ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion Regarding Citation and Notice for The Filling Station
Presenter:	Mayor Rogina

Please check appropriate box:

	Government Operations		Government Services
	Planning & Development		City Council
	Public Hearing	X	Liquor Control Commission (8/18/14)

Estimated Cost:		Budgeted:	YES		NO	

If NO, please explain how item will be funded:

Executive Summary:

This is an Order of Continuance from the July 21, 2014 Liquor Control Commission whereby 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 July 10, 2014.

Attachments: *(please list)*

Citation 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:* 5

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-01
THE FILLING STATION)

ORDER OF CONTINUANCE

THIS CAUSE COMING ON TO BE HEARD before the Local Liquor Control Commissioner of the City of St. Charles and the Licensee having appeared and having requested a continuance:

IT IS HEREBY ORDERED that the Hearing on the Complaint of Violation previously served upon THE FILLING STATION is continued to August 18, 2014.

Dated at St. Charles, Illinois this 28th day of July, 2014.

ENTER: Raymond P. Rogina

Raymond Rogina,
Local Liquor Commissioner
City of St. Charles

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: KAYLEIGH KOSATKA at FILLING STATION BAR on the 29 day of July, 2014.

SUBSCRIBED AND SWORN TO
before me this 29th day of July, 2014.

NOTARY PUBLIC

"OFFICIAL SEAL"
SARA K. CASS
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 11/29/2015

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:)
)
THE FILLING STATION) Case Number 2014-LC-08

CITATION AND NOTICE OF HEARING

TO: THE FILLING STATION
300 W. Main Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on July 21, 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, 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, TINA NILES, AT 630/377-4422.

DATED this 14th day of July, 2014.

Raymond P. Rogina

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 LIQUOR LICENSE OF:

THE FILLING STATION
300 W. Main Street
St. Charles, IL 60174

Case Number 2014-LC-08

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 10, 2014 at approximately 2:01 a.m., the Licensee, THE FILLING STATION 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 300 W. Main Street, St. Charles, Illinois 60174:

FIRST OFFENSE

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

SECOND OFFENSE

Failed to maintain an employee or agent posted during the required hours at each entrance to the licensed premises.

3. On or about July 10, 2014, THE FILLING STATION 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

ARRAIGNMENT FORM

I, _____, as agent for THE FILLING STATION 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 **300 W. Main Street, St. Charles, Illinois 60174**, do hereby enter a plea of:

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

☐ Guilty, I do not request a hearing.

☐ Not Guilty. I request a hearing.

THE FILLING STATION

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 12:15
Login ID: kschult
Case Number: 2014-00014140

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Filling Station

Case

Case Number: 2014-00014140
Location: 300 W MAIN ST
SAINT CHARLES, IL
60174
Reporting Officer ID: 0074 - Burden

Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
Occurred From: 07/10/2014 02:01
Occurred Thru: 07/10/2014 02:08
Disposition:
Disposition Date:
Reported Date: 07/10/2014 02:08 Thursday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	7325	5-08-260-E	SALE/CONSUMP OF ALC ON A LICENSED PREMISE ONLY	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
OTHER PERSON	1	PHILLIPS, EMILY	300 W MAIN ST SAINT CHARLES, IL 60174				
SUSPECT/OFFENDER	1	THE FILLING STATION	300 W MAIN ST SAINT CHARLES, IL 60174	(630)584-4414			

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

Case Report

Summary

Print Date/Time: 07/16/2014 12:15
Login ID: kschult
Case Number: 2014-00014140

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

OfficerID: Jburden, Narrative

07/10/2014 (Thursday)- at approx 0201 hrs, I noticed several subjects (15-20) that were standing on the sidewalk directly in front of THE FILLING STATION'S south side patio gate-300 block of W. Main Street. As I drove closer to them (unmarked squad #23-full uniform) I could see that some of them were holding open 12 oz bottles of alcohol (found to be at least 1/2 full). I exited my squad and counted 5 male subjects holding the open alcohol. A female subject was seen drinking from a plastic cup, but the content of said cup was found to be water. One of the male subjects put his open beer bottle on the brick wall just west of the gate entrance and the others put their open beer bottles on the sidewalk as I confronted them.

They all said that they had just exited THE FILLING STATION and that nobody stopped them from walking out onto the sidewalk-nor did they try to conceal the beer. They were all looking for a taxi ride to THE Q CENTER on N. 5th Ave. The subjects are all from out of town and claim they didn't know about the open alcohol laws here. I asked the subjects to place their open beer bottles into the garbage container on the sidewalk in front of THE FILLING STATION, which four of them did do. The fifth bottle remained on the brick wall as I walked into THE FILLING STATION to speak with a manager-or owner PETE MILLIGAN if he was present.

I met with the manager on duty-EMILY PHILLIPS-who acknowledged that the subjects I found with the open beer bottles did come from THE FILLING STATION. She herself removed the beer bottle from the brick wall and disposed of it. From speaking with EMILY PHILLIPS, I learned that only one bouncer/door person was working and that he was securing the north entrance door which is when the 5 subjects with the open beer bottles must have walked out from the patio area undetected.

I advised EMILY PHILLIPS that I would document 2 liquor code violations against the bar which will be forwarded to the liquor commission. One violation is for allowing alcohol consumption off the premises (5.08.260E) and the other for not having an employee at both entrances at all times between 2300 hrs and closing (5.08.260D). I showed her both sections in the liquor code and also answered a question she had regarding times allowed for live entertainment. I took a picture of the four beer bottles placed into the garbage can and will submit same with this report.

NO FURTHER ACTION

jac

Routing:

History of Filling Station Incidents/Violations

Incident Report – Consumption of alcohol on public place	2005	No Action
Incident Report – Possession of alcohol on public property	2006	No Action
Violation – Sale of alcohol to underage person	April 2007	$500 fine/$500 fee
Violation – Consumption of alcohol on public place	November 2007	$500
Violation – Sale of alcohol to underage person	2009	Never Processed
Violation – public on premise after hours and consumption of alcohol after hours	2011	$1,000 fine/$500 fee
Incident – Outside amplified sound after hours	June 2012	Warning Letter
Allowed a patron to exit premises while in possession of an alcoholic beverage	August 2013	Went to a Public Hearing – found guilty and penalties incur were: 2 hour early closing from midnight to 2:00 a.m. November 9, 2013 and fees of $2,232.50