



ST. CHARLES
SINCE 1834

AGENDA ITEM EXECUTIVE SUMMARY

Title:	Discussion Regarding Citation and Notice for A'Salute Lounge and Grill
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 (11/16/15)

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 A'Salute Lounge and Grill or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about October 30, 2015.

Attachments: *(please list)*

Citation and Notice of Hearing
Complaint of Violation
History Sheet

Recommendation / Suggested Action *(briefly explain):*

Discussion Regarding Citation and Notice for A'Salute Lounge and Grill.

For office use only:

Agenda Item Number: 7a

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-04
A' Salute Lounge and Grill)

CITATION AND NOTICE OF HEARING

TO: A' Salute Lounge and Grill
2400 East Main Street
St. Charles, IL 60174


PLEASE TAKE NOTICE THAT on November 16, 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 5.08.320 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 5th day of November, 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: Gus Donzelli at A' SALUTE, 2400 E. MAIN ST. on the 6TH day of November, 2015. ST. CHARLES

CMR J. Mate #315

SUBSCRIBED AND SWORN TO
before me this 06 day of November, 2015.

Sara K. Carr
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-04
 A' Salute Lounge and Grill)
 2400 East 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 October 30, 2015, at approximately 2:11 a.m., the Licensee, A' Salute Lounge and Grill, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 2400 East Main Street, St. Charles, IL 60174:

**OFFENSE
(AFTER HOURS OCCUPANCY)**

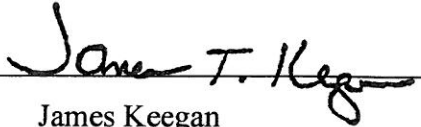
Allowed persons who were not employees of the Licensee, to remain on or about the licensed premises after 2:00 a.m.

3. On or about October 30, 2015, A' Salute Lounge and Grill was operating under a Class C 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 5.08.250 O, 1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, A' Salute Lounge and Grill, is responsible for the acts of its employees, officers, agents and patrons and is required to ensure that no violations of state law or ordinances of the City of St. Charles take place on or about 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 A' Salute Lounge and Grill 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

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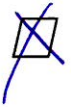
) SS

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ARRAIGNMENT FORM

I, Gus Donzelli, as agent for A' Salute Lounge and Grill, 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 2400 East Main 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.

A' Salute Lounge and Grill

Signature:

By: Gus Donzelli

Date:

11.12.15

Subscribed and sworn to before me

This 12 day of November, 2015.

Christine Nilles
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: 11/04/2015 12:30
Login ID: kschult
Case Number: 2015-00024115

ST CHARLES POLICE DEPARTMENT
ORI Number: IL0451400

Case

Case Number: 2015-00024115
Location: 2400 E MAIN ST
SAINT CHARLES, IL 60174
Reporting Officer ID: 0104 - Runkle

Incident Type: 7325 OTHER ORDINANCE VIOLATIONS
Occurred From: 10/30/2015 02:10
Occurred Thru: 10/30/2015 02:10
Disposition:
Disposition Date:
Reported Date: 10/30/2015 03:06 Friday

Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	7325	5-08-250C	COMPLIANCE W/STATE LIQUOR COMM RULES	1

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
OTHER PERSON	1				WHITE	FEMALE	
OTHER PERSON	2				WHITE	FEMALE	
OTHER PERSON	3				WHITE	FEMALE	
OTHER PERSON	4				WHITE	MALE	
OTHER PERSON	5				WHITE	FEMALE	
OTHER PERSON	6				WHITE	MALE	
OTHER PERSON	7				WHITE	MALE	
OTHER PERSON	8	DONZELI, GUS D			WHITE	MALE	
SUSPECT/OFFENDER	1	A' SALUTE	2400 E MAIN ST SAINT CHARLES, IL 60174				
WITNESS	1				HISPANIC	MALE	

Arrests

Arrest No.	Name	Address	Date/Time	Type	Age
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Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
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Vehicles

OfficerID: brunkle, Narrative

On 103015 at 0211 Ofc. Mijal #372 and I arrived on scene of a check the well being call at A' Salute CR#15-24112. The call in that case was that a female subject () was in the bar, high intoxicated, and being taken advantage of by a male subject. That call was dispatched at 0207. As we arrived on scene I could see people inside the establishment which closed at 0200. As we approached the front door I observed a male subject heavier set with a black shirt with blue jeans on () make his way towards the back door with two subject exiting via the back door ahead of him (later identified by Ofc. Devol as and Gus Donzelli). As we walked up to the front entry a male subject exited the front door wearing a white sox jacket. There were two patrons outside the front door and we made our way inside to check on the reported female being taken advantage of.

As we entered the bar I noticed 3 glasses with liquid still in them on a couple center tables away from the bar that had not been picked up yet, As I looked at the bar I could see several empty glasses on top of the bar along with at least one half full glass. I also noted that there were two completely full one yellow liquid, one orange liquid with fresh ice and straws on the top of the bar as well. Note - Once inside the bar there were still 5 subjects within (Bartender - , Bartender - , Bar Back - , Server - , and patron-)

Ofc. Mijal spoke with one subject about the girl and I asked the bartender about why there were people in the bar after closing time. told me that they were busy and they tried to get everyone out. I explained that it wasn't an excuse for people to still be in the bar. then offered up the excuse that they had new servers and they didn't know better so people weren't moved out fast enough. I wasn't able to ask at that time about the two (full to the brim) drinks that were sitting on the bar top, as I went outside to speak to the male subject (wearing the black shirt who went to the back door as we walked up) heading to his vehicle to leave.

I spoke with that male subject identified as and he told me he was not an employee. I asked him while he was inside the bar after closing and he said he was just a patron. While speaking to a second male subject () who was inside as we entered walked up to our location and I asked if he was an employee. That subject identified as told me he works at the bar part time. I asked if he was working tonight. told me he was not. I clarified with that he was not working or getting paid to work (not inside cleaning or helping to close up the bar). confirmed again that he was not working this evening. I explained to that tonight he was simply a patron and therefore should not have been inside after closing. I asked about the guy with the white sox jacket on and he told me he didn't know who he was; telling me he was just a patron. After obtaining contact information from and I returned inside where the two full drinks and other glasses were now removed from the bar top and tables. I did observe taking them down from the bar while walking back towards the bar.

I asked about the drinks and told me they were just drinks that were brought up to the bar at closing time. told me that they must have been drinks that someone bought and simply didn't drink. I explained to that the glasses had fresh full ice cubes and were filled to the brim still. I explained to that it was highly unlikely that someone would order drinks and not even drink part of them. claimed that someone must have been milking the drinks, that she didn't make any drinks after 0200.

Ofc. Mijal confirmed the female subject in question (was helped home by the owner who was stopped out back by Ofc. Devol. Once we addressed the reason we were called to the business I explained to the that I would writing a report to document the fact that we had a complaint of a subject in the bar after 0200. That on our arrival at 0211 there were several subjects still inside who were not employees and there were drinks on the bar top that appeared to be freshly made full drinks; one orange, and the other yellow in color that were definitely not water. told me she understood and told me that the bar has not been in trouble since becoming A' Salute. did bring up the fact that she remembers when they got caught when it was Eastside Pub (her having been the bartender at that time).

When going to clear I witnessed go back up to the closed and locked front door. was let back inside the bar at 0237 by I made sure to have exit the business again. On our way out of the parking lot we did come across the original complainant from 15-24112, confirmed that he called after the bar was closed and that his date was inside the bar after closing time.

After getting a cab ride home I observed Donzelli pull up to the front of the business. I made contact with Donzelli and informing him that I would be writing a report to document the after hours occupancy violation of ordinance 5-08-250(O). Donzelli argued that some of that the people inside were employees. I explained to Donzelli that employees who are not working or not on shift don't count as employees when it comes to after hours occupancy. I also explained that I had regular patrons inside the business after hours as well. I told Donzelli that I was not writing a ticket, that I was simply writing a report that would go to the liquor commission for their review. Donzelli told me he understood.

At this time I have no further information in regard to this incident, case closed no further action at this time.

History of A'Salute Lounge & Grill Incidents/Violations

No prior history		
Violation – Allowed patrons to remain on or about licensed premise after hours	October 2015	Pending