



## AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Citation and Notice for The Hotel Baker

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 (10/21/13)

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 violation being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local liquor license issued for The Hotel Baker or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about September 5, 2013.

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

Citation and Notice of Hearing  
Complaint of Violation

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

Discussion regarding Citation and Notice for The Filling Station.

*For office use only:*

*Agenda Item Number: 4*

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 LIQUOR )  
LICENSE OF: )  
 ) Case Number 2013-LC- 02  
JDB Investment Group, LLC, )  
d/b/a Hotel Baker )

**CITATION AND NOTICE OF HEARING**

TO: JDB Investment Group, LLC, d/b/a Hotel Baker  
100 West Main Street  
St. Charles, IL 60174

**PLEASE TAKE NOTICE THAT** on October 21, 2013 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 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 Lamkin, 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. YOU MUST COMPLETE AND RETURN THE ARRAIGNMENT FORM WITH SEVEN (7) CALENDAR DAYS PRIOR TO THE HEARING. THE ARRAIGNMENT FORM SHOULD BE COMPLETED AND FILED WITH THE CITY CLERK. IF YOU FAIL TO FILE THE FORM WITHIN SEVEN (7) CALENDAR DAYS PRIOR TO THE HEARING, A PLEA OF NOT GUILTY SHALL BE ENTERED ON YOUR BEHALF BY THE VILLAGE CLERK. IF YOU SUBSEQUENTLY ENTER A PLEA OF GUILTY OR ARE FOUND GUILTY AFTER A HEARING, THEN 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.**

DATED this 12<sup>th</sup> day of September, 2013.

  
Raymond Rogina, Local Liquor Control Commissioner  
City of St. Charles

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

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: MIKE PEGAKI at 3:40 PM  
\_\_\_\_\_ on the 12<sup>th</sup> day of September, 2013.

Devin 359

SUBSCRIBED AND SWORN TO  
before me this 12<sup>th</sup> day of September, 2013

Sara K Cass  
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 LIQUOR )  
LICENSE OF: )  
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JDB Investment Group, LLC )  
d/b/a Hotel Baker )  
100 West Main Street )  
St. Charles, IL 60174 )

**COMPLAINT OF VIOLATION**

**NOW COMES** the Petitioner, James Lamkin, 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 September 5, 2013 at approximately 12:09 a.m., the Licensee, JDB Investment Group, LLC, d/b/a Hotel Baker, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 100 W. Main Street, St. Charles, Illinois 60174:

**OFFENSE**

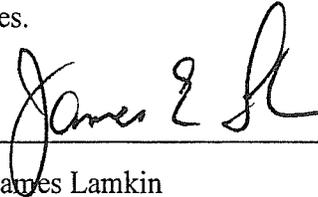
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about September 5, 2013, JDB Investment Group, LLC, d/b/a Hotel Baker was operating under a Class D-2 liquor 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 Section 5.08.250 (R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, JDB Investment Group, LLC, d/b/a Hotel Baker, 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 Lamkin, 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 JDB Investment Group, LLC, d/b/a Hotel Baker as the Commissioner shall deem appropriate under the circumstances.



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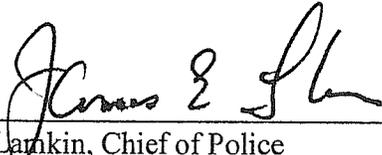
James Lamkin  
Chief of Police  
City of St. Charles, Illinois

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 Larkin, Chief of Police

SUBSCRIBED AND SWORN TO  
before me this 12<sup>th</sup> day of September, 2013.

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



## ARRAIGNMENT FORM

I, \_\_\_\_\_ being a licensee charged a violation of Chapter 5.08 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 address of license, 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 will attend a hearing.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# Case Report Summary



Print Date/Time: 10/25/2013 12:20  
 Login ID: kschult  
 Case Number: 2013-00018506

ST CHARLES POLICE DEPARTMENT  
 ORI Number: IL0451400

### Case

<b>Case Number:</b> 2013-00018506 <b>Location:</b> S 1ST ST / W MAIN ST SAINT CHARLES, IL 60174 <b>Reporting Officer ID:</b> 0140 - Ocasek	<b>Incident Type:</b> 7325 OTHER ORDINANCE VIOLATIONS <b>Occurred From:</b> 09/05/2013 00:09 <b>Occurred Thru:</b> 09/05/2013 00:09  <b>Disposition:</b> <b>Disposition Date:</b> <b>Reported Date:</b> 09/05/2013 00:09 Thursday
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### 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
ARRESTEE	1	SCHAUS, ANDREW J	[REDACTED]		WHITE	MALE	32

### Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
17660 A	SCHAUS, ANDREW J	W MAIN ST / S 1ST ST SAINT CHARLES, IL 60174	09/05/2013 00:09	ON VIEW	32

### Property

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

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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OfficerID: Tocasek, Narrative

On 090513 at approx. 0009 hours, I was traveling W/B on W. Main St. at 1st St. At that time, I observed a male exit the Hotel Baker with a dark colored bottle in his right hand. When the male saw me drive by, he attempted to conceal the bottle.

After I drove passed the male, later identified as Andrew J Schaus, he traveled S/B across W. Main St. on 1st St. I turned my squad around and approached Schaus at 1st. St. and W. Main. As I got out of my squad to speak with Schaus, Schaus said to me "should I just throw it away". I asked Schaus if it was alcohol, and he stated that it was. Schaus stated that he brought the 12 oz glass bottle of Angry Orchard Hard Cider from the Hotel Baker. Schaus apologized for bringing the bottle out, and stated that he had "debated putting it in a cup" before leaving the hotel. Schaus was informed that any form of open alcohol will receive a citation. The beverage was poured out and disposed of. Schaus was issued a local ordinance citation for Open Alcohol in a Public Place (5.08.300). Schaus accepted the citation without incident.

At this time there is nothing further to report.

Cleared by adult arrest/local.

TEO #367