



ST. CHARLES
SINCE 1834

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 (9/21/15)

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 July 25, 2015.

A continuance was requested on August 3, 2015 from attorney representation of Klein, Daday, Aretos & O'Donoghue, LLC for them to come before the next Liquor Control Commission meeting which is this date, September 21, 2015.

Attachments: *(please list)*

- Citation and Notice of Hearing
- Complaint of Violation
- History of Violations
- Example of Signage

Recommendation / Suggested Action *(briefly explain):*

Discussion Regarding Citation and Notice for The Hotel Baker

For office use only:

Agenda Item Number: 6a

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 2015-LC-01
JDB Investment Group, LLC,)
d/b/a Hotel Baker)

NOTICE OF HEARING

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

PLEASE TAKE NOTICE THAT on August 17, 2015 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 5.08.250-O 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 his 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 WITHIN SEVEN (7) CALENDAR DAYS PRIOR TO THE HEARING. 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. 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 29th day of ~~August~~, 2015.

July



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)

CERTIFICATE OF SERVICE

The undersigned, being first duly sworn on oath, deposes and states that he did service a copy of the Notice of Hearing upon the person to whom it is directed by leaving a copy with said individual as follows: ROHONA SALAS at THE HOTEL BAKER on the 30 day of ~~August~~, 2015.
July

John Heg

SUBSCRIBED AND SWORN TO
before me this _____ day of August, 2015.

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 2015-LC-01
JDB Investment Group, LLC)
d/b/a Hotel Baker)
100 W. Main Street)
St. Charles, IL 60174)

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 25, 2015 at approximately 11:20 p.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:

OFFENSE

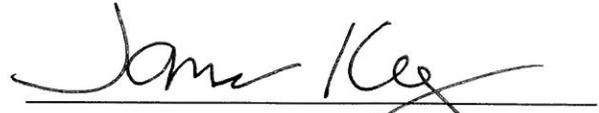
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about July 25, 2015, 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 act detailed in Section 2 of this Complaint of Violation is prohibited and is in violation of and contrary to the D2 Liquor Classification and Section 5.08.250(R) 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 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 JDB Investment Group, LLC, d/b/a Hotel Baker 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 ____ day of August, 2015.

NOTARY PUBLIC

ARRAIGNMENT FORM

I, _____, as agent for JDB Investment Group, LLC, d/b/a Hotel Baker, 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 **100 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.

JDB Investment Group, LLC
d/b/a Hotel Baker

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of August, 2015.

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**



St. Charles Police Department

CASE REPORT
211 N. Riverside Avenue
St. Charles, IL 60174

CASE# 2015-00016579

NARRATIVE

On 07252015 at 2320 hours, I was driving westbound on E. Main St. in the 100 block. Ofc. Runkle, who was sitting in my passenger seat, observed a female subject sitting on the bench in front of the Hotel Baker drinking beer from a bottle. I made a U-turn and stopped at W. Main and 1st St. I did not leave the car at this time. I waited until it was safe to do so to make another U-turn and pull in front of the business.

The female subject that Ofc. Runkle had observed drinking the beer bottle had entered back into the hotel. When I pulled up in front of the hotel, I observed a different female subject walking back toward the entrance with a beer in her hand. I exited my squad car and walked toward her on foot.

I made contact with the subject, later identified as Brooke Brusky. I asked Brusky what she was doing, and she seemed surprised to see me. She said she was trying to go back inside the hotel after having a smoke. I asked her to set her beer bottle on the ground, which she did. The beer she was drinking was a clearly labeled silver Coors Light. I verified this by picking up the bottle, which was cold and smelled like beer.

At this point, one of her friends (the first female who appeared to have been drinking a beer as well) came outside after her friend did not follow her back inside. She wanted to know what was going on. She completely denied even being outside even though Ofc. Runkle and I both observed her shortly before making contact.

Ofc. Runkle explained and showed them the two signs inside the Hotel Baker lobby that strictly prohibits alcohol past the front door.

I issued Brusky a citation for Open Alcohol- public place. I advised her she could request an Administrative hearing if she wished. She said she was going to just pay the ticket.

I did not ticket the other female subject because I was unable to make contact with her and verify that she was drinking a beer on the sidewalk.

I left the scene without further incident.

Cleared Adult Arrest-Local
JLE 370

REPORTING OFFICER

370 Eversole

DATE

07/25/2015

REVIEWED BY

History of The Hotel Baker Incidents/Violations

Violation – Sale of alcohol to underage person	October 2007	\$500 fine/ \$500 legal fees
Allowed patron to exits its premises while in possession of an alcoholic beverage	September 2013	\$250 fine/\$500 legal fees
Warning Letter regarding patrons outside of the premises consuming alcoholic beverages	November 2014	No fine

11/11/15

**NO
ALCOHOLIC
BEVERAGES
BEYOND
THIS
POINT**

**CITATIONS WILL BE GIVEN OUT BY THE
ST. CHARLES POLICE DEPARTMENT
INDIVIDUALS NOT COMPLIANT WILL BE RESPONSIBLE
FOR ALL CITATIONS WRITTEN TO
THE ESTABLISHMENT AND TO THE INDIVIDUAL**