

**AGENDA
CITY OF ST. CHARLES
LIQUOR CONTROL COMMISSION MEETING**

**MONDAY, JUNE 16, 2014
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET**

1. Call to Order.
2. Roll Call.
3. Liquor Violation Hearing for Alley 64.
4. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on April 21, 2014 and minutes of the Liquor Control Commission meeting held on May 19, 2014.
5. House of Tokyo Violation Notice.
6. Recommendation for direction to draft an E-7 liquor license for Committee and Council approval.
7. Other Business.
8. Executive Session (5 ILCS 120/2 (c)(4)).
9. Adjournment.

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, APRIL 21, 2014**

1. Opening of Meeting

The meeting was convened by Liquor Commissioner Rogina at 4:22 p.m.

2. Roll Call

Members Present: Liquor Commissioner Rogina, Robert Gehm, Ald. Payleitner, and Ald. Lewis

Absent: Chuck Amenta

Others Present: Interim Police Chief Huffman, Mark Koenen, Atty. John McGuirk, and Tina Nilles

3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on February 18, 2014

Motion by Ald. Payleitner, second by Mr. Gehm to approve minutes of the February 18, 2014 Liquor Control Commission Meeting.

Voice Vote: Ayes: Unanimous; Nays: None; Absent: Amenta. Chrmn. Rogina did not vote as chair. **Motion carried.**

4. Consideration of a recommendation of a new Class B liquor license for Riverside Pizza & Pub to be located at 102 E Main Street, St. Charles (former Pi's location).

Chrmn. Rogina: Steve Nilles is present tonight along with his partner, Jay Berg. There are also two additional partners – Mark Bridges and Steve Polizzi who are not here. We will be recommending consideration of this liquor license to the Government Operations Committee on May 5th.

Steve Nilles, Property Owner of 102 E. Main Street, St. Charles: We are looking to open a sit down / takeout delivery /pizzeria / pub. We have submitted the application for your approval.

Chrmn. Rogina: You have provided a very thorough summary of what you intend on doing. We'll open the floor for questions.

Aldr. Payleitner: Just a comment: I applaud the thoroughness of your proposed plan, and appreciate the expertise and experience you are bringing in.

Motion by Mr. Gehm, second by Ald. Payleitner to recommend a new Class B liquor license for Riverside Pizza & Pub to be located at 102 E Main Street, St. Charles (former Pi's location).

Roll Call: Ayes: Gehm, Payleitner, Lewis; Nays: None; Absent: Amenta. Chrmn. Rogina did not vote as chair. **Motion carried.**

Chrmn Rogina: Congratulations – now this will go before the Government Operations Committee on May 5, and then before the City Council for final approval on May 19. We welcome you to St. Charles and we wish you nothing but the best.

5: Recommendation to approve Class B&C late night permit requests for FY14/15 to City Council for final approval.

Chrmn Rogina: This item will go before City Council tonight. These are now all base B and C licenses with late night permits. These permit requests represent ~43% of all B and C licenses that we have. There are a total of 58 permits and 24 out of 58 have applied for late night permits. We are starting out as a brand new school year so I recommend we start from scratch and issue these late night permit requests.

Motion by Ald. Payleitner, second by Mr. Gehm to recommend approval of Class B&C late night permit requests for FY14/15 to City Council for final approval.

Roll Call: Ayes: Gehm, Payleitner, Lewis; Nays: None; Absent: Amenta. Chrmn. Rogina did not vote as chair. **Motion carried.**

Mayor Rogina: City Administrator, Police Chief and myself will be having another meeting in May with the licensees to try and set the tone for a good year for which we are all on the same page in trying to work for a fun, vibrant downtown with reduced chaos.

6. Discussion regarding Citation and Hearing Notices for:

- a. Alley 64**
- b. Rookies**
- c. St. Charles Bowl**
- d. Thirsty Fox**
- e. WalMart**

Chrmn. Rogina: I will be calling each of the licensees forward on the citation notices that Chief Huffman has issued. As your establishment is called forward, I will read the violation, and you can enter a plea. If you disagree with the charges or plead not guilty, we will set a date for a future hearing. If you plead guilty you will have the opportunity to speak to the commission. I intend to have one executive session at the end for all five of these petitions.

Alley 64: Has not arrived yet, did not contact the Mayor's office, will circle back.

Rookies - 1545 W. Main St., St. Charles

Chrmn. Rogina: For the record on or about February 27, 2014 at approximately 8:50 p.m., the licensee, BK & MM Ventures, LLC (Rookies 1, All American Pub & Grill) by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 1545 W Main Street, St. Charles, IL – offense was serving alcoholic liquor to a person under the age of 21 years of age.

Bob Karras, 655 Oak Lane, So. Elgin and Mike Mandus, 244 S. 17th St. Charles, IL

We are aware of this happening and plead guilty and on a side note we do take our liquor license very seriously and not serving to minors. We have nine locations and this is something we take very seriously. Our record is not spotless but has been fairly clean for St. Charles.

Chairman Rogina: I would concur with your record. You have had two offenses: one in December 2011 – sale of alcohol to a minor and in October 2012 harboring sale of alcohol to an intoxicated person. We appreciate you have come forward here tonight.

Ald. Lewis: I take this offense very seriously serving to underage and it's hard for me to understand why that would ever happen. I want to make people aware of how I feel about this particular offense.

Rookies: It is difficult and a daily battle for us. It is not that our servers/bartenders want to serve minors; it is more their inexperience or the naiveté of their youth. It's a daily battle and it can happen to the most experience employee we have. We tell them to card patrons who are 30, even 40 and under if the bartender is in question. The managers do watch, and if they come across a situation where a patron does not have an ID, they take away the drink and refund the money. It's something we take seriously. We do appreciate the wakeup call. One thing we do now for new hires is to make sure they have their BASSET training ahead of time so we don't have to worry about the training after they start. We did suspend the employee. I am not sure about St. Charles, but we have found (at other locations) that when the employee is ticketed and fined for the offense, it is a good deterrent to that happening again.

Chrmn. Rogina: This was a State of Illinois compliance check. There are a lot of entities watching here and this is a punishable offense. Rookies, on a positive note, is very popular here in our town. We want to accentuate the positive and hopefully eradicate and minimize to zero opportunities for a mis-step in the future.

Ald. Lewis: What time did this happen?

Rookies: At 8:50 p.m. This happened at table service, not at the bar. Unfortunately there are less experience servers at the tables than our bartenders who are more experienced.

LA Manson/St. Charles Bowl - 2520 W. Main St., St. Charles

Chrmn. Rogina: On or about March 21, 2014 at approximately 6:55 p.m., the licensee, L. A. Manson Corporation (St. Charles Bowl), by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 2520 W Main Street, St. Charles, IL an offense in serving alcoholic liquor to a person under the age of 21 years.

Dorothy Heck, 1740 Margaret Lane, Aurora, IL: We plead guilty. This should not have happened. We had a new employee who been there about 5 weeks and when this occurred he was terminated immediately. Our policy is zero tolerance on serving minors. That's important to us and it sends a message. Training is important to us and we do a 35 and under carding. Unfortunately this occurred right after an employee found an ID (underage) at our premise and we turned it into the police; but we are a family-type business and it's very important to us that this doesn't happen again and will make sure that it does not.

Chrmn Rogina: I want to accentuate the positive and mention that one of your staff caught a minor who falsified an ID and reported it to us. Chief Huffman and I sent a letter out to your establishment to commend you for that. We are throwing in the good with the bad here and so we do accept your plea.

Alder Payleitner: We appreciate your zero tolerance policy.

St Charles Bowl: We have to be that way especially when you have various ages in there.

Ald. Lewis: Are your employees aware of your zero tolerance policy.

St. Charles Bowl: Yes they are told this at time of employment.

Walmart Store: 150 Smith Road, St. Charles

Chrmn Rogina: A representative is not present. They have received notification and are entering a guilty plea. On or about February 27, 2014 at approximately 7:25 p.m., the licensee, Wal-Mart Stores, Inc., by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 150 Smith Road, St. Charles, IL who sold alcoholic liquor to a person under the age of 21 years. This was a state compliance check.

Thirsty Fox Pub

Chairman Rogina: No plea, but they have asked for a continuance for next month.

Motion by Mr. Gehm, second by Ald. Payleitner for a continuance for Thirsty Fox for next month (May 2014).

Aldr. Lews: is there a reason?

Tina: They had a big event tonight and did not have ample staff on duty for them to attend.

Chairman Rogina: Under advice of legal counsel, they request a continuance to May 19.

Roll Call: Ayes: Gehm, Payleitner, Lewis; Nays: None; Absent: Amenta. Chrmn. Rogina did not vote as chair. **Motion carried.**

Alley 64: 212 W. Main St

Chrmn. Rogina: Since they have not arrived yet, I entertain a motion for a continuance to take this up next month as well.

Motion by Mr. Gehm, no second.

Attorney McGuirk: My thought is they are in default. They have been provided with notice. If you want to consider that as a finding of guilty based on their default, we can do that. Since you have another matter next month, you might want to give them another opportunity.

Chrmn. Rogina: There is no second to the motion so that would mean we simply go back and find them in default for not appearing. That would be a guilty plea. Are they entitled to come here next month and in affect appeal a decision?

Atty. McGuirk: We can vacate it at that point and hear their mitigation. That's up to you.

Chrmn. Rogina: Since there is no second on this, we will enter a guilty plea on matter of the liquor license for Alley 64. I will read the offense into the record. On or about March 4, 2014, at approximately 2:03 a.m., the licensee, Alley 64, Inc. by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 212 West Main Street, St. Charles, IL – offense was after hours violation – remained open for business and permitted individuals to remain within its premises during hours in which the sale of alcoholic liquor is prohibited. By default we are entering a guilty plea. Does that require a motion?

Atty. McGuirk: That's fair. In looking at our notice to them, we indicated (and this is to all of them) if they don't get the arraignment form to us, that at this hearing we would enter a plea of not guilty and set this matter to a later date. So that's the appropriate action.

Chrm. Rogina: We are vacating our original position and are entering a not guilty plea by their absence, and scheduling a hearing at a future date per our notice. Are there any questions or comments? We are going to just follow procedure.

Alderman Lewis: Can they keep doing this every month?

Attorney Mc Guirk: No – we will have a hearing next month. We will send them notice indicating that based on the hearing today that we've enter a plea of not guilty and have set it for another hearing and will provide them with another notice.

7. Other Business

Bob: I was approach by a board member of the Steele Beam Theatre and they were reviewing the new liquor ordinance we have. They had a question that a \$1,000 license fee is really cost prohibited for the 18 shows they have a year. Just for information is there a special use in our ordinance. I don't know where to point them to look.

Chrmn. Rogina: The fact of the matter is that you are not the only person Steele Beam has talked to on that matter. Staff has done a good job on advising them as to the parameters on that. Again the Council can do anything they want with respect to the ordinance but at this point the Council has been in strong support as we established the new liquor ordinance for this year. We'll move forward on that.

Ald. Lewis: I appreciate the new owners of the Riverside Pizza but before they get too far into their new restaurant, I'm wondering if there is some way we can suggest or make sure that we don't end up in situations where people buy buildings, start their renovations, put out their press releases, and they haven't even attempted to try and get a liquor license; so we are not coming down at the 11th hour as the last thing, but pretty much the first thing they need to get before they get too far into their project.

Chrmn. Rogina: My thoughts are if you are a business person who wants to move into a business in a particular locale, especially if they want to sell liquor, you have an obligation to look at all the parameters. With liquor you know you're going to face the City Council to approve that license. It seems they would have an attorney that would advise them of that. I don't know from my perspective that we should be there holding their hand every step of the way. Your point is well taken from the standpoint that sometimes they do things as if expecting it but the City is strong in not providing any expectations. Here are the guidelines you have to follow and if you get to the last vote of the City Council then you are in.

Mark: I think you are on task here. If we see something going on it's just a common courtesy to say did you apply for your liquor permit. I don't think we necessarily want to take on an obligation to make sure we assist people in making sure they do it. So we take on some responsibility if we don't tell someone or we're responsible that we did bring them down here conversely as well. It's a common courtesy to help a person out, make sure they have what they need, but if you're in the liquor business, if you don't know that you need a permit, than maybe you're in the wrong business.

Ald. Lewis: I agree with you that we don't need to hold someone's hand, but I want to be on record saying just because you buy a building and want to do it for this use, there could be a possibility that wouldn't get a liquor license.

Mark: A lot of times people buy a building on contingency so as not to be in that position; sometimes it's relating to zoning or related to a use. There are all types of conditions you can make an offer and proceed on.

Bob: Like going before the Zoning Board and saying I want to have liquor and they would say these are the steps you need to do.

Tina: To back up Mark's comment, anytime I get a phone call inquiring about liquor, I do tell them these are the steps and of course there is final approval of council.

Chrmn. Rogina: At least twice since I've been Mayor in this last year, I've said I can't speak for the City Council in what they would decide as far as your license is concern so I would advise them to have their vote in order before you do anything else.

Chairman Rogina: I ask for a motion to move to Executive Session

8. Executive Session

Motion by Mr. Gehm, second by Ald. Payleitner to move into Executive Sessaon at 4:47 p.m. to discuss liquor violations.

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

Motion by Ald. Lewis, second by Payleitner to return from Executive Session at 5:25 p.m.

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

9. Adjournment

Motion to adjourn by Mr. Gehm, second Ald. Lewis at 5:30 p.m.

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

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, MAY 19, 2014**

1. Opening of Meeting

The meeting was convened by Liquor Commissioner Rogina at 4:22 p.m.

2. Roll Call

Members Present: Liquor Commissioner Rogina, Robert Gehm, Ald. Payleitner, and Ald. Lewis

Absent: Chuck Amenta

Others Present: Interim Police Chief Huffman, Mark Koenen, Atty. John McGuirk, and Tina Nilles

3. Discussion on tobacco licensing and governance for information and advisement.

Chrmn. Rogina: As a backdrop to this item, we've had a variety of different compliance checks going back years on both liquor and tobacco. With respect of alcohol to minors the penalties are pretty sturdy and the licensee has a tough burden. With respect to tobacco, my inquiry on recent incidents where a retail owner was cited with a tobacco license, I asked what was he fined? \$25.00 and I thought there is a disparity here. This conversation started with Chief Huffman as to whether or not this body might bring itself to get involved in a conversation about tobacco with the idea we would then move it along to City Council to stiffen the penalties on the sale of tobacco to minors and more importantly to provide some due process to this whole matter so there would be a hearing, get the details, and have a chance to question as we do with liquor licensees as to why is this happening. This is just for discussion for us to begin a process. We are not here to take any action tonight.

Interim Police Chief Huffman: St. Charles Police Department has participated in the Illinois Liquor Control Commission "Kids Can't Buy Them Here" tobacco since 2003. We have received grant money from the Commission to conduct tobacco enforcement/tobacco compliance checks. That means three to four times a year detectives go out with minor kids, teenagers between 16/17 years of age, and we conduct compliance checks at every tobacco retail business in the City.

What we found is consistency in violations varies from year to year. When we do get a violation we cite the clerk who sold the cigarettes to the minor. There really isn't a whole lot of sanctions against the business itself. The State of Illinois does not issue tobacco licenses, but the City of

St. Charles does. There isn't anything in place for a tobacco license holder that we could sanction against a retail establishment.

What we like to discuss with you for consideration is drafting an ordinance that would merge our tobacco program under the authority of the Liquor Control Commissioner with the advisement of the Liquor Control Commission. We would put in place a due process for violations against that tobacco license for suspension, fines, and revocation with a greater fine structure. The fine structure that is currently in place is \$25 - \$500; however right now that goes in front of our Adjudication Hearing Officer or even the 16th Judicial Court which isn't set up to deal with these types of violations. In our current code the Mayor may suspend a city issued tobacco license however; there is no due process in place to accomplish that. We would also like to take a look at the fine structure to see if it should be greater than what it is currently today. We would also like to review and revamp the licensing issuing process that we currently go through. Right now it's a \$50 annual fee for tobacco license but there isn't anything in place for background investigation and we would like to see that in the new ordinance that we would draft. The new ordinance would look very similar to current code for liquor violations.

Mr. Gehm: I think this is a great idea, I wonder how we would look at the difference between the liquor fine structure we have and creating something new since we don't really have anything in place. Would that be the intent of the ordinance?

Chief Huffman: We are working with other communities to get copies of their ordinances. Wheaton and Naperville have their tobacco program under the guidance of the liquor commission.

Ald. Payleitner: Remind me of the law with E-cigarettes – are they the same?

Chief Huffman: That's something we'll need to look at as well. The state just passed a law on E-cigarettes and have been going back/forth on whether they should license tobacco retailers; so far they are not. We will map that out as we go.

Ald. Lewis: Remind me how the law reads – it's not illegal to smoke cigarettes, but it's illegal to buy them?

Chief Huffman: The state law regulates possession. There is a state law that prohibits selling tobacco to a minor that we charge under our local ordinance. Our ordinance makes up for what the state didn't put in their statutes.

Ald. Lewis: When you see a group of teenagers smoking on the corner, do you stop and ask them for ID?

Chief Huffman: Yes and we issue a ticket. Our School Resource Officers issue a lot of those citations and those go to the 16th Judicial Court under a local ordinance. We don't prosecute those in our Adjudication Hearing because the process doesn't allow for minors who are adjudicated guilty and don't pay the fine – adjudication can't do anything about that.

Ald. Lewis: I'm supportive of a stronger fine.

Chrmn. Rogina: Compliance checks are done on all tobacco products, cigars, chewing tobacco. I envision this as a process that will take a couple of months. How would you envision a compliance check violation on tobacco?

Chief Huffman: It would be much the same as the liquor violation process. They get notice of hearing, get opportunity to plea and go through due process pending on their plea.

Ald. Lewis: Are tobacco establishments generally in compliance when you do these checks?

Chief Huffman: The majority are in compliance. We send them a letter and signs every year for them to place in their business and we state in the letter that we will be in your establishment no less than three times in the coming year.

Motion by Ald. Payleitner, second by Mr. Gehm to direct staff to bring back draft language of an ordinance that we'll recommend to Committee/Council.

Voice Vote: Ayes: Unanimous; Nays: None; Absent: Amenta. Chrmn. Rogina did not vote as chair. **Motion carried.**

4. Discussion regarding Citation and Hearing Notices for: (13:45)

a. Alley 64

b. Thirsty Fox

Chrmn. Rogina: We have two citation violations for Alley 64 and Thirsty Fox. Alley 64 comes before us because of a continuance last month for the offense of on about March 4, 2014 at approximately 2:03 a.m., the Licensee, Alley 64, Inc. by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 212 W Main Street, St. Charles, IL 60174 for after-hours violation – remained open for business and permitted individuals to remain within its premises during hours in which the sale of alcoholic liquor is prohibited. An Alley 64 representative is not here tonight as they have submitted a “not guilty” plea and asked for a hearing and we'll schedule that hearing for next month, June 16.

Thirsty Fox – I see no one here representing them. Their offense is on or about March 21, 2014 at approximately 8:10 p.m., the Licensee, Big Ed's Entertainment, Inc. (Thirsty Fox Pub), by and through its employees, officers and/or agents, committed the following offense in or on the licensed premises at 104 E Main Street, St. Charles, IL 60174 of serving alcohol liquor to two persons under the age of 21. We provided a continuance for them to this meeting, we've received nothing from them in a way of a plea, so this is their second violation and I find them in default and guilty of the offense and, as such, we need to move into executive session to discuss the penalty.

5. Other Business

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

Motion by Mr. Gehm, second by Ald. Payleitner to move into Executive Session at 4:50 p.m. to discuss liquor violations.

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

Motion by Mr. Gehm, second by Ald. Payleitner to return from Executive Session at 5:03 p.m.

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

Chrmn. Rogina: For the record we have found Thirsty Fox in default of a violation as discuss in executive session and the penalty will be taken under advisement and will be announced in 7 to 10 days.

7. Adjournment

Motion to adjourn by Mr. Gehm, second Ald. Payleitner 5:04 p.m.

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



ST. CHARLES
S I N C E 1 8 3 4

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion Regarding Citation and Hearing Notices for House of Tokyo
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Presenter:	Mayor Rogina
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Please check appropriate box:

Government Operations

Government Services

Planning & Development

City Council

Public Hearing

$$\overline{X}$$

Liquor Control Commission (6/16/14)

Estimated Cost:

Budgeted:

YES

NO

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

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 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 5th 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 5th day of June, 2014.

Sgt Tom Shaw

SUBSCRIBED AND SWORN TO
before me this 5th 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 "SG 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

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) SS

COUNTIES OF KANE AND DU PAGE

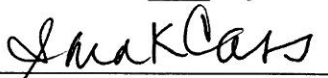
)

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 5th day of June, 2014.



NOTARY PUBLIC



ARRAIGNMENT FORM

I, SUNG 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
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

HOUSE OF TOKYO INC. 2762 E MAIN ST. ST. CHARLES, IL 60174		7976
DATE 4/30/14 1-1324-260		
PAY TO THE ORDER OF	CITY of ST CHARLES	\$ 1200.00
one thousand two hundred		DOLLARS
RETURN REASON-A NOT SUFFICIENT FUNDS		
BBCN Bank ARLINGTON HEIGHTS OFFICE • (847) 811-8272 85 W. GOLF RD., ARLINGTON HEIGHTS, IL 60005		
FOR		
⑆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)



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation for Direction to Draft an E-7 Liquor License for Committee and Council Approval

Presenter: Interim Chief Huffman

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:	\$N/A	Budgeted:	YES	<input type="checkbox"/>	NO	<input type="checkbox"/>
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If NO, please explain how item will be funded:

Executive Summary:

Blue Goose Market has requested the City to consider the creation of an E-7 liquor license. This proposed E-7 license would provide catered events during where beer and wine would be served. The highlights of the proposed license are suggested (in accordance with current Class E licensing requirements) as follows:

- The license would be applicable only to class A-2 and A-2B license holders. A-2 and A-2B licenses are defined by Municipal Code as:
The retail sale of alcoholic liquors (A-2) or beer and wine (A-2B) in original packages only, and not for consumption on the premises. The primary purpose shall be for retail sales other than the sale of alcoholic liquor or beer and wine, such as a food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet, and provided the square footage devoted to the retail sale of alcoholic liquor is 10% or less of the gross square footage.
- Food must be predominate at the event.
- The event will be restricted to the normal business hours of the establishment.
- The area the event is to be held must be roped off and wristbands must be utilized to identify those of legal age to consume alcohol.
- Servers must be BASSET certified.
- License holders would be limited to the number of E-7 licenses issued during the year.

The intent of this proposed license is to provide the opportunity for businesses such as Blue Goose Market to promote the sale of products they offer in their stores. For example, the beef distributors for the market would have the opportunity to cater such events, thereby providing patrons with an opportunity to taste the product before purchase.

Blue Goose Market would like to hold their inaugural event during Scarecrow Festival, which is the weekend of October 10-12, 2014. Current language for Class E-1, E-2, E-4, and E-6 licenses prohibits issuance during Scarecrow Festival/Columbus Day weekend. It is proposed that the E-7 would not contain this prohibition.

Attachments: (please list)

Class A Liquor Licenses

Recommendation / Suggested Action (briefly explain):

The Police Department and City staff recommends and request direction to create language for an E-7 Liquor License, for proposal to Committee and Council.

For office use only:

Agenda Item Number: 6

City of St. Charles Liquor Licenses by Class 2011

Update 1/3/14

Class "A" Package (21 of 21) Fee - \$1600 - \$1800

Business Name	Class	Address	City	State	ZipCode	Phone
Aldi Inc	A2	2760 W Main St	St Charles	IL	60174	630 513 7256
Binny's Beverage Depot	A1	1950 Lincolnway Hwy	St Charles	IL	60174	630 377 1671
Blue Goose Super Market	A2	300 S 1st St	St Charles	IL	60174	630 584 0900
Butera Finer Foods	A2	27232 E Main St	St Charles	IL	60174	630 513 5215
Carniceria La Huerta Inc	A4	580 S Randall Rd	St Charles	IL	60174	630 587 0549
Cost Plus World Market	A4	3555 E Main St	St Charles	IL	60174	630 587 1011
Costco Wholesale Corp	A2	221 S Randall Rd	St Charles	IL	60174	630 549 2024
J & S World Liquor Inc	A1	311 N Second St	St Charles	IL	60174	630 549 0627
Liquor N Wine	A1	2460 W Main St	St Charles	IL	60174	630 747 8324
Lundeen's Liquor West Inc	A1	1315 W Main St	St Charles	IL	60174	630 584 8636
Lundeen's Liquor East Inc	A1	610 E Main St	St Charles	IL	60174	630 584 8636
Meijer Store #182	A2	855 Randall Rd	St Charles	IL	60174	630 762 7268
Osco Drug #3260	A2	652 Kirk Rd	St Charles	IL	60174	630 587 0855
Osco Drug #3331	A2	2038 Prairie Ave	St Charles	IL	60174	630 377 1655
One Stop Liquors	A1	1401 Prairie Ave	St Charles	IL	60174	630 443 9390
SavWay Fine Wines & Spirits	A1	2580 E Main St	St Charles	IL	60174	630 584 0172
Super Target	A2	3885 E Main St	St Charles	IL	60174	630 232 3980
The Wine Exchange - GMF Properties	A5	1 W Illinois St	St Charles	IL	60174	630 513 5577
Walgreens #06795 West	A2	3351 W Main St	St Charles	IL	60174	630 443 8735
Walgreens #07292 East	A2	2751 E Main St	St Charles	IL	60174	630 513 9060
Wal Mart Store #1898	A2	150 Smith Rd	St Charles	IL	60174	630 513 9559