



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Discussion Regarding Citation and Notice for Alibi Bar & Grill, Ltd.

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 (7/21/14)

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 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 Filling Station or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about June 6, 2014.

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 2014-LC-07
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 July 21, 2014 at the hour of 4:45 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(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, TINA NILES, AT 630/377-4422.

DATED this 7th day of July, 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: ✓ Rich Simpson JS at ✓ 12 W 3rd street
July 9th 4:45pm on the 9th day of July, 2014. St Charles IL 60179

Sgt Tom Shaw

SUBSCRIBED AND SWORN TO
before me this 10th day of July, 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-07
Alibi Bar & Grill, Ltd.)
12 N. Third Street)
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 interim 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 6, 2014 at approximately 10:39 p.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:

FIRST OFFENSE

Sold alcoholic beverages outside its licensed premises and/or allowed the consumption of alcoholic purchased on its premises to be consumed outside its licensed premises.

SECOND OFFENSE

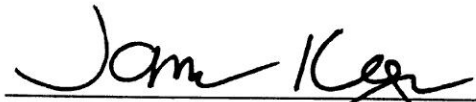
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about June 6, 2014, ALIBI BAR & GRILL, LTD. was operating under a Class B 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 5.08.260(E) and Section 5.08.260(D) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, THE FILLING STATION. 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 THE FILLING STATION. as the Commissioner shall deem appropriate under the circumstances.



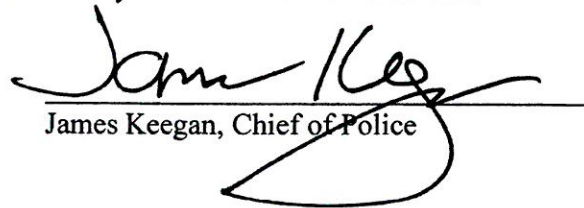
James Keegan
Chief of Police
City of St. Charles, Illinois

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)
) 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 4th day of July, 2014.



NOTARY PUBLIC



ARRAIGNMENT FORM

I, _____, as agent for ALIBI BAR & GRILL, LTD. 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 **12 N. Third Street, St. Charles, Illinois 60174**, do hereby enter a plea of:

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

Guilty, I do not request a hearing.

Not Guilty. I request a hearing.

◇

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of July, 2014.

Notary Public

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



Case Report Summary



Print Date/Time: 07/16/2014 09:39
Login ID: krust
Case Number: 2014-00010905

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2014-00010905
Location: 12 N 3RD ST
SAINT CHARLES, IL 60174
Reporting Officer ID: 0104 - Runkle
Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
Occurred From: 06/01/2014 01:50
Occurred Thru: 06/01/2014 01:50
Disposition:
Disposition Date:
Reported Date: 06/01/2014 01:24 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
ARRESTEE	1	LATHROP, AMANDA K	202 N 15TH ST SAINT CHARLES, IL 60174		WHITE	FEMAL E	21
OTHER PERSON	1				WHITE	MALE	23
OTHER PERSON	2				WHITE	FEMAL E	21

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
18466 A	LATHROP, AMANDA K	12 N 3RD ST SAINT CHARLES, IL 60174	06/01/2014 01:24	ON VIEW	21

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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Case Report Summary



Print Date/Time: 07/16/2014 09:39

ST CHARLES POLICE DEPARTMENT

Login ID: krust

ORI Number:

IL0451400

Case Number: 2014-00010905

OfficerID: Brunkle, Narrative

On 060114 around 0150 I was on foot patrol near the west side bars when I observed a female subject () who was highly intoxicated sit on the ground after she dropped her purse and was unable to keep her balance when trying to bend over to pick it up. simply sat on the sidewalk so I decided to go check her wellbeing. As I was walking over towards her, her friends (Amanda Lathrop and) were quick to come over. As her friends came over I noticed that was carrying a clear plastic cup that contained a red beverage with a straw and ice in it as well. I asked if the cup contained an alcoholic beverage and he said it did. set the beverage on the ledge right outside the rear or north door of Alibi.

I asked where he had come from and told me he just left the Alibi Bar. was reluctant to provide me with many clear details and eventually asked to speak to me around the corner away from his girlfriend Amanda Lathrop. Prior to me walking around the corner The owner of the Alibi Richard Simpson Sr. cracked the rear door just enough to reach his arm out and grabbed the drink from the ledge pulling it into the bar. I quickly stopped him informing him that it was my evidence at this point.

Speaking to around the corner he told me that the drink was Lathrop's and that she had handed it to him when she saw me walking over to told me that he didn't want to rat his girlfriend out but he was on probation and didn't want any trouble. I asked Lathrop if it was in fact her drink and she admitted it was hers telling me that it was vodka with cranberry juice. I asked Lathrop where she had purchased the drink. Lathrop told me she got it from Alibi. I asked Lathrop if she had just left the Alibi and she said she did. I asked her if she snuck the drink out and she told me that she simply walked out the west (3rd St.) door with the drink in her hand (holding her right hand at waist level when demonstrating how she walked out). I asked her if anyone checked as she walked out and she said no she just walked out.

Lathrop was informed that she would be issued a citation for open alcohol in a public place. Lathrop was issued an ordinance citation for the offense. I did notice when walking around the exterior of the Alibi that there were two other used plastic cups the same as the one Lathrop had laying on the sidewalk outside the Alibi that had been discarded. At this time I have no further information in regard to this incident. Case closed by adult arrest.

JAC

Routing:

History of Alibi Bar & Grill Incidents/Violations

Violation on premise after hours	May 2012	\$1000 fine/ \$500 legal
Violation gave away alcohol for commercial purpose (free)	September 2012	\$1000 fine/ \$500 legal
Violation loitering of intoxicated person(s) on premise and sold alcohol to intoxicated person(s)	January 2013	\$2000 fine/ \$500 legal and license suspended for 3 business days (March 20 -23, 2013)