

AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING

MONDAY, JULY 17, 2017
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET

1. Call to Order.
2. Roll Call.
3. Motion to accept and place on file minutes of the June 19, 2017 Liquor Control Commission meeting.
4. Discussion Regarding a Tobacco Citation and Hearing Notice for Rose Smoke N' Vapor, Inc., 902 S Randall Road, Suite. B, St. Charles.
5. Discussion Regarding a Tobacco Citation and Hearing Notice for Rose Smoke N' Vapor, Inc., 902 S Randall Road, Suite B, St. Charles.
6. Continuation of a Court Hearing Regarding Liquor License Violation and Citation for the Alibi Bar and Grill, Ltd., located at 12 N. Third Street, St. Charles.
7. Other Business.
8. Public Comment
9. Executive Session (5 ILCS 120/2 (c)(4)).
10. Adjournment.

ADA Compliance

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

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, JUNE 19, 2017**

1. Call to Order.

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

2. Roll Call

Members Present: Liquor Commissioner Rogina, Ald. Silkaitis, Cliff Carrignan, Ald. Vitek, and Robert Gehm

Absent: None

Others Present: Mark Koenen, Atty. John McGuirk, Police Chief Keegan, and Tracey Conti

Chrmn. Rogina: Welcomed back Bob Gehm, returning commissioner and also welcome officially Ald. Lora Vitek, Ald. Ron Silkaitis, and Citizen at Large – Cliff Carrignan.

3. Motion to accept and place on file minutes of the May 15, 2017 Liquor Control Commission meeting.

Motion by Mr. Ghem, second by Silkaitis to accept and place on file minutes of the May 15, 2017 Liquor Control Commission meeting.

Roll Call: Ayes: Silkaits, Carrignan, Vitek, Gehm; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried.**

4. Recommendation to approve a Class E1 liquor license for Abby's Breakfast and Lunch in conjunction with a fundraiser hosted by Random Acts Matter on September 10, 2017 to be held in Mt. St. Mary's Park.

Chief Keegan: An E1 license is a license held by a liquor license holder in the community most of the time on behalf of a non-for-profit. Abby's is going to carry their license into Mt. St. Mary's and serve alcohol using their dram shop insurance and BASSET training. The Random Acts organization is here represented by Lori. We do allow non-for-profits to be issued with a license those are E2 licenses. The difference is we're going to have a license holder carry the license. Lori can explain the details. We have met a number of times with the organization and gone through the special events process. We've talked to Abby's. I believe everything is in order.

Lori: Does the council have any questions before I explain all about Random?

Chrmn. Rogina: We just had an event similar to this in the Park with the Art Council.

Mark Koenen: Sculpture in the Park, it's very similar.

Mayor Rogina: As far as Random Acts is concerned. Di Ciaula came to my office about a year ago to discuss this and I can't believe how it's taken off. Today Jim has asked me to be a guest bartender. I've accepted.

Ald. Silkaitis: The park district has approved this?

Lori: I dropped off all the plans on June 1st. The Park District is on board. Lynne Schwartz is my co-chair as well as VP on the board. She's out today and couldn't make the meeting.

Chrmn. Rogina: The Park District on every Sculpture in the Park has always approved. They've been tied to this for a long time. Representatives from the Park District have attended a lot of the events that have taken place so far.

Lori: We have done our application process with them and sent them the entire layout.

Chief Keegan: The Park District does not allow the sale of alcohol on Park District property. Advance tickets will allow for the consumption and they permit the consumption of alcohol with the sales done in advance. If someone does come the day of the purchase of the ticket must be done off Park District property. That's consistent with our craft beer festival and HOPS for Hope.

Chrmn. Rogina: You've indicated that you are having 2 police officers present.

Motion by Mr. Ghem, second by Vitek to move forward to committee a recommendation to approve a proposal for a Class E1 liquor license for Abby's Breakfast and Lunch in conjunction with a fundraiser hosted by Random Acts Matter on September 10, 2017 to be held in Mt. St. Mary's Park.

Roll Call: Ayes: Silkaits, Carrigan, Vitek, Gehm; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried**

5. Recommendation to approve an Ordinance Amending Title 5, Entitled "Business Licenses and Regulations" Chapter 5.08, "Alcoholic Beverages of the St. Charles Municipal Code.

Chief Keegan: As the Mayor mentioned we have some code modifications that we are recommending that you consider. I'm going to walk through the ordinance document and where some of the changes/modifications come from. Most of these are desired to be business friendly. I believe we have Mr. Nick Smith from Alexander's Café to step up if needed.

Under the class A licenses. Class A is pre-packaged liquor store no consumption on premise. We have asked the Commission to consider an A6 license, a gasoline license. We've had

meetings with a couple different proprietors operating currently, and one that wants to expand into St. Charles. We've seen local municipalities allow liquor sales at gas stations, Batavia for instance. We have written some language into the code for your consideration. The A6 license would read that alcohol would prohibit sale item so long as it does not encroach more than 10% of the floor space.

Chrmn. Rogina: I like the way you are going through the ordinances. We will rule on these individually. Not as a package.

Chief Keegan: The reason I started with A6 is because there is some language we would have to rid ourselves of under A1 to allow for gasoline to have alcohol.

A4 is a license we have now and it deals only with breweries. We met twice in the last couple of weeks with a business that wants to expand into wine making, the fermenting of wine. We've seen some of that nearby in Geneva and some of the other communities. We ask your consideration of expanding the availability of a winery or brewery concept. Kind of like a Penrose in Geneva. This is more of a storefront or carry-out; there is some tastings and flights with both beer and wine that would take place. The beer or the wine would be processed on site. That's a special license that the state would issue.

B3 license; we expanded our model about a year ago in anticipation of Cooper's Hawk coming. We've also been asked by a couple local restaurants to expand an allow for the restaurants that make Bloody Mary's or Margarita's to bottle that through a local distributor and sell it as a carry out piece at their restaurant. The B3 language would allow for specialty drinks, manufactured or distributed by the establishment to be sold in a designated area.

Chrmn. Rogina: We could mention the 2 establishments locally that have triggered this.

Chief Keegan: El Puente for their Margarita's, and Abby's for their Bloody Marys. Right now Abby sells a non-alcoholic mix.

Hours of sale are listed under the F2 license; all of our package establishments, A licenses, can operate now from 7:00am – 10:00pm Monday – Saturday, and 10:00am – 10:00pm Sunday. That's also the same for a restaurant sit down B and C licenses. They go until midnight at the backend, but the front end they can start consuming/selling at 7:00am Monday – Saturday and not until 10:00am on Sunday. We're asking for a consistent time all 7 days of the week. Package would be 7:00am – 10:00pm; restaurants (B, C licenses) would start at 7:00am – Midnight when they close, 7 days a week.

Chrmn. Rogina: This makes it 7:00am – 10:00pm 7 days a week. Do we have competitors around here?

Chief Keegan: We do. South Elgin has a consistent 7 day a week license. As part of this review process we had staff survey several communities. About half had a consistent 7 day a

week start and stop time. We have several brunch and breakfast places that have opened up it's tough for their staff when other communities have a consistent 7 day a week model.

G license is another we are asking for the commission's consideration. It's a brewery license, restaurant concept that would allow for beverages to be made on site. It's codified and approved by the State of Illinois and there are provisions on that license about the distillery, wine or beer operations. We would ask the approval from the Commission to incorporate that into our ordinance.

Multiple locations, we have a couple of site licenses those are D licenses, Pheasant Run, Q Center, they allow for consumption of alcohol on the entire site. We have a couple of establishment in St. Charles where there are multiple licenses under one roof. The Arcada, and Urban Counter come to mind. We ask for the Commissions consideration if an establishment is owned and operated by the same parties under the same roof and licensed separately we are asking for the consideration of cross access. Meaning that alcohol could be carried to and from the respective businesses so long as folks remain inside or within the permitted patio area.

Chrmn. Rogina: I'd like to go back to your executive summary, take them individually and entertain questions or comments. Nick is here and that's the first one; after that take action on a recommendation for each one to council committee tonight. Does anyone have any objections?

Let's start with hour of sale. Our neighbors in Geneva have a 6:00am starting time 7 days a week.

Motion by Mr. Carrignan, second by Ald. Silkaitis to move forward to committee a recommendation to amend all licenses under Title 5, section 5.08.130 of the St. Charles Municipal Code to 7:00am – 10:00pm 7 days a week.

Roll Call: Ayes: Silkaits, Carrignan, Vitek, Gehm; Nays: None. Chrmn. Rogina did not vote as Chair. **Motion Carried**

Chrmn. Rogina: Next would be gas stations, the creation of an A6 license.

Ald. Silkaitis: I'm not in favor of this. I think we're going too far with including gas stations. I will vote no on this one.

Chrmn. Rogina: Does the Council want to approve being competitive with our neighbors particularly since we have an alcohol tax.

Ald. Silkaitis: I see your point. I just don't like gas stations selling liquor.

Chief Keegan: Just to be clear on the language as far as the 10% of retail space. If you look in our existing code currently a liquor store has to be at least 2000 sq. ft. If you want to have a combination license such as Walgreens or CVS, their square footage has to be 10,000. Batavia, South Elgin, Wheaton, Roselle, some had sq. ft. specified as 1600, 1500, 2000 like we do for our

other A license. Each of the gas stations we spoke with want to offer alcohol as a convenience. We looked at some different models and went away from the square footage, meaning how many sq. ft. the building had to be and in the interest of being fair and offering alcohol as a convenience item we thought that was a happy medium for a recommendation we felt comfortable with. That still doesn't affect the liquor store requirement of 2000 sq. ft. or the combination Walgreens, CVS.

Motion by Mr. Ghem, second by Vitek to move forward to committee a recommendation to approve the codification of an A6 license as an addition to our liquor code.

Roll Call: Ayes: Carrignan, Vitek, Gehm; Nays: Silkaits, Chrmn. Rogina did not vote as Chair.
Motion Carried

Chief Keegan: There are two separate licenses for consideration: One is the expansion of the A4 license that I spoke about. That is to incorporate the fermentation of wine on premise. Second, in relation to breweries is the G1 concept, more of a sit down brewery/restaurant. We are asking for approval to proceed with the A4 expansion and the initiation of the G1 license.

Ald. Silkaitis: I would like to add distilleries. If we're going to have breweries, why not have it open if someone wants to do what they did in Geneva?

Chrmn. Rogina: We can make a motion and add distilleries.

Chief Keegan: I didn't complete that as part of my research, but I do know it's out there. If we're looking at a license we could add it.

Chrmn. Rogina: I would suggest adding distilleries to A4.

Motion by Ald. Silkaitis, second by Ghem to approve the A4 expansion and include distilleries, and the initiation of the G1 license.

Roll Call: Ayes: Carrignan, Vitek, Silkaits, Gehm; Nays: None Chrmn. Rogina did not vote as Chair. **Motion Carried**

Chief Keegan: This is codified under Section 5.08.220, licenses where it explains and goes into greater detail for multiple locations.

Ald. Vitek: I understand the concept of the Arcada, it's a speakeasy, with the Pride and Urban Counter is that basically taking something you've purchased at Pride and walking over to Urban Counter carrying your bags.

Chief Keegan: Because of the way the layout is, they have a joint hallway in the back where the bathrooms are which already establishes cross access. Because of the floor space and amount of square footage they have in Urban Counter there are several offerings, craft beer and folks asked if they can buy at Pride and bring it over to Urban Counter. Right now we don't allow that.

Ald. Vitek: This does cover people at Urban Counter drinking aren't bringing their open drinks over to the Pride. Is that correct? Would the cross access be vice versa?

Chief Keegan: They would comingle, but the lion share consumption would be at Urban Counter where the restaurant is. It technically wouldn't be legal to walk over from Urban Counter and shop at the Pride with a drink. I checked with the State, it's actually allowed there are other joint licenses the State issues. I think Geneva has one at a liquor store on Lincoln Hwy. This just expands our licensing opportunities.

Cliff Carrignan: Why wouldn't you just use a BYOB license for that? It makes sense for the Arcada and Hotel Baker, does the Urban Counter have a liquor license already?

Chief Keegan: They do. You can't have a BYOB and a consumption site license. They have a couple of tap offerings, they purchase a very high end craft beer operation and it's being run out of the Pride. They want to make that available to the Urban Counter.

Ald. Silkaitis: The cross-access is internal, correct? They are not going outside.

Chief Keegan: Correct.

Chrmn. Rogina: Other than the patio on the premise.

Chief Keegan: There is ancillary patio on the east side of Urban Counter where consumption is allowed currently.

Motion by Mr. Carrignan, second by Ghem to move forward to committee a recommendation to accept 5.08.220 as amended by staff.

Roll Call: Ayes: Carrignan, Vitek, Silkaits, Gehm; Nays: None Chrmn. Rogina did not vote as Chair. **Motion Carried**

Chief Keegan: Section 05.08.090, B3 license.

Chrmn. Rogina: We're emending the B3 license adding retail wine and included specialty drink.

Ald. Vitek: Would this cover the breweries to be able to sell their packaged goods?

Chief Keegan: The language we've already codified and approved under A4 and G1 would be the same type of concept and would be codified within those sections.

Cliff Carrignan: Any restriction on the size of the container?

Chief Keegan: No. But they both know they have to be sealed, stamped and approved by the Health Department.

Cliff Carrignan: These are to be purchased on premise, not consumed on premise.

Chief Keegan: It has to be in a preapproved package from a designated sale area.

Chrmn. Rogina: It would be prohibited for someone to have this in their establishment, a customer comes in and purchases and then asks it to be poured.

Chief Keegan: Correct. From the carry-out area, sale counter, it has to be packaged for consumption off site.

Motion by Mr. Ghem, second by Carrignan to move forward to committee a recommendation to approve the amendment to Section 05.08.090, B3 license.

Roll Call: Ayes: Carrignan, Vitek, Silkaits, Gehm; Nays: None Chrmn. Rogina did not vote as Chair. **Motion Carried**

6. Discussion regarding Citation and Hearing Notice for the Alibi Bar and Grill, Ltd., located at 12 N. Third Street.

Chrmn. Rogina: This is a complaint of violation being brought before you here on the Liquor Commission. St. Charles Local Liquor Control Commission pursuant to its authority shall revoke or suspend the local liquor license issued to one Alibi Bar and Grill or impose a fine or both by reason of complaint of violation. Complaint is as follows:

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

1. The Petitioner is the duly appointed Chief of Police of the City of St. Charles and as such is charged with the duty of enforcing the laws of the State of Illinois and the ordinances of the City of St. Charles.
2. On or about May 28, 2017 at approximately 1:42 a.m., the Licensee, ALIBI BAR & GRILL, LTD. by and through its employees, officers and/or agents, committed one (1) or more of the following offenses in or upon the licensed premises at 12 N Third Street, St. Charles, Illinois 60174:

OFFENSE

Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about May 28, 2017, ALIBI BAR & GRILL, LTD. was operating under a Class B liquor license issued by the City of St. Charles.

4. That the act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to the B Liquor Classification and Section 5.08.250(R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934.
5. That the licensee, ALIBI BAR & GRILL, LTD. is responsible for the acts of its employees, officers and agents and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on said premises.

WHEREFORE, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.08.320 of the St. Charles Municipal Code that the Local Liquor Control Commission hold a hearing on this matter and take such action against ALIBI BAR & GRILL, LTD., as the Commissioner shall deem appropriate under the circumstances.

Rich Simpson: Owner of Alibi Bar & Grill, 12 N. Third Street.

Chrmn. Rogina: You received an arraignment form and it asked that you send in your plea, as of this date we do not have that. I need to know which of the following pleas you would like to make:

- a. Deny the allegations set forth in the Complaint. Request a hearing.
- b. Admit the allegations set forth in the Complaint. Do not request a mitigation hearing.
- c. Admit to the allegations in the Complaint, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.

Rich Simpson: I'd like to Deny it.

Chrmn. Rogina: In that case he allegations set forth in this complaint you are denying. We would set a hearing on the matter for 1 month from today. That would be July 17, 2017. You can be represented by council at that point in time, City will have council and we'll have a hearing at that point in time.

We have scheduled a due process hearing on this Complaint for July 17, 2017.

Any other business that the Commission has?

6. Other Business

7. Public Comment

Nicholas Smith: 407 Park Avenue, St. Charles. Businesses already have these licenses but they will possibly be amended tonight. Do they need to change anything since they already have the existing license for the current year?

Chrmn. Rogina: He's applied and received a liquor license. He's asking if there is anything that needs to be done, or if he needs to change anything if this is amended?

Chief Keegan: No action needs to be taken.

Nicholas Smith: Because this has been such a long part of the liquor license and we're going to change them, with the current businesses, how would it be known that it's not to help them from a business standpoint, but for people coming to St. Charles? It's all about the people coming. How will the business owners know, since it's been long standing?

Chief Keegan: I can draft a letter on City letterhead and have officers deliver it to the businesses.

Chrmn. Rogina: To your point about people coming to St. Charles, that's your marketing plan.

Nicholas Smith: Education is as important as what you decide every Monday. You can change the world for St. Charles if you'd like, but the education is almost as important as the decisions you make.

Chrmn. Rogina: Would you like to see anything further by the City?

Nicholas Smith: I would leave that up to you.

Chrmn. Rogina: Do you have any recommendations?

Nicholas Smith: No. I see this as a positive thing. YTD we have paid \$242.50 to the City of St. Charles in alcohol tax. We are a breakfast and lunch restaurant that closes at 2:30pm every day. This is not about money. This stems from people coming to our town and possibly being able to serve them a little bit better on a Sunday morning, as opposed to a Saturday or Monday morning. I just want to help educate you in anticipation for tonight should it arise. This is not about money. I think of it as a great step we can take, and it's nice to see some of the bars and taverns get into the brunch game. Anytime they can focus on food, to me, is more important than just trying to serve drinks after 12:00 pm. Anything that the City can do is a positive, and the education part is almost as important, not only to business owners, but to citizens as well.

Chrmn. Rogina: I would hope that you come back tonight and make those same comments to the City Council.

Nicholas Smith: If you'd allow me too, I would.

Chrmn. Rogina: I'm sure you'd be allowed to speak.

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

9. Adjournment

Motion to adjourn by Mr. Carrignan, second by Ghem, meeting adjourned at 5:22 p.m.

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

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 4
	Title:	Discussion Regarding Two Tobacco Citations and Hearing Notices for Rose Smoke N' Vapor, Inc, 902 Randall Road, Ste. B, St. Charles	
	Presenter:	Chief Keegan, Police Department	
Meeting: Liquor Control Commission		Date: July 17, 2017	
Proposed Cost: \$	Budgeted Amount: \$	Not Budgeted:	<input type="checkbox"/>
Executive Summary (<i>if not budgeted please explain</i>): <p>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 or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an offense happening on or about June 28, 2017 at the establishment of Rose Smoke N' Vapor, Inc. at 902 Randall Road, Ste. B, St. Charles.</p>			
Attachments (<i>please list</i>): <p>Citation and Notice of Hearing, Complaint of Violation, St. Charles Police Department Case Report, Title 5, Section 16.020 "Definitions" of the City of St. Charles Municipal Code, Title 5, Section 16.100 "Purchase by Minors Prohibited" of the City of St. Charles Municipal Code, Email from John McGuirk, Arraignment Form, Response Letter from Lavelle Law, Ltd.</p>			
Recommendation/Suggested Action (<i>briefly explain</i>): <p>Discussion Regarding Tobacco Citation and Hearing Notice for Rose Smoke N' Vapor, Inc, 902 Randall Road, Ste. B, St. Charles.</p>			

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 2017-LC-04
Rose Smoke N' Vapor, Inc.)

CITATION AND NOTICE OF HEARING

TO: Rose Smoke N' Vapor
902 S. Randall Road, B
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on July 17, 2017 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 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, TRACEY CONTI, AT 630/377-4422.

DATED this 3rd day of July, 2017.



Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

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

STATE OF ILLINOIS)
)
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 2017-LC-04
Rose Smoke N' Vapor, Inc.)
902 S. Randall Road, B)
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. On or about June 28, 2017, Rose Smoke N' Vapor, Inc., was operating under a Tobacco License issued by the City of St. Charles.

3. That on or about June 28, 2017, at approximately 1:48 p.m., the Licensee, Rose Smoke N' Vapor, Inc., by and through its employees, officers and/or agents committed the following violation of the St. Charles Tobacco Code:

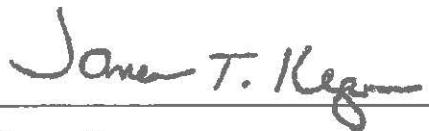
OFFENSE

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

4. That the act detailed in Section 3 of this Complaint of Violation each are prohibited and are in violation of and contrary to Sections 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. That the Licensee, Rose Smoke N' Vapor, Inc., 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 Rose Smoke N' Vapor, Inc., as the Commission 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)
)
COUNTIES OF KANE AND DU PAGE)

CERTIFICATION

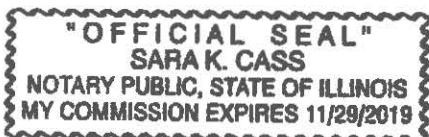
Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and, as to such matters, the undersigned certifies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

James T. Keegan

James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 3rd day of July, 2017.

Sara K. Cass
NOTARY PUBLIC



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

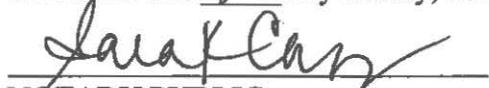
CERTIFICATE OF SERVICE

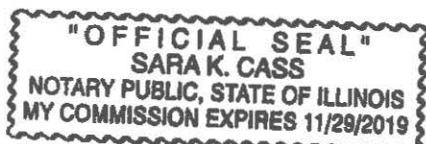
The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Citation and Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: Rosina BPIG at 902 S.

Ronald R. on the 31 day of July, 2017.

 #346

SUBSCRIBED AND SWORN TO
before me this 30 day of July, 2017.


NOTARY PUBLIC





Case Report

Summary



Print Date/Time: 07/14/2017 14:27
Login ID: kschult
Case Number: 2017-00014371

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2017-00014371
Location: 902 S RANDALL RD B
SAINT CHARLES, IL 60174
Reporting Officer ID: 0057 - Ketelsen

Incident Type: 1715 SALE OF TOBACCO/MINORS
Occurred From: 06/28/2017 13:48
Occurred Thru: 06/28/2017 13:52
Disposition:
Disposition Date:
Reported Date: 06/29/2017 12:22 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	1715	5-16-070	SALE OF TOBACCO TO MINOR	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
ARRESTEE	1	BAIG, ABDULLAH	197 DUBLIN CT V1		ASIAN/PACIFIC ISLANDER	MALE	
OTHER PERSON	1	BAIG, ROZINA ANJUM	SCHAUMBURG, IL 60194 197 DUBLIN CT V1 SCHAUMBURG, IL 60194		WHITE	FEMALE	47 39

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
06/29/2017	RECOVERED	OTHER PROPERTY			NAKED LAVA FLOW 60 ML BOTTLE		

Vehicles

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

OfficerID: dketelsen, Narrative

PROHIBITED SALE OF ALTERNATIVE NICOTINE PRODUCT

On 062817 at approximately 1348hrs the St Charles Police Department conducted a tobacco compliance inspection (to include alternative nicotine products, commonly known as Vape juice) throughout the city of St Charles.

At this time Det. McCowan and I went to Rose Smoke N Vapor, 902 S Randall Rd unit B, with a 17 year old confidential informant (C/I). The C/I was provided with official advanced funds provided by the police department. With this money the C/I entered this store which Det. McCowan had previously entered a few seconds before. Once inside the C/I was able to purchase one bottle of Naked Lava Flow, commonly known as Vape juice, from an employee. The C/I exited the store and returned to the vehicle that we had arrived in and turned the item bought over to me. The C/I said that there was only one employee working and he was the person that sold this item. The C/I advised that this employee did not ask the C/I for any identification or ask how old the C/I was.

I then entered Rose Smoke N Vapor and met with Detective McCowan who was still inside and had witnessed this transaction. She had already identified herself as being a police officer to the subject, Abdullah Baig, who sold the Vape juice to the C/I. I then identified myself to Baig and advised him that he had sold the Vape Juice to a subject who was under the age of 18. I advised him he would be receiving a ticket for this. I obtained his personal information for this ticket and advised him I would be dropping it back off to him on 062917, which is when he said he would be working again.

I asked Baig if he owned this establishment, and he advised that his wife was the owner.

It should be noted that the C/I was unable to purchase any other items during this compliance check from any other of the stores that C/I entered.

On 062917 at approximately 1250hrs I arrived outside Rose Smoke N Vapor and was going to serve Abdullah Baig with his ticket. As I parked I saw a female white subject who entered this business. This subject did not appear to be 18 to me. I waited a few minutes and saw this female subject walk out and it appeared she had not bought anything. This subject walked back to a gray colored Ford Mustang that was parked in a parking lot located approximately 50 yards north of the parking lot where Rose Smoke N Vapor was located. This female subject then drove over to the lot by Rose Smoke N Vapor and parked her vehicle and then walked back into the store. Thinking this was odd behavior I waited a minute and then entered the store with the ticket I was going to issue. I did have my badge and gun displayed on my belt. As I entered the store I saw that the female white subject who I had initially seen enter was by a sales display with a female employee. They were both looking at some kind of glass smoking device that the employee had apparently taken down from a shelf behind the sales display and put it on top of the display. Upon entering the female employee apparently noticed right away that I was a police officer. This subject then immediately stated to the other female subject something to the effect of "I can't sell this to you, you have to be 18." I did not observe the girl to have her ID out at this time so I am not sure how the female employee did not know the other subject was not 18 or older. I asked the girl how old she was and she said that she was 17. I advised her to not try and purchase tobacco products until she was 18. She then left the store. I asked this female employee if Abdullah was in and she advised he would not be in until after 1600hrs. I told her I would come back then to serve him.

On 063017 at approximately 1400hrs I went back to Rose Smoke N Vapor. Upon entry I again saw the female worker that I had seen there on 062917. She said that Abdullah was not there but she would accept the issued state ticket for him. She advised that Abdullah was her husband and she was also the owner of the business. Her name was Rozina Baig and she wrote down her personal information for me for this report.

After leaving the store I contacted Abdullah at the telephone number he had previously given me. I advised him that a ticket had been left for him with his wife. He stated that this was fine. I told him to call me back if he had any further questions.

This ticket was written under 720 675 1.5(c) which is for Distribution of Alternative Nicotine Product to Person Under 18 / Prohibited. Abdullah Baig has an initial Court Date of 072017/0900hrs at the Kane County Branch Court.

Cleared By Adult Arrest / Local Charge

DK #328

OfficerID: bmccowan, Narrative

*Sale of Tobacco/Minor

On 062817 Det. Ketelsen and I went to Rose Smoke N Vapor with our C/I. I entered the business prior to the C/I and observed only one employee, later identified as Abdullah Baig, working. I made as if I were looking around at the items for sale when our C/I came into the store. I was present when she made her purchase and left the store to notify Det. Ketelsen. I was present when Det. Ketelsen identified Baig and advised him of the impending ticket.

No further action.

BMc #341

EM346

5.16.020 – Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

1. “Alternative nicotine products” means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means (commonly known as e-cigarettes). Alternative tobacco or nicotine products includes synthetic tobacco products which are intended to replicate tobacco and tobacco products. Alternative nicotine products excludes “tobacco products” as defined in this section and any product approved by the United States food and drug administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
2. “Hookah Lounge” means an establishment where patrons share shisha (flavored tobacco) from a communal hookah or nargile which is placed at each table. Typically a disposable mouthpiece is provided for each user for hygiene reasons. Some Hookah Bars offer traditional shisha or herbal shisha (contains no tobacco/nicotine) but herbs produce tar when they burn and for the purposes of this ordinance, shall be treated the same as tobacco/alternative nicotine products in reference to their use and/or sale.
3. “Retail tobacco dealer” means any person selling, offering for sale, exposing for sale or keeping with the intention of selling or exchanging at retail, tobacco products, alternative nicotine products or tobacco accessories in the city. “Retail” means the sale of commodities in small quantities directly to the ultimate consumer. For example: The sale of tobacco in a grocery store, convenience store, gas station, tavern, restaurant, billiard or bowling alley.
4. “Tobacco Accessories” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco products.
5. “Tobacco and tobacco products” means cigarettes cigars or tobacco intended for human use, including loose tobacco, pipe tobacco, chewing tobacco and snuff.
6. “Tobacco product sample” means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes. Examples include tobacco shop, e-cigarette shops or cigar shop.
7. “Tobacco product sampler” means any person engaged in the business of tobacco product sampling, alternative nicotine or other than a retail tobacco dealer.
8. “Tobacco product sampling” means the distribution of tobacco product samples to members of the general public.
9. “Vending machine” means any mechanical, electric or electronic, self-service devise which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.
10. “Wholesale tobacco dealer” means any person making, manufacturing of jobbing cigars, or selling, offering for sale, exposing for sale, or keeping with the intention of selling or exchanging or delivering at wholesale, any tobacco, snuff, cigars, cigarettes or cigarette papers, including leaf tobacco, alternative nicotine products or any preparations containing tobacco. “Wholesale” means the sale of commodities in quantity usually for resale (as by a retail merchant); no sales directly to the ultimate consumer.

([2014-M-41](#) [1]: §1; [1991-M-37](#) [2]: §1)

5.16.100 – Purchase by minors prohibited

It shall be unlawful for any person under the age of 18 years to purchase tobacco, tobacco products or alternative nicotine products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco, tobacco products or alternative nicotine products.

Conti, Tracey

Subject: FW: Rose Smoke N' Vapor, Inc.
Attachments: Arraignment Forms.pdf

From: jmc@hmcp.com
Sent: Friday, July 14, 2017 10:43 AM
To: Koenen, Mark
Cc: Conti, Tracey
Subject: FW: Rose Smoke N' Vapor, Inc.

I received the attached. I requested that he sign the second form and return. In any event he will be at the hearing on Monday and can confirm that they are admitting to both violations.

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

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IRS CIRCULAR 230 NOTICE. Any advice expressed above as to tax matters was neither written nor intended by the sender or Hoscheit, McGuirk, McCracken & Cuscaden, P.C. to be used and cannot be used by any taxpayer for the purposes of avoiding tax penalties that may be imposed under U.S. tax law. If any person uses or refers to any such tax advice in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement to any taxpayer, then (i) the advice was written to support the promotion or marketing (by a person other than Hoscheit, McGuirk, McCracken & Cuscaden, P.C.) of that transaction or matter, and (ii) such taxpayer should seek advice based on the taxpayers' particular circumstances from an independent tax advisor.

ARRAIGNMENT FORM

I, Joseph Vito, as agent for ROSE SMOKE N' VAPOR, INC.. 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 902 S. Randall Road, B, St. Charles, Illinois 60174, do hereby:



Admit the allegations set forth in the Complaint, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.



Admit the allegations set forth in the Complaint. I do not request a mitigation hearing.



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

Rose Smoke N' Vapor, Inc.

Signature:

By:

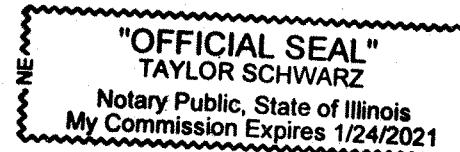
Date:

John Vito
7/13/17

Subscribed and sworn to before me

This 13 day of July, 2017.

Taylor Schwarz
Notary Public



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

ARRAIGNMENT FORM

I, Joseph Vite, and a ^{Court} agent for ROSE SMOKE N' VAPOR, INC.. 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 902 S. Randall Road, B, St. Charles, Illinois 60174, do hereby:

- Admit the allegations set forth in the Complaint, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.
- Admit the allegations set forth in the Complaint. I do not request a mitigation hearing.
- Deny the allegations set forth in the Complaint. I request a hearing.

Rose Smoke N' Vapor, Inc.

Signature:

By: Jr Vite

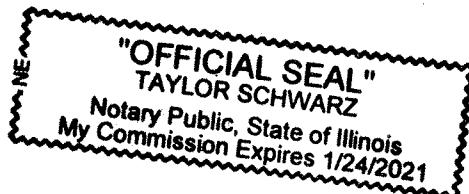
Date:

7/13/17

Subscribed and sworn to before me

This 13 day of July, 2017.

Taylor Schwarz
Notary Public



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

LAVELLE LAW, LTD.

WRITER'S DIRECT LINE: 224-836-6174

WRITER'S E-MAIL: jvito@lavellelaw.com

WRITER'S DIRECT FAX: 224-836-6175

SENT VIA EMAIL: jmc@hmcpccom

CHICAGO

180 NORTH LASALLE STREET
SUITE 2503
CHICAGO, ILLINOIS 60601
TELEPHONE: 312-332-7555
FACSIMILE: 312-332-4611

SCHAUMBURG

1933 NORTH MEACHAM ROAD
SUITE 600
SCHAUMBURG, ILLINOIS 60173
TELEPHONE: 847-705-7555
FACSIMILE: 847-705-9960

July 13, 2017

Re: Rose Smoke N' Vapor, Inc.

Dear John:

It was very nice speaking with you on the phone. To follow up on our conversation, the following is my clients' position as to the violations.

As to the first violation, my clients believe there is a mistake. However, in an effort to bring about an amicable resolution, they are willing to admit the allegations in the complaint. For purposes of mitigation, the product that was sold did not contain any nicotine, but is simply a flavored oil for fruity-smelling vapor. No nicotine can be ingested from this product. Since the incident, my clients' policy is to check the ID of anyone purchasing any of their products.

As to the second violation, my clients understand that the person who was sold the dispenser should have been made to show ID before they purchased the product. Therefore, they admit to the allegations in the complaint. For purposes of mitigation, the individual sold the dispenser usually comes into the store with individuals that are not under age, and that can buy my clients' products. Because the individual, while never having bought a product before the incident, frequented their store often with individuals who were over 18, a store employee assumed he was over the age of 18. As noted, my client knows that the employee should have asked for ID and that the transaction was in violation of the Code. There was no intention, however, to violate the code.

Please note that all employees have been informed that the store has a strict policy on checking every customer's ID. My clients will admit guilt and wish to mitigate any penalties the City might impose.

I will be able to attend the hearing on July 17th, but due to my obligations to the Village Council of Wheeling I kindly request that this case be put on the call as early as possible. Thank you in advance for your consideration, I look forward to meeting you on Monday.

Sincerely,
LAVELLE LAW, LTD.

Joseph V. Vito
Attorney at Law

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 5
	Title:	Discussion Regarding Two Tobacco Citations and Hearing Notices for Rose Smoke N' Vapor, Inc, 902 Randall Road, Ste. B, St. Charles	
	Presenter:	Chief Keegan, Police Department	
Meeting: Liquor Control Commission		Date: July 17, 2017	
Proposed Cost: \$	Budgeted Amount: \$	Not Budgeted:	<input type="checkbox"/>
Executive Summary (<i>if not budgeted please explain</i>): <p>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 or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an offense happening on or about July 3, 2017 at the establishment of Rose Smoke N' Vapor, Inc. at 902 Randall Road, Ste. B, St. Charles.</p>			
Attachments (<i>please list</i>): Citation and Notice of Hearing, Complaint of Violation, St. Charles Police Department Case Report, Title 5, Section 16.020 "Definitions" of the City of St. Charles Municipal Code, Title 5, Section 16.100 "Purchase by Minors Prohibited" of the City of St. Charles Municipal Code, Email from John McGuirk, Arraignment Form, Response Letter from Lavelle Law, Ltd.			
Recommendation/Suggested Action (<i>briefly explain</i>): Discussion Regarding Tobacco Citation and Hearing Notice for Rose Smoke N' Vapor, Inc, 902 Randall Road, Ste. B, St. Charles.			

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

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

IN THE MATTER OF THE TOBACCO)
LICENSE OF:)
)
Rose Smoke N' Vapor, Inc.) Case Number 2017-LC-05

CITATION AND NOTICE OF HEARING

TO: Rose Smoke N' Vapor
902 S. Randall Road, B
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on July 17, 2017 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 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, TRACEY CONTI, AT 630/377-4422.

DATED this 6th day of July, 2017.


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)

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

IN THE MATTER OF THE)
TOBACCO LICENSE OF:)
) Case Number 2017-LC-05
Rose Smoke N' Vapor, Inc.)
902 S. Randall Road, B)
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. On or about July 3, 2017, Rose Smoke N' Vapor, Inc., was operating under a Tobacco License issued by the City of St. Charles.

3. That on or about July 3, 2017, at approximately 2:23 p.m., the Licensee, Rose Smoke N' Vapor, Inc., by and through its employees, officers and/or agents committed the following violation of the St. Charles Tobacco Code:

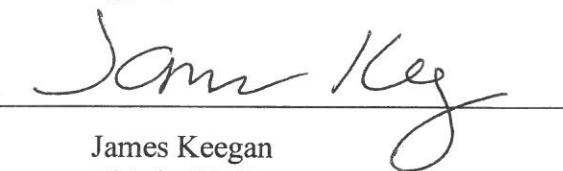
OFFENSE

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

4. That the act detailed in Section 3 of this Complaint of Violation each are prohibited and are in violation of and contrary to Sections 5.16.070 of the St. Charles Municipal Code and the Prevention of Tobacco Use by Minors and Sale and Distribution of Tobacco Products Act.

5. That the Licensee, Rose Smoke N' Vapor, Inc., 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 Rose Smoke N' Vapor, Inc., as the Commission 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

CERTIFICATE OF SERVICE

D. Kotsos 326

SUBSCRIBED AND SWORN TO
before me this 6th day of July, 2017.

France Cunllos

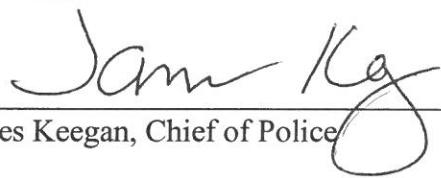
NOTARY PUBLIC



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

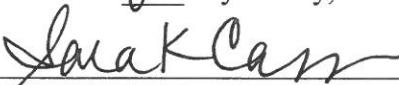
CERTIFICATION

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.

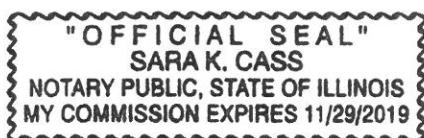


James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 11 day of July, 2017.



NOTARY PUBLIC





Case Report

Summary



Print Date/Time: 07/05/2017 14:47
Login ID: kschult
Case Number: 2017-00014699

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number:	2017-00014699	Incident Type:	1715 SALE OF TOBACCO/MINORS
Location:	902 S RANDALL RD E SAINT CHARLES, IL 60174	Occurred From:	07/03/2017 14:23
Reporting Officer ID:	0051 - Mahan	Occurred Thru:	07/03/2017 14:23
		Disposition:	
		Disposition Date:	
		Reported Date:	07/03/2017 14:25 Monday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	State	1715	720 ILCS 675.0/1	TOBACCO: UNLAWFUL SALE/PURCHASE UNDER 18 YEARS OLD	1
2	State	1715	720 ILCS 675.0/1	TOBACCO: UNLAWFUL SALE/PURCHASE UNDER 18 YEARS OLD	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
SUSPECT/OFFENDER	1	BAIG, ROZINA	197 DUBLIN CT V1 SCHAUMBURG, IL 60194		WHITE	FEMALE	
SUSPECT/OFFENDER	2				WHITE	MALE	39
SUSPECT/OFFENDER	3				WHITE	MALE	14

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
07/03/2017	RECOVERED	CURRENCY			U.S.C. (2) Twenty Dollar Bills, (2) Ten Dollar Bills		
07/03/2017	RECOVERED	OTHER PROPERTY			Eleaf, iJust2, stainless steel E-Cigarette Kit		

Vehicles

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

OfficerID: emahan, Narrative

Unlawful Sale of Alternative Nicotine Products to Minors.

Note: The charge listed in the Offenses section of this report is listed as: 720 ILCS 675/1 - SALE OF TOBACCO TO MINORS. The appropriate statute was not available in the options provided by the report writing software. The appropriate statute for this incident is: 720 ILCS 675/1.5 DISTRIBUTION OF ALTERNATIVE NICOTINE PRODUCTS TO PERSONS UNDER 18 YEARS OF AGE.

This case is associated with CR# 17-3225 and CR# 17-14371.

On 070317 at approximately 1415 hrs. I went to Rose Smoke N Vape, located at 902 S. Randall Rd, Unit E. My purpose for going there was to serve the business owner with a Citation and Notice of Hearing in relation to an earlier reported incident (Police CR# 17-14371, Liquor Control Commission Case # 2017-LC-04). That incident involved the unlawful sale of alternative nicotine product to a minor. An employee of the business had been cited for that sale. I was now citing the business owner in accordance with City of St. Charles Local Ordinance 5.16 - Tobacco. Under that ordinance, businesses engaged in selling this type of product are required to be licensed by the City and the Liquor Control Commission conducts hearings regarding sanctions to that licensee for alleged violations.

At approximately 1415 hrs. I entered the store and met with the owner, Rozina Baig, whom I recognized from a previous similar encounter. I served Baig with the Citation and Notice of Hearing. The Complaint of Violation and Arraignment form. I was explaining the documents to Baig and answering questions when two young teenagers entered the store. Baig asked if they had I.D. when they stated they did not, she told them they had to leave the store. It should be noted that this store sells nothing but alternative nicotine products and devices, as well as some smokeless tobacco products. All items for sale in this business are prohibited for minors under age 18.

I exited the business at approximately 1423 hrs. and got in to my department issued vehicle which is unmarked. I was in plain clothes with a badge and holstered weapon on my belt. I checked a message on my phone prior to backing out of my parking space which was located directly in front of the building approximately 25 ft. north of the front door to this business. I then observed two male juveniles who looked to be between 12 to 14 years of age. They were standing on the sidewalk outside of the Taco Fresco located in the unit directly next door to (north of) Rose Smoke N Vape. I then saw one of the two juveniles, later identified as _____, put down his skateboard and enter Rose Smoke N Vape. I anticipated that Baig would likely immediately ask if he had and I.D. and the juvenile would then quickly exit the business. The juvenile did not quickly exit however. After approximately 1-2 minutes the juvenile exited with some type of product in his hand. He approached the other juvenile, still standing directly in front of my vehicle. The other juvenile, later identified as _____, held open his backpack while _____ placed the item in the backpack and the two began to walk away. I immediately exited my vehicle and approached the two. I identified myself as a police officer. I asked

how old he was and he said, "Like 15." I later learned he is 14 and will turn 15 in August. I asked whether he just purchased something inside and he said that he had. I asked _____ to remove the item from his backpack which he did. It was an unopened Eleaf, iJust2, E-cigarette kit. This is a device that provides for the ingestion of an alternative nicotine product into the body. Sale of this device to a person under 18 and possession of it by a person under 18 are prohibited by state statute and city ordinance. I asked how much he had paid for the device and he stated that he paid \$60.00. _____ and _____ then explained to me that

made the purchase for _____ He did so because the two of them thought that _____ looked the older of the two. Both are 14 years of age.

I called for an additional unit to respond to this location. Ofc. Runkle and Ofc. Squillo then arrived. They remained with and _____ while I reentered Rose Smoke N Vape. I confronted Baig about selling to a minor right after I had served her with notice of a violation and prior to my even leaving the property. I showed the E-Cigarette Kit and she said that she thought he was 18. I asked Ofc. Runkle to have _____ walk to the front door of the business where we could see him. He did so. I then asked if she thought he looked 18. She then stated that he had been in the store on a previous day with someone who was over 18 so she thought he was also. I spoke to her at length about the need to card anyone who looks like they may be any age close to 18. I explained that a safe business practice would be to card anyone who looks younger than 30 years of age. She continued to state that she thought he was 18 because he had been in before with someone whom she had carded that was over 18. Thinking he was 18 she did not card him today. I advised her that I would be issuing her a state citation for selling to a minor and that she could anticipate that I would also be returning with another notice of hearing before the Liquor Control Commission.

I asked Baig for the \$60.00 dollars that the juvenile had given her for the device. She went to the register and provided me with (2) twenties and (2) tens. I explained to her that I would be confiscating both the money and the device as evidence.

I met again with the juveniles I provided them my contact information, instructed them to return directly home, and to have a parent contact me. _____'s mother called me soon after. I arranged to meet with her and her son on 070617 for purposes of completing a formal station adjustment form. I have not heard from _____'s parents but he did explain that he was leaving town on 070317. I will attempt to contact his parents.

The device and money were entered in to property control as evidence.

Pending Investigation

EM346

5.16.020 – Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

1. “Alternative nicotine products” means a product or device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means (commonly known as e-cigarettes). Alternative tobacco or nicotine products includes synthetic tobacco products which are intended to replicate tobacco and tobacco products. Alternative nicotine products excludes “tobacco products” as defined in this section and any product approved by the United States food and drug administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
2. “Hookah Lounge” means an establishment where patrons share shisha (flavored tobacco) from a communal hookah or nargile which is placed at each table. Typically a disposable mouthpiece is provided for each user for hygiene reasons. Some Hookah Bars offer traditional shisha or herbal shisha (contains no tobacco/nicotine) but herbs produce tar when they burn and for the purposes of this ordinance, shall be treated the same as tobacco/alternative nicotine products in reference to their use and/or sale.
3. “Retail tobacco dealer” means any person selling, offering for sale, exposing for sale or keeping with the intention of selling or exchanging at retail, tobacco products, alternative nicotine products or tobacco accessories in the city. “Retail” means the sale of commodities in small quantities directly to the ultimate consumer. For example: The sale of tobacco in a grocery store, convenience store, gas station, tavern, restaurant, billiard or bowling alley.
4. “Tobacco Accessories” means cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed primarily for the smoking or ingestion of tobacco products.
5. “Tobacco and tobacco products” means cigarettes cigars or tobacco intended for human use, including loose tobacco, pipe tobacco, chewing tobacco and snuff.
6. “Tobacco product sample” means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes. Examples include tobacco shop, e-cigarette shops or cigar shop.
7. “Tobacco product sampler” means any person engaged in the business of tobacco product sampling, alternative nicotine or other than a retail tobacco dealer.
8. “Tobacco product sampling” means the distribution of tobacco product samples to members of the general public.
9. “Vending machine” means any mechanical, electric or electronic, self-service devise which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.
10. “Wholesale tobacco dealer” means any person making, manufacturing of jobbing cigars, or selling, offering for sale, exposing for sale, or keeping with the intention of selling or exchanging or delivering at wholesale, any tobacco, snuff, cigars, cigarettes or cigarette papers, including leaf tobacco, alternative nicotine products or any preparations containing tobacco. “Wholesale” means the sale of commodities in quantity usually for resale (as by a retail merchant); no sales directly to the ultimate consumer.

([2014-M-41](#) [1]: §1; [1991-M-37](#) [2]: §1)

5.16.100 – Purchase by minors prohibited

It shall be unlawful for any person under the age of 18 years to purchase tobacco, tobacco products or alternative nicotine products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco, tobacco products or alternative nicotine products.

Conti, Tracey

Subject: FW: Rose Smoke N' Vapor, Inc.
Attachments: Arraignment Forms.pdf

From: jmc@hmcp.com
Sent: Friday, July 14, 2017 10:43 AM
To: Koenen, Mark
Cc: Conti, Tracey
Subject: FW: Rose Smoke N' Vapor, Inc.

I received the attached. I requested that he sign the second form and return. In any event he will be at the hearing on Monday and can confirm that they are admitting to both violations.

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

This message is a PRIVATE communication. This message and all attachments are a private communication sent by a law firm and may be confidential or protected by privilege. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the information contained in or attached to this message is strictly prohibited. Please notify the sender of the delivery error by replying to this message and then delete it from your system. Thank you.

IRS CIRCULAR 230 NOTICE. Any advice expressed above as to tax matters was neither written nor intended by the sender or Hoscheit, McGuirk, McCracken & Cuscaden, P.C. to be used and cannot be used by any taxpayer for the purposes of avoiding tax penalties that may be imposed under U.S. tax law. If any person uses or refers to any such tax advice in promoting, marketing or recommending a partnership or other entity, investment plan or arrangement to any taxpayer, then (i) the advice was written to support the promotion or marketing (by a person other than Hoscheit, McGuirk, McCracken & Cuscaden, P.C.) of that transaction or matter, and (ii) such taxpayer should seek advice based on the taxpayers' particular circumstances from an independent tax advisor.

ARRAIGNMENT FORM

I, Joseph Vito, as agent for ROSE SMOKE N' VAPOR, INC.. 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 902 S. Randall Road, B, St. Charles, Illinois 60174, do hereby:



Admit the allegations set forth in the Complaint, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.



Admit the allegations set forth in the Complaint. I do not request a mitigation hearing.



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

Rose Smoke N' Vapor, Inc.

Signature:

By:

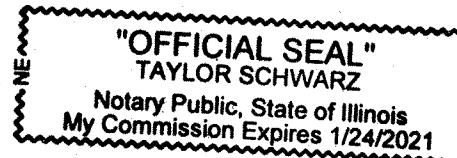
Date:

7/13/17

Subscribed and sworn to before me

This 13 day of July, 2017.

Taylor Schwarz
Notary Public



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

ARRAIGNMENT FORM

I, Joseph Vite, ^{and attorney} as agent for ROSE SMOKE N' VAPOR, INC.. 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 902 S. Randall Road, B, St. Charles, Illinois 60174, do hereby:

- Admit the allegations set forth in the Complaint, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.
- Admit the allegations set forth in the Complaint. I do not request a mitigation hearing.
- Deny the allegations set forth in the Complaint. I request a hearing.

Rose Smoke N' Vapor, Inc.

Signature:

By:

Date:

"OFFICIAL SEAL"
TAYLOR SCHWARZ
Notary Public, State of Illinois
My Commission Expires 1/24/2021

Subscribed and sworn to before me

This 13 day of July, 2017.

Taylor Schwarz
Notary Public

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

LAVELLE LAW, LTD.

WRITER'S DIRECT LINE: 224-836-6174

WRITER'S E-MAIL: jvito@lavellelaw.com

WRITER'S DIRECT FAX: 224-836-6175

SENT VIA EMAIL: jmc@hmcpccom

CHICAGO

180 NORTH LASALLE STREET
SUITE 2503
CHICAGO, ILLINOIS 60601
TELEPHONE: 312-332-7555
FACSIMILE: 312-332-4611

SCHAUMBURG

1933 NORTH MEACHAM ROAD
SUITE 600
SCHAUMBURG, ILLINOIS 60173
TELEPHONE: 847-705-7555
FACSIMILE: 847-705-9960

July 13, 2017

Re: Rose Smoke N' Vapor, Inc.

Dear John:

It was very nice speaking with you on the phone. To follow up on our conversation, the following is my clients' position as to the violations.

As to the first violation, my clients believe there is a mistake. However, in an effort to bring about an amicable resolution, they are willing to admit the allegations in the complaint. For purposes of mitigation, the product that was sold did not contain any nicotine, but is simply a flavored oil for fruity-smelling vapor. No nicotine can be ingested from this product. Since the incident, my clients' policy is to check the ID of anyone purchasing any of their products.

As to the second violation, my clients understand that the person who was sold the dispenser should have been made to show ID before they purchased the product. Therefore, they admit to the allegations in the complaint. For purposes of mitigation, the individual sold the dispenser usually comes into the store with individuals that are not under age, and that can buy my clients' products. Because the individual, while never having bought a product before the incident, frequented their store often with individuals who were over 18, a store employee assumed he was over the age of 18. As noted, my client knows that the employee should have asked for ID and that the transaction was in violation of the Code. There was no intention, however, to violate the code.

Please note that all employees have been informed that the store has a strict policy on checking every customer's ID. My clients will admit guilt and wish to mitigate any penalties the City might impose.

I will be able to attend the hearing on July 17th, but due to my obligations to the Village Council of Wheeling I kindly request that this case be put on the call as early as possible. Thank you in advance for your consideration, I look forward to meeting you on Monday.

Sincerely,
LAVELLE LAW, LTD.

Joseph V. Vito
Attorney at Law

	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 6
	Title:	Continuation of a Court Hearing Regarding Liquor License Violation and Citation for the Alibi Bar and Grill, Ltd., located at 12 N. Third Street, St. Charles.	
	Presenter:	Chief Keegan, Police Department	
Meeting: Liquor Control Commission		Date: July 17, 2017	
Proposed Cost: \$ 0	Budgeted Amount: \$ 0	Not Budgeted: <input type="checkbox"/>	
Executive Summary (<i>if not budgeted please explain</i>): <p>This is a continuation of a hearing regarding liquor license violation and citation being brought before the Liquor Control Commission to determine whether the St. Charles local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local liquor license issued to you or impose a fine upon you, or both, by reason of the Complaint of Violation filed by the Chief of Police for allowing a patron to exit the premises with alcohol at 12 N. Third Street, St. Charles, IL 60174, in violation of Section 5.08.250(R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934</p>			
Attachments (<i>please list</i>): Citation and Notice of Hearing Complaint of Violation			
Recommendation/Suggested Action (<i>briefly explain</i>): Continuation of a Court Hearing Regarding Liquor License Violation and Citation for the Alibi Bar and Grill, Ltd., located at 12 N. Third Street, St. Charles.			

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

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

IN THE MATTER OF THE LIQUOR)
LICENSE OF:)
) Case Number 2017-LC-03
ALIBI BAR & GRILL, LTD.)

CITATION AND NOTICE OF HEARING

TO: ALIBI BAR & GRILL, LTD.
 12 N. Third Street
 St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on June 19, 2017 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 5.08.270 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1 et seq.

The purpose of said hearing shall be to determine whether the St. Charles Local Liquor Control Commissioner, pursuant to this authority, shall revoke or suspend the local liquor license issued to you or impose a fine upon you, or both, by reason, 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. IF YOU FAIL TO FILE THE ARRAIGNMENT FORM WITHIN SEVEN (7) 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 5.08.320(A) 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 IN ACCORDANCE WITH SECTION 5.08.320(A). ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TRACY CONTI, AT 630/377-4422.

DATED this 5th day of June, 2017.



Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

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

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

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

IN THE MATTER OF THE LIQUOR)
LICENSE OF:) Case Number 2017-LC-03
Alibi Bar & Grill, Ltd.)
12 N. Third 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. On or about May 28, 2017 at approximately 1:42 a.m., the Licensee, ALIBI BAR & GRILL, LTD. by and through its employees, officers and/or agents, committed one (1) or more of the following offenses in or upon the licensed premises at 12 N. Third Street, St. Charles, Illinois 60174:

OFFENSE

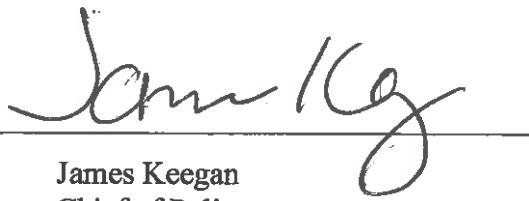
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about May 28, 2017, ALIBI BAR & GRILL, LTD. was operating under a Class B liquor license issued by the City of St. Charles.

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

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

WHEREFORE, the Petitioner, James Keegan, Chief of Police requests pursuant to Section 5.08.320 of the St. Charles Municipal Code that the Local Liquor Control Commission hold a hearing on this matter and take such action against ALIBI BAR & GRILL, LTD. as the 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)
)
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.

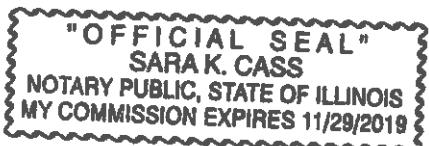


James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 5th day of June, 2017.



NOTARY PUBLIC



ARRAIGNMENT FORM

I, _____, as agent for ALIBI BAR & GRILL, LTD. being a licensee charged with a violation of Chapter 5.16 of the Municipal Code of the City of St. Charles and the Liquor Control Act of 1934, 235 ILCS 5/1-1, et seq. at 12 N. Third Street, St. Charles, Illinois 60174, do hereby:



Admit the allegations set forth in the Complaint, but request a hearing in mitigation in which I will be given an opportunity to present evidence in support of my position to minimize any penalty.



Admit the allegations set forth in the Complaint. I do not request a mitigation hearing.



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

Alibi Bar & Grill, Ltd.

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of June, 2017.

Notary Public

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



Case Report

Summary



Print Date/Time: 06/02/2017 11:55
Login ID: kschult
Case Number: 2017-00011924

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2017-00011924
Location: 0 S 3RD ST BLK
SAINT CHARLES, IL 60174
Reporting Officer ID: 0053 - Grove
Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
Occurred From: 05/28/2017 01:42
Occurred Thru: 05/28/2017 01:42
Disposition:
Disposition Date:
Reported Date: 05/28/2017 01:44 Sunday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	7325	5-08-300	OPEN ALCOHOL IN A PUBLIC PLACE	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
SUSPECT/OFFE NDER	1	NARAMORE, ZACHARY TYLER			WHITE	MALE	27

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.

Vehicles

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

OfficerID: cgrove, Narrative

On 052817 at approx. 0142 hrs I was monitoring the bars clearing out at closing time. I observed a M/W subject identified as Zachary Tyler Naramore,MW, sitting on a partial wall outside of the Alibi Bar, 12 N 3rd St, drinking a bottle of Miller Lite beer. I confiscated the 12oz beer bottle which was half full and poured it out. When asked where he obtained the beer Naramore reported that he bought it at Alibi and walked out of there with it and without being stopped by anyone. Naramore was issued a P-ticket for open alcohol on a public place, 5.08.0300, and was released on the scene. No further action. CG 314

RC321

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: Rich Simpson at 12 N. 3rd St.
_____on the 6th day of June, 2017.

SUBSCRIBED AND SWORN TO
before me this 1st day of June, 2017.

Frank Carr
NOTARY PUBLIC

