly visible from the exterior of the business at all times.”*

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

No license shall be revoked, suspended, or refused until the applicant or license holder has received written notice of violation from the Chief of Police. The notice shall set forth the allegations of why the applicant or license holder should be revoked, suspended, or refused. Said notice shall be served upon an applicant or license holder by delivering the same personally or by delivery to the place of business or residence of the applicant or license holder. All applicants or

license holders shall notify the City within 24 hours of any change of address. If the service of such notice cannot be made in the manner provided herein, a copy of such notice shall be sent by regular mail, postage prepaid, to the last known address of the applicant or license holder contained in the City's files. *The revocation or suspension of license shall be deemed effective three business days after personal service or after the mailing of the written notice as provided herein.*

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

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

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

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

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

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

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

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

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

Raymond P. Rogina, Mayor

ATTEST:

City Clerk

COUNCIL VOTE:

- Ayes: _____
- Nays: _____
- Absent: _____
- Abstain: _____



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Tobacco Citation and Hearing Notice for ABHY, Inc. d/b/a St. Charles Shell Located at 307 W Main Street, St. Charles

Presenter: Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/20/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is a complaint of violations 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 cigarette license issued for St. Charles Shell or impose a fine upon by reason of the Complaint of Violation filed by the City of St. Charles Liquor Control Commission and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act 720 ILCS 675/1 et seq. of an occurrence on or about May 18, 2016 .

Attachments: *(please list)*

Citation Notice of Hearing
Complaint of Violation

Recommendation / Suggested Action *(briefly explain):*

Discussion regarding Tobacco Citation and Hearing Notice for ABHY, Inc. d/b/a St. Charles Shell located at 307 W Main Street, St. Charles.

For office use only: *Agenda Item Number: 7*

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

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

IN THE MATTER OF THE TOBACCO)
LICENSE OF:)
) Case Number 2016-LC-08
ABHY, INC., d/b/a St. Charles Shell)

CITATION AND NOTICE OF HEARING

TO: ABHY, INC., d/b/a St. Charles Shell
307 W. Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on June 20, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.08.320, 5.16.070 and 5.16.080 of the Municipal Code of the City of St. Charles and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act 720 ILCS 675/1 et seq.

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

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

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.16.180(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILES, AT 630/377-4422.

DATED this 24th day of May, 2016.


Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Keegan

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

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: HEENA PATEL (MGR) at ST. CHARLES SHELL
307 W. MAIN STREET, on the 24TH day of MAY, 2016.
ST. CHARLES

Heena Patel #315 CMDR

SUBSCRIBED AND SWORN TO
before me this 24 day of MAY, 2016.

France Cevallos
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 2016-LC-08
ABHY, INC., d/b/a St. Charles Shell)
307 W. Main Street)
St. Charles, IL 60174)

COMPLAINT OF VIOLATION

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

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

2. That on or about May 18, 2016, at approximately 4:45 p.m., the Licensee, ABHY, INC., d/b/a St. Charles Shell, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Liquor Code:

OFFENSE

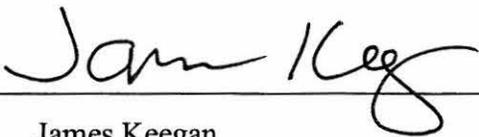
Sold tobacco to a minor in violation of Sections 5.16.070 and 5.16.100 of the St. Charles Municipal Code.

3. On or about May 18, 2016, ABHY, INC., d/b/a St. Charles Shell, was operating under a Tobacco License issued by the City of St. Charles.

4. That the acts detailed in Section 2 of this Complaint of Violation each are prohibited and are in violation of and contrary to Sections 5.16.070 and 5.16.100 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. That the Licensee, ABHY, INC., d/b/a St. Charles Shell, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.08.320, 5.16.170 and 5.16.180 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the tobacco Commission, hold a hearing on this matter and take such action against ABHY, INC., d/b/a St. Charles Shell, as the Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink that reads "James Keegan". The signature is written in a cursive style and is positioned above a horizontal line.

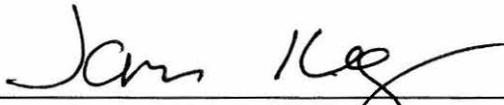
James Keegan
Chief of Police
City of St. Charles, Illinois

John M. McGuirk
Attorney for the City of St. Charles
Hoscheit, McGuirk, McCracken
& Cuscaden, P.C.
1001 East Main Street, Suite G
St. Charles, IL 60174
630/513-8700

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

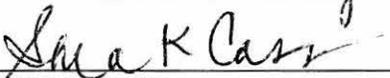
CERTIFICATION

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 27th day of May, 2016.



NOTARY PUBLIC



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 ____ day of _____, 2016.

NOTARY PUBLIC

ARRAIGNMENT FORM

I, Shailesh Patel, as agent for ABHY, INC., d/b/a St. Charles Shell, being a licensee charged with a violation of Chapter 5.16 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, et seq. at 307 W. Main Street, St. Charles, Illinois 60174, do hereby enter a plea of:

- Guilty, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.
- Guilty, I do not request a hearing.
- Not Guilty. I request a hearing.

ABHY, INC., d/b/a St. Charles Shell

Signature:

By: SLM A. SLM

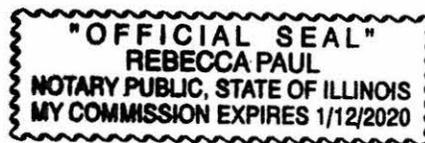
Date:

5/25/16

Subscribed and sworn to before me

This 25 day of May, 2016.

Rebecca Paul
Notary Public



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



St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2016-00010770

EVENT	REPORTED DATE/TIME 05/18/2016 16:52	OCCURRED INCIDENT TYPE 1715 SALE OF TOBACCO/MINORS	LOCATION NAME
	OCCURRED FROM DATE/TIME 05/18/2016 16:45	OCCURRED THRU DATE/TIME 05/18/2016 16:45	LOCATION OF OCCURRENCE 307 W MAIN ST

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01	5-16-060 SALES OF TOBACCO TO MINOR	1

SUBJECT	JACKET/SUBJECT TYPE Adult	NAME (LAST, FIRST, MIDDLE SUFFIX) SHAH, SUDHIR K					
	ARRESTEE	ADDRESS (STREET, CITY, STATE, ZIP) 3950 NAUTILUS HANOVER PARK, IL 60133					
	DOB 12/05/1951	AGE or AGE RANGE	SEX MALE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	RACE ASIAN/PACIFIC ISLANDER	DL NUMBER/STATE	PRIMARY PHONE (630)550-9447	PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE Other (Officer)	NAME (LAST, FIRST, MIDDLE SUFFIX) BEAM, TIMOTHY					
	COMPLAINANT	ADDRESS (STREET, CITY, STATE, ZIP) 211 N RIVERSIDE AVE ST CHARLES, IL 60174					
	DOB	AGE or AGE RANGE	SEX MALE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE
	RACE WHITE	DL NUMBER/STATE	PRIMARY PHONE (630)377-4435	PHONE #2	PHONE #3		

SUBJECT	JACKET/SUBJECT TYPE	NAME (LAST, FIRST, MIDDLE SUFFIX)					
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)				
	RACE	SEX	HEIGHT or RANGE	WEIGHT or RANGE	HAIR	EYE	
	DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3			

REPORTING OFFICER 343 Beam	DATE 05/18/2016	REVIEWED BY Gatlin, Jerry
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St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2016-00010770

NARRATIVE

In summary, I conducted tobacco compliance checks for all business located on the west side of St Charles. A Civilian Special Agent (CSA) was utilized for the operation. Before starting the operation, I instructed the CSA on the proper procedures to follow. The CSA did not have any type of identification or monies on his person prior to the operation. The CSA was provided funds to use as he attempted to purchase tobacco products from the business checked for compliance. The following is a list of businesses visited during the operation and found to be compliant.

- 7/11-51 S. Randall Rd
- 7/11-1705 W. Main St
- One Stop Liquors-1401 Prairie St
- Lavita Cigar-2015 Dean St
- Liquor N Wine-2460 W. Main St
- Lundeen's Liquors West-1315 W. Main St
- Mark's Second Street Tavern-221 S. 2nd St
- Meijer-855 S. Randall Rd
- Meijer Gas-865 S. Randall Rd
- Oscos Drug-2073 Prairie St
- J&S Liquor World-331 N. 2nd St
- St Charles Mini Mart-710 S. 2nd St
- BP Gas Station-1505 Lincoln Hwy
- Tobacco Square-2075 Prairie St
- Walgreens-3351 W. Main St
- BP Gas Station-1660 W. Main St
- Clark Gas Station-1023 W. Main ST

We also conducted a compliance check at the Circle K Shell Gas Station at 307 W. Main St. I entered the business at approximately 1645 hrs and the CSA entered shortly thereafter. I witnessed as the CSA approached the front register and requested (1) pack of Marlboro Lights cigarettes. The male clerk complied with the request and sold the cigarettes to the CSA without verifying his age and/or requesting identification. The CSA exited the business and I followed him out to the parking lot where he turned over to me the cigarettes and receipt. I later photographed and destroyed the cigarettes (see attached property sheet). Also attached is a copy of the sales receipt. I returned inside and identified myself to the clerk who was later identified as Sudhir K Shah M/A 12/05/51. Shah did not dispute the fact that he did not ask the CSA his age or request identification from him. I explained to Shah that he would receive a NTA for the ordinance violation. I subsequently completed a NTA for sale of tobacco to minor and will serve Shah at work. He was given a court date/time of 060916/0900 at KBC. See arrest report for Shah.

For information, Det. Bauwens and Det. Schuessler conducted compliance checks for businesses located on the east side of St Charles. All were found to be compliant. The following is a list of businesses visited during the operation.

- 7/11-2400 E. Main St
- Delectable Vapors-504 E. Main St
- Frank's Shoe Shine-1405 N 5th Ave
- Q-Center-1405 N 5th Ave
- Lundeen's Liquors East-614 E. Main St
- Oscos Drug-652 N. Kirk Rd
- Circle K Gas Station-2500 E. Main St
- Royal Fox Country Club-4405 Royal and Accient Dr

REPORTING OFFICER 343 Beam	DATE 05/18/2016	REVIEWED BY Gatlin, Jerry
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St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2016-00010770

NARRATIVE (continuation)

Savway Liquors-2580 E. Main St
St Charles BP-1745 E. Main St
St Charles Country Club-1250 Country Club Rd
The House Pub-16 S Riverside Ave
Tobacco & Gifts-1556 E. Main St
Walgreens-2751 E. Main St
Walmart-150 Smith Rd

Case status cleared by adult arrest

TEB #343
JLG315

REPORTING OFFICER

343 Beam

DATE

05/18/2016

REVIEWED BY

Gatlin, Jerry



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Hearing Notice for U-Spa, 615 S Randall Road, St. Charles

Presenter: Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/20/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is a complaint of violations being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local massage establishment license or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of multiple offenses happening on or about May 20, 2016 at the establishment of for U-Spa, 615 S Randall Road, St. Charles.

Attachments: *(please list)*

Citation and Notice of Hearing
Complaint of Violation

Recommendation / Suggested Action *(briefly explain):*

Discussion regarding Massage Establishment Citation and Hearing Notice for U-Spa, 615 S Randall Road, St. Charles.

For office use only:

Agenda Item Number: 8

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

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

IN THE MATTER OF THE MASSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-09
U SPA MASSAGE)

CITATION AND NOTICE OF HEARING

TO: U SPA MASSAGE
615 S. Randall Road, Suite 100
St. Charles, IL 60174

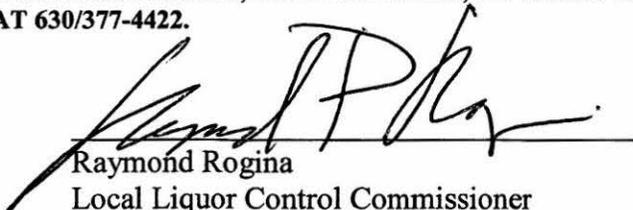
PLEASE TAKE NOTICE THAT on June 20, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal Code of the City of St. Charles.

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

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

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.20.150(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILLES, AT 630/377-4422.

DATED this 26th day of May, 2016.


Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Keegan

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

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: JUTENKA XIAN (OWNER) U-SPA at 11:35 am
_____ on the 26th day of May, 2016.

QPC #340

SUBSCRIBED AND SWORN TO
before me this 26 day of May, 2016.

France Cevallos
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 MASSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-09
U Spa Massage)
615 S. Randall, Suite 100)
St. Charles, IL 60174)

COMPLAINT OF VIOLATION

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

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

2. That on or about May 20, 2016, at approximately 9:45 p.m., the Licensee, U Spa Massage, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

OFFENSE

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

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

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

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

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

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

4. That on or about May 20, 2016, U Spa was operating under a Massage Establishment License issued by the City of St. Charles.

5. That the Licensee, U Spa Massage, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.20.150 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the Massage Business Commission, hold a hearing on this matter and take such action against U Spa Massage as the Massage Business Commissioner shall deem appropriate under the circumstances.



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

John M. McGuirk
Attorney for the City of St. Charles
Hoscheit, McGuirk, McCracken
& Cuscaden, P.C.
1001 East Main Street, Suite G
St. Charles, IL 60174
630/513-8700

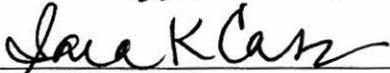
STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies as aforesaid that he verily believes the same to be true.


James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 26th day of May, 2016.


NOTARY PUBLIC



ARRAIGNMENT FORM

I, _____, as agent for U SPA MASSAGE, being a licensee charged with a violation of Chapter 5.20 of the Municipal Code of the City of St. Charles at **615 S. Randall Road, Suite 100, St. Charles, Illinois 60174**, do hereby enter a plea of:

- Guilty, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.
- Guilty, I do not request a hearing.
- Not Guilty. I request a hearing.

U Spa Massage

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of _____, 2016.

Notary Public

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



St. Charles Police Department

CASE REPORT

CASE# 2016-00011194

211 N. Riverside Avenue
St. Charles, IL 60174

EVENT	REPORTED DATE/TIME 05/23/2016 11:55	OCURRED INCIDENT TYPE 5000 ALL OTHER CRIM OFFENSES	LOCATION NAME U SPA
	OCURRED FROM DATE/TIME 05/20/2016 21:10	OCURRED THRU DATE/TIME 05/20/2016 21:45	LOCATION OF OCCURRENCE 615 S RANDALL RD 100 St Charles, IL

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT
	01	225 ILCS 57.0/30-B VIOLATE MASSAGE LICENSING ACT	1

SUBJECT	JACKET/SUBJECT TYPE Adult	NAME (LAST, FIRST, MIDDLE SUFFIX) WANG, LI					
	SUSPECT/OFFENDER	ADDRESS (STREET, CITY, STATE, ZIP) CHICAGO, IL 60616					
	DOB AGE or AGE RANGE						
	RACE ASIAN/PACIFIC ISLANDER	SEX FEMALE	HEIGHT or RANGE 5'4	WEIGHT or RANGE 120	HAIR BLACK	EYE BROWN	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

SUBJECT	JACKET/SUBJECT TYPE Adult	NAME (LAST, FIRST, MIDDLE SUFFIX) MEI, YAN					
	OTHER PERSON	ADDRESS (STREET, CITY, STATE, ZIP) CHICAGO, IL 60616					
	DOB AGE or AGE RANGE						
	RACE ASIAN/PACIFIC ISLANDER	SEX FEMALE	HEIGHT or RANGE	WEIGHT or RANGE	HAIR BLACK	EYE BROWN	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

SUBJECT	JACKET/SUBJECT TYPE Adult	NAME (LAST, FIRST, MIDDLE SUFFIX) WITNESS					
	WITNESS	ADDRESS (STREET, CITY, STATE, ZIP)					
	DOB AGE or AGE RANGE						
	RACE WHITE	SEX MALE	HEIGHT or RANGE 5'10	WEIGHT or RANGE 240	HAIR GRAY	EYE HAZEL	
DL NUMBER/STATE	PRIMARY PHONE	PHONE #2	PHONE #3				

REPORTING OFFICER 340 Lamela	DATE 05/23/2016	REVIEWED BY
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St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2016-00011194

ADDITIONAL SUBJECTS

SUBJECT	JACKET/SUBJECT TYPE	Adult OTHER PERSON	NAME (LAST, FIRST, MIDDLE SUFFIX) XIAN, JUTENG									
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP) St Charles, IL 60174									
	RACE	ASIAN/PACIFIC ISLANDER	SEX	FEMALE	HEIGHT or RANGE	5'1	WEIGHT or RANGE	96	HAIR	BLACK	EYE	BROWN
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3						

SUBJECT	JACKET/SUBJECT TYPE	Adult OTHER PERSON	NAME (LAST, FIRST, MIDDLE SUFFIX)									
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP) St Charles, IL 60174									
	RACE	WHITE	SEX	MALE	HEIGHT or RANGE	6'1	WEIGHT or RANGE	185	HAIR	BROWN	EYE	GREEN
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3						

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)									
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)									
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR		EYE	
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3						

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)									
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)									
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR		EYE	
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3						

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)									
	DOB	AGE or AGE RANGE	ADDRESS (STREET, CITY, STATE, ZIP)									
	RACE		SEX		HEIGHT or RANGE		WEIGHT or RANGE		HAIR		EYE	
	DL NUMBER/STATE	PRIMARY PHONE		PHONE #2		PHONE #3						

REPORTING OFFICER 340 Lamela	DATE 05/23/2016	REVIEWED BY
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St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2016-00011194

NARRATIVE

On 05/20/2016, at approximately 2130 hours, the St. Charles Police Department conducted massage compliance checks at area massage establishments. The purpose of the compliance checks were to ensure / evaluate their legal compliance with the City of St. Charles Massage Establishment Local Ordinance and State Laws. During the compliance checks, it was noted that Hang Da Spa, Massage World and Shangri La were closed for business.

At 2145 hours, Detective Bauwens and I went to U-Spa located at 615 S. Randall #100 in St. Charles, Illinois. I noticed that the "Open" light was activated. Due to the curtains covering the windows and the main door, it appeared as if the interior lights were off. I approached the business to check if the establishment was open or closed. I opened the front door and as the door opened, the doorbell activated to alert employees that a customer had entered.

As I entered the establishment, I noticed that the interior lights were all on. I observed a female walking toward me from the hallway. There is a curtain hanging between the hallway and front waiting area. As the female was approaching me, she stopped on the other side of the curtain as if she was trying to hide. I announced my presence and had to instruct the female to enter the waiting area. The female complied and advised that she did not speak English. I pointed to the State of Illinois Massage License hanging on the wall and asked if she had one and she stated that she did not. I asked the female for her identification and she presented a State of Illinois ID Card. The female was identified as Yan Mei. While I was gathering Yan's information, a second female Asian exited out of the second door on the left side of the hallway.

I asked the female Asian for her identification and she provided me with a State of Illinois Driver's License. This subject was identified as Li Wang. I asked Li if she possessed a State of Illinois Massage Therapist License and she stated that she did not speak English. While I was gathering the Li's and Yan's information, Detective Bauwens entered the massage room where Li exited from and located a customer,

Detective Bauwens brought [redacted] out of the room. I asked [redacted] if he was getting a massage and he stated that he was. I asked [redacted] who was providing him with the massage and he pointed to Li and stated, "her". I asked [redacted] if he paid for the massage and he stated that he did. [redacted] stated that he entered U-Spa at approximately 2115 hours. [redacted] stated that he paid Li \$60 for a 1 hour massage. [redacted] stated that Li began the massage but did not finish due to our compliance check.

While speaking with [redacted], the owner and manager of U-Spa arrived on scene, Juteng Xian and her husband, [redacted]. Juteng stated that she received a call from Yan informing her that the police were at her establishment. I asked Juteng if Li possessed a valid Illinois Massage Therapist License and she stated that she did not. Juteng stated that Li possesses a valid Indiana Massage Therapist License. Juteng stated that Yan and Li were visiting her and she allowed them to work at the establishment. Juteng stated that Mei does not possess a Massage Therapist License and was only visiting at the establishment.

I informed Juteng that I would be contacting the Illinois Department of Financial and Professional Regulation to check if there is a compact agreement between Illinois and Indiana regarding Massage Therapist Licenses. Juteng stated that Li and Mei were staying with her for the week at her residence. Juteng stated that Li and Mei reside in China Town. I informed Juteng that because she was not at the establishment while massages were being conducted, she was in violation of the City of St. Charles Massage Establishment Ordinance 5.20.110 - Conditions and Restrictions of Licenses (A) Supervision. I also informed Juteng that if there is not a compact between Illinois and Indiana, she would also be in violation of the Massage Establishment Ordinance 5.20.030 - Massage Therapist Required. Juteng stated that she would provide me with a copy of Li's Massage Therapist License on 05/23/2016. I informed Juteng that I would be contacting her 05/23/2016 to follow up on this investigation. Juteng refunded [redacted] his money back and all parties were free to

REPORTING OFFICER 340 Lamela	DATE 05/23/2016	REVIEWED BY
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St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2016-00011194

NARRATIVE (continuation)

leave.

NOTE: Prior to Juteng's arrival, I performed a search of the establishment and did not locate any other employees or customers inside of the business.

On 05/23/2016, I made contact with Diane Green, Board Liaison for the Illinois Department of Financial and Professional Regulation. I informed Diane of this investigation and she stated that Illinois does not have a compact with any other state. Diane stated that anyone who provides a massage in the State of Illinois must possess a valid State of Illinois Massage Therapist License.

After speaking with Diane, I was informed that Juteng was at the front desk wanting to speak with me. I met with Juteng in the front interview room. Juteng provided me with a screen shot of Li's Indiana Massage Therapist License #MT21605791. (See attached document) I informed Juteng of my conversation with Diane Green and that Li violated the Massage Licensing Act. I asked Juteng if Li was still at her residence and she stated that she was not. Juteng stated that on 05/21/2016, Li went back to China Town. I informed Juteng that I would attempt to obtain an arrest warrant for Li for Violating the Massage License Act. I explained to Juteng that I would also be documenting the ordinance violations and that those violations would be handled administratively through the St. Charles Alcohol, Tobacco and Massage Board. I informed Juteng that I would contact her with any further questions. Juteng stated that she wanted to sell the business because she was not making any money and the lease was too expensive. Juteng then left the police department.

I prepared charging documents for Li for Violating the Massage License Act. Once I receive a case number, I will go to the Kane County Judicial Center to attempt to obtain an arrest warrant for Li. I logged onto the Indiana Licensing Agency web site, www.in.gov and ran Li for her Massage Therapist License. Li's license came back "Active". (See attached document) Investigation to continue.

Pending Investigation
DL#340

REPORTING OFFICER

340 Lamela

DATE

05/23/2016

REVIEWED BY

<https://mylicense.in.gov/egov/24ymnaw>

Indiana Professional Licensing Agency

402 W. Washington Street, Room 10072
Indianapolis, IN 46204

MT21605791
LW0110

has completed all requirements for licensure in Indiana as a

MASSEUSE THERAPIST

To check the current status and expiration date for this license, please visit
<http://mylicense.in.gov/verification>

Michael R. Pence

Deborah J. Pyle



Indiana

Online Licensing

New Search

Litigation Documents

Digital Certification

Massage Therapy Board

Li Wang

Chicago IL 60616

License No:	MT21605791
Profession:	Massage Therapy Board
License Type:	Massage Therapist
Obtained By Method:	Examination
Issue Date:	5/2/2016
Expiration Date:	5/15/2017
License Status:	Active

Previous Action - None

No Prerequisite Information



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Massage Establishment Citation and Notice for Massage World, 2460 W Main Street, St. Charles

Presenter: Mayor Rogina

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/20/16)

Estimated Cost:		Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

This is a complaint of violations being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local massage establishment license or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of multiple offenses happening on or about May 13, 2016 at the establishment of for Massage World, 2460 W Main Street, St. Charles.

Attachments: *(please list)*

Citation and Notice of Hearing
Complaint of Violation

Recommendation / Suggested Action *(briefly explain):*

Discussion regarding Massage Establishment Citation and Hearing Notice for Massage World, 2460 W Main Street, St. Charles.

For office use only:

Agenda Item Number: 9

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 MESSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-07
MESSAGE WORLD)

CITATION AND NOTICE OF HEARING

TO: MESSAGE WORLD
2460 W. Main Street, Unit 104
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on June 20, 2016 at the hour of 4:30 p.m., in the City Council Chambers at the St. Charles City Hall, 2 East Main Street, City of St. Charles, Illinois, the St. Charles Local Liquor Control Commission shall conduct a hearing pursuant to Chapter 5.20.150 of the Municipal Code of the City of St. Charles.

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

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

YOU ARE ADVISED THAT IF A HEARING IS HELD AND YOU ARE FOUND GUILTY AFTER THE HEARING, THEN, IN ACCORDANCE WITH SECTION 5.20.150(E) OF THE ST. CHARLES MUNICIPAL CODE, YOU WILL BE REQUIRED TO REIMBURSE THE CITY FOR ANY AND ALL OUT OF POCKET EXPENSES, INCLUDING REASONABLE ATTORNEYS' FEES, COURT REPORTER APPEARANCE FEES AND THE COST OF HAVING POLICE OFFICERS AND WITNESSES PRESENT TO TESTIFY. ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILLES, AT 630/377-4422.

DATED this 23 day of May, 2016.


Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Keegan

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

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: LING LING LI at MASSAGE WORLD,
2460 W. MAIN STREET on the 24TH day of May, 2016.

Gate CMDR#315

SUBSCRIBED AND SWORN TO
before me this 24 day of May, 2016.

France Cevallos
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 MASSAGE)
ESTABLISHMENT LICENSE OF:)
) Case Number 2016-LC-07
Massage World)
2460 W. Main Street, Unit 104)
St. Charles, IL 60174)

COMPLAINT OF VIOLATION

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

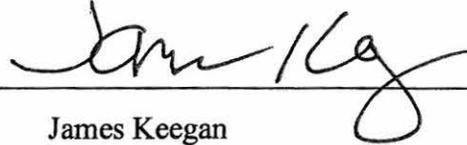
1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.
2. That on or about May 13, 2016, at approximately 10:25 p.m., the Licensee, Massage World, by and through its employees, officers and/or agents, committed the following violation of the St. Charles Massage Establishment Code:

OFFENSE

Operated the business premises as a massage establishment after 10:00 p.m. providing massages to two (2) male patrons.

3. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to Sections 5.20.110(J) of the St. Charles Municipal Code.
4. That on or about May 13, 2016, Massage World was operating under a Massage Establishment License issued by the City of St. Charles.
5. That the Licensee, Massage World, is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.20.150 of the St. Charles Municipal Code that the Local Liquor Control Commission, a/k/a the Massage Business Commission, hold a hearing on this matter and take such action against Massage World as the Massage Business Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink, appearing to read 'James Keegan', written over a horizontal line.

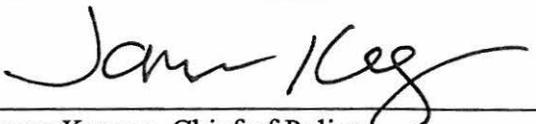
James Keegan
Chief of Police
City of St. Charles, Illinois

John M. McGuirk
Attorney for the City of St. Charles
Hoscheit, McGuirk, McCracken
& Cuscaden, P.C.
1001 East Main Street, Suite G
St. Charles, IL 60174
630/513-8700

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

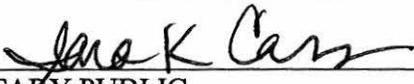
CERTIFICATION

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 20th day of May, 2016.



NOTARY PUBLIC



ARRAIGNMENT FORM

I, Jan Sellers, as agent for Massage World, being a licensee charged with a violation of Chapter 5.20 of the Municipal Code of the City of St. Charles at 2460 W. Main Street, Unit 104, St. Charles, Illinois 60174, do hereby enter a plea of:



Guilty, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.



Guilty, I do not request a hearing.



Not Guilty. I request a hearing.

Massage World

Signature:

By: Jan Sellers

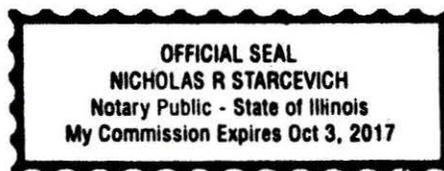
Date:

6/8/16

Subscribed and sworn to before me

This 8TH day of JUNE, 2016.

Nicholas R. Starceвич
Notary Public



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

Memo

Date: 5/16/2016
To: Commander Jerry #315 
From: Detective Drew Lamela #340 DL#340
Re: Massage World / After Hours Compliance Check

On 05/13/2016, the St. Charles Police Department conducted an after hour compliance check at Massage World located at 2460 W. Main Street Unit #104 in St. Charles, Illinois after receiving anonymous calls regarding possible after hour business taking place at the establishment. The anonymous callers also advised that they have witnessed men entering through the rear door of Massage World with alcohol after hours.

During the compliance check, I was parked in my Investigations unmarked squad car, a Ford Taurus on the north end of the parking lot of 2460 W. Main Street with a clear view of the front door. Detective Ketelsen was parked in his unmarked squad car, a Ford Fusion in the parking lot of the St. Charles Bowling Alley located at 2520 W. Main Street with a clear view of the rear door of Massage World. Officer Grove was also assisting with this compliance check.

At 9:40 pm, I observed (2) male subjects exit a grey 2010 Hyundai bearing Illinois registration of . The male subjects then approached Massage World and rang the doorbell and waited to be allowed in. Shortly after ringing the doorbell, the male subjects were allowed entry into the establishment.

Having conducting compliance checks and background investigations for Massage Establishment Licenses at Massage World, I had knowledge that Massage World's hours of operation were from 9:00 am – 10:00 pm. Also having knowledge that Massage World only offers 30 minute, 45 minute, 60 minute and 90 minute massages, the employees would be operating after business hours.



At approximately 10:25 pm, the male subjects did not exit the establishment and I did not observe anyone else approach or enter the establishment. The "Open" sign located in the front window was still on. Officer Grove and I approached Massage World and I attempted to enter the establishment but the front door was locked. I rang the doorbell and was greeted by an employee, Ling Ling Li.

Ling Ling Li allowed us to enter and the (2) male customers were standing in the front waiting room and appeared to have been leaving the establishment. Also present was a second employee, Hua Yang. Both Li and Yang provided Officer Grove with their Illinois Driver's License. I informed Li and Yang that they were operating after hours, which was a violation of the Massage Establishment License Ordinance. Li stated that she forgot to turn off the "Open" sign.

Li then made a phone call and handed me her cell phone. I identified myself and was informed that I was speaking with Ling Copeland, who is also listed on the lease for Massage World. I informed Copeland of the violation and she stated that the male subjects had appointments. I informed Copeland that the ordinance states that no massages shall be conducted after 10:00 pm. I then ended the call with Copeland.

After obtaining Li's and Yang's information, I located both of their Illinois Massage Therapist Licenses on the wall in the waiting area. Having just conducted the background investigation for Massage World's renewal application, I had knowledge that the owner, Jun Sellers only listed herself as the manager on the application. Yang was also not listed as an employee on the renewal application. I conducted a brief walk through of the establishment and noted that there were no signs of alcohol or anyone else inside of the business.

I then spoke with the (2) male customers who stated that this was their first time at the establishment. I asked the subjects if they had appointments and they stated that they did not. I asked the subjects if they received massages and they stated that they did. I asked the subjects if they solicited the employees for a sexual act in exchange for money and they both stated that they did not. I asked the subjects if they were solicited for a sexual act by the employees or received a sexual act in exchange for money and they stated that they did not. Both subjects did state that if they were offered a sexual act, they would have accepted. Both subjects were instructed to leave and they complied. I then instructed Li and Yang to close the establishment and I observed them drive away in a blue minivan.

Memo

Date: 5/6/2016
To: Commander Jerry Gatlin #315
From: Detective Drew Lamela #340 016*340
Re: Massage Establishment Renewal / Massage World

The purpose of this memo is to document the Massage Establishment License Renewal Application for Massage World.

Massage World is located at 2460 W. Main Street, Unit 106 in St. Charles, Illinois. The owner, Jun Sellers stated that Massage World is still insured by State Farm Fire & Casualty Company. (Policy #) The policy coverage is for \$1,000,000.00 for each claim \$2,000,000.00 in aggregate. The policy expires on 11/07/2016. Jun signed a lease with North & Randall, LLC and Rossi Real Estate Corp. Jun signed a (4) year lease on 08/12/2012, which goes through 08/12/2016. The copy of the lease was provided during the initial background investigation.

On 05/05/2016, at 1345 hours, I went to Massage World and conducted an inspection. The business floor plan has not changed since the date of the initial background investigation. I was greeted by Ling Ling Li (dob) , an employee of the business. Ling Ling's State of Illinois Massage Therapist License #227.016600 was displayed in the waiting area. Ling Ling was the only employee present and there was not a manager on site. Ling Ling Li is listed as an employee on page #3 of the renewal application. Jun Sellers is the only manager listed on page #2 of the renewal application.



The only violation I observed during the inspection was:

5.20.110 – Conditions and Restrictions of Licenses

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

I ended my inspection and noted the above violation was the only area of concern at this time. I ran Ling Ling Li's State of Illinois Massage Therapist license through the Illinois Department of Financial and Professional regulation web site, which came back "Active" with no discipline.

All of the documents for Massage World are complete and up to date.

This concludes this background investigation for Massage World's renewal application for Massage Establishment.

Detective Drew Lamela #340