



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 (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 Alibi Bar & Grill, Ltd. or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about August 30, 2015.

Attachments: *(please list)*

Citation and Notice of Hearing
Complaint of Violation
Violation History

Recommendation / Suggested Action *(briefly explain):*

Discussion regarding Citation and Notice for Alibi Bar & Grill, Ltd.

For office use only:

Agenda Item Number: 6b

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-08
Alibi Bar & Grill, Ltd.)
)

NOTICE OF HEARING

TO: Alibi Bar & Grill, Ltd.
12 N. Third Street
St. Charles, IL 60174

PLEASE TAKE NOTICE THAT on September 21, 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 8th day of September, 2015.


Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

cc: Mark Koenen, City Administrator
Chief of Police, James Keegan

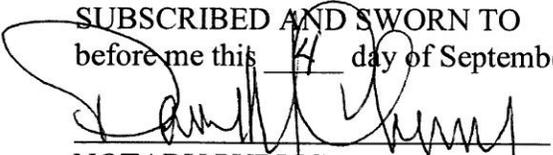
STATE OF ILLINOIS)
) SS
COUNTIES OF KANE AND DU PAGE)

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: Richard Simpson Sr at 12 N 3rd St St Charles, IL on the 4 day of September, 2015.

Blake 334

SUBSCRIBED AND SWORN TO
before me this 4 day of September, 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-08
Alibi Bar & Grill, Ltd.)
12 N. Third 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 August 30, 2015 at approximately 1:18 a.m., the Licensee, Alibi Bar & Grill, Ltd, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 12 N. Third Street, St. Charles, Illinois:

OFFENSE

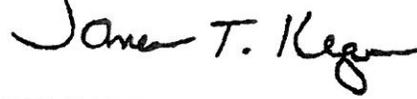
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

3. On or about August 30, 2015, Alibi Bar & Grill, Ltd, was operating under a Class B 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 B Liquor Classification and Section 5.08.250(R,S) of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, Alibi Bar & Grill, Ltd., 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 Alibi Bar & Grill, Ltd. 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 T. Keegan

James Keegan, Chief of Police

SUBSCRIBED AND SWORN TO
before me this 3rd day of September, 2015.

Sara K. Cass

NOTARY PUBLIC



ARRAIGNMENT FORM

I, _____, as agent for Alibi Bar and 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**, 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.

Alibi Bar & Grill, Ltd.

Signature: By: _____

Date: _____

Subscribed and sworn to before me

This _____ day of September, 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**



Case Report Summary



Print Date/Time: 09/03/2015 11:21
Login ID: kschult
Case Number: 2015-00019248

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2015-00019248
Location: 12 N 3RD ST
SAINT CHARLES, IL 60174
Reporting Officer ID: 0104 - Runkle

Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
Occurred From: 08/30/2015 01:18
Occurred Thru: 08/30/2015 01:18
Disposition:
Disposition Date:
Reported Date: 08/30/2015 01:18 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	FUS, KEVIN M	[REDACTED]		WHITE	MALE	[REDACTED]

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
19840 A	FUS, KEVIN M	12 N 3RD ST SAINT CHARLES, IL 60174	08/30/2015 01:18	ON VIEW	[REDACTED]

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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OfficerID: brunkle, Narrative

On 083015 around 0118 I was driving south on N. 3rd St. when I observed a male subject sitting on cement wall right outside the Alibi Bar drinking a bottle of beer. I stopped and made contact with the subject Kevin Fus. The bottle was now laying next to Fus in the mulch and still had a small amount of beer inside it. The bottle was a Bud light bottle and was still cold to the touch with condensation on the outside. I asked Fus for his ID issuing him a ordinance citation for the offense of open alcohol in a public place. Fus told me that he had walked right past the bouncer at Alibi with the beer in hand never concealing it. One of the bouncers came out about that time and began asking who brought the bottle out interrupting my investigation (he could clearly see I was in the middle of speaking to the subject) after another bouncer pointed out to him that I had found a bottle outside their establishment. The bouncer even pointed at Fus saying it was you. The bouncer continually questioned Fus' friends even arguing with them about which bouncer they walked past. As I was issuing a citation to Fus I heard one of the friends still arguing (in a heated manner) with the bouncer who was very aggressive in his questioning. So much so that I heard the friend of Fus make a rude comment about losing weight to the bouncer before walking away. At this time I have no further information in regard to this incident, case closed by adult arrest.

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)
Two Violation of selling alcoholic beverages outside of licensed premises and allowing consumption of alcohol outside of licensed premises	June 2014	\$1000 fine/\$500 legal and license suspended 2 business days (September 13-14, 2014)