



ST. CHARLES  
SINCE 1834

## AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Citation and Hearing Notices for House of Tokyo

Presenter: Mayor Rogina

*Please check appropriate box:*

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input type="checkbox"/>	City Council
<input type="checkbox"/>	Public Hearing	<input checked="" type="checkbox"/>	Liquor Control Commission (6/16/14)

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

**Executive Summary:**

This is a complaint of violations being brought before the Liquor Control Commission to determine whether the St. Charles Local Liquor Control Commission, pursuant to this authority, shall revoke or suspend the local liquor licenses or impose a fine upon by reason of the Complaint of Violations filed by the City of St. Charles for occurrences happening on or about April 30, 2014 with the House of Tokyo, 2762 East Main Street, St. Charles.

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

Citation and Notice of Hearing

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

Discussion Regarding Citation and Hearing Notices for House of Tokyo

<i>For office use only:</i>	<i>Agenda Item Number: 5</i>
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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 2014-LC-06  
House of Tokyo, Inc. )

**CITATION AND NOTICE OF HEARING**

TO: House of Tokyo, Inc.  
2762 East Main Street  
St. Charles, IL 60174

**PLEASE TAKE NOTICE THAT** on June 16, 2014 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, Steve Huffman, 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(B) 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(B). ANY AND ALL QUESTIONS MUST BE DIRECTED TO THE CITY ATTORNEY, JOHN McGUIRK, AT 630/513-8700 OR TO THE DEPUTY CITY CLERK, TINA NILES, AT 630/377-4422.**

DATED this 5<sup>th</sup> day of June, 2014.

  
Raymond Rogina  
Local Liquor Control Commissioner  
City of St. Charles

cc: Mark Koenen, City Administrator  
Chief of Police, Steve Huffman

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: Sung PARK at 2762  
East Main St on the 5<sup>th</sup> day of June, 2014.

Sgt Tom Shew

SUBSCRIBED AND SWORN TO  
before me this 5<sup>th</sup> day of June, 2014.

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: )  
 ) Case Number 2014-LC-06  
House of Tokyo Inc. )  
2762 E Main St. )  
St. Charles, IL 60174 )

**COMPLAINT OF VIOLATION**

**NOW COMES** the Petitioner, Steve Huffman, 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 April 30, 2014 the Licensee, House of Tokyo, Inc., by and through its employees, officers and/or agents, committed the following violations of the St. Charles Liquor Code:

**OFFENSES**

**(Count I)**

Failed to pay the license fee for the year beginning on May 1, 2014 in that is it presented an insufficient funds check in the amount of \$1200.

**(Count II)**

Failed to pay alcohol tax of a penalty of \$150 and has on three occasions filed its alcohol taxes late in violation of 3.42.090 of the Alcohol Tax Ordinance.

3. On or about April 30 2014, House of Tokyo, Inc. was operating under a Class B liquor license issued by the City of St. Charles.

4. That the acts detailed in Section 2 and 3 of this Complaint of Violation each are prohibited and are in violation of and contrary to Section 5.08.270 (R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934 and in violation of Section 3.42.090 of the Alcohol Tax Ordinance.

5. That the Licensee, House of Tokyo, 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, Steve Huffman, 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 House of Tokyo, Inc. as the Commissioner shall deem appropriate under the circumstances.

A handwritten signature in black ink, appearing to read 'S. Huffman', is written over a horizontal line.

Steve Huffman  
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.

  
\_\_\_\_\_  
Steve Huffman, Chief of Police

SUBSCRIBED AND SWORN TO  
before me this 5<sup>th</sup> day of June, 2014.

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



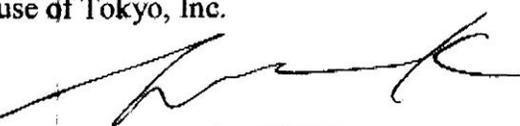
## ARRAIGNMENT FORM

I, SUNGT PARK, as agent for House of Tokyo, being a licensee charged with 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 2762 East Main St., St. Charles, Illinois 60174, do hereby enter a plea of:

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

House of Tokyo, Inc.

Signature:

By: 

Date:

6/05/14

Subscribed and sworn to before me

This Fifth day of June, 2014.

\_\_\_\_\_  
Notary Public

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

**BMO HARRIS BANK N.A.**

P.O. Box 94033, Palatine, IL 60094  
Date: May 08, 2014 Advice D-100832

Acct: 29/5710021350

We are charging your account and returning  
unpaid items previously deposited. The  
return reason is indicated on the check(s).  
Please contact 1-888-340-2265 with any questions.  
CONSUMERS ONLY: See back for Check 21 information

SEQ # ITEM AMOUNT  
937000800 1,200.00

CITY OF ST CHARLES  
DEPOSITORY ACCOUNT  
2 E MAIN ST  
ST CHARLES, IL 60174

1 Item charged totaling \$1,200.00

Advice Total \$1,200.00

⑆402333198⑆ 000005710021350⑆ ⑆0000100832⑆

\*071900595\*  
05/08/2014  
937000800

This is a LEGAL COPY of your  
check. You can use it the same  
way you would use the original  
check.

RETURN REASON-A  
NOT SUFFICIENT FUNDS

⑆071000288⑆ 04/30/2014  
47050000546407

7976

**HOUSE OF TOKYO INC.**  
2762 E MAIN ST.  
ST. CHARLES, IL 60174

DATE 4/30/14 1-1324-260

PAY TO THE ORDER OF CITY of ST CHARLES \$ 1200.00

one HUNDRED two hundred 00 DOLLARS

**RETURN REASON-A  
NOT SUFFICIENT FUNDS**

**BBCN Bank**  
ARLINGTON HEIGHTS OFFICE - (848) 811-8272  
85 W. GOLF RD., ARLINGTON HEIGHTS, IL 60005

FOR \_\_\_\_\_

*[Signature]*

⑆007976⑆ ⑆026013246⑆ ⑆1007434⑆

⑆007976⑆ ⑆026013246⑆ ⑆1007434⑆ ⑆0000120000⑆

# History of House of Tokyo Incidents/Violations

Delinquent on Alcohol Sales Tax	November 2010	Fine \$500 (\$250 fine/\$250 legal)