

 <b>ST. CHARLES</b> SINCE 1834	<b>AGENDA ITEM EXECUTIVE SUMMARY</b>					
	Title:		Discussion Regarding Citation and Notice for The House Pub			
	Presenter:		Mayor Rogina			
<i>Please check appropriate box:</i>						
		Government Operations				Government Services
		Planning & Development				City Council
		Public Hearing		X		Liquor Control Commission (11/16/15)
Estimated Cost:				Budgeted:	YES	NO
If NO, please explain how item will be funded:						
<b>Executive Summary:</b>						
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 House Pub or impose a fine upon by reason of the Complaint of Violation filed by the Police Department of an occurrence on or about October 20, 2015.						
<b>Attachments:</b> <i>(please list)</i>						
Citation and Notice of Hearing Complaint of Violation History Sheet						
<b>Recommendation / Suggested Action</b> <i>(briefly explain):</i>						
Discussion Regarding Citation and Notice for the House Pub.						
For office use only:		Agenda Item Number: 7b				

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-03  
THE STAVI-WERKS, INC., )  
d/b/a The House Pub )

**CITATION AND NOTICE OF HEARING**

TO: THE STAVI-WERKS, INC.  
d/b/a The House Pub  
16 S. Riverside Avenue  
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 5.08.250-O, 1 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 27<sup>th</sup> day of October, 2015.

  
Raymond Rogina  
Local Liquor Control Commissioner  
City of St. Charles

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

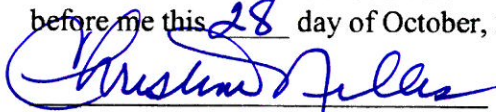
STATE OF ILLINOIS )  
 ) SS  
COUNTIES OF KANE AND DU PAGE )

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: STEVE LAD at Home Pub on the 28<sup>th</sup> day of October, 2015.



SUBSCRIBED AND SWORN TO  
before me this 28 day of October, 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-03  
THE STAVI-WERKS, INC. )  
d/b/a The House Pub )  
16 S. Riverside Avenue )  
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 20, 2015, at approximately 2:40 a.m., the Licensee, The Stavi-Werks, Inc., d/b/a The House Pub, by and through its employees, officers and/or agents, committed the following offense in or upon the licensed premises at 16 S. Riverside Avenue, St. Charles, IL 60174:

**FIRST 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.

**SECOND OFFENSE  
(PROHIBITED SALE)**

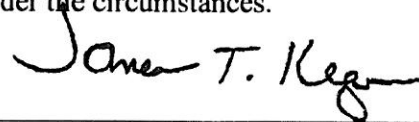
Sold, gave, delivered or allowed the consumption of liquor to an intoxicated person.

3. On or about October 20, 2015, The Stavi-Werks, Inc., d/b/a The House Pub 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 and Section 5.08.250 S, 1 of the St. Charles Municipal Code and the Liquor Control Act of 1934.

5. That the Licensee, The Stavi-Werks, Inc., d/b/a The House Pub, 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 The Stavi-Werks, Inc., d/b/a The House Pub as the Commissioner shall deem appropriate under the circumstances.



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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.

y believes the same to be true.

**James Keegan, Chief of Police**

SUBSCRIBED AND SWORN TO  
before me this 28<sup>th</sup> day of October, 2015.

Shak Carr

~~NOTARY PUBLIC~~



## ARRAIGNMENT FORM

I, Stephen Erd, as agent for The Stavi-Werks, Inc., d/b/a The House Pub, 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 16 S. Riverside Avenue, 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.

The Stavi-Werks, Inc.

d/b/a The House Pub

Signature:

By: 

Date:

11/13/15

Subscribed and sworn to before me

This 13 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](mailto:tnilles@stcharlesil.gov)  
Hard copy must follow by U.S. Mail



# Case Report Summary



Print Date/Time: 10/28/2015 16:56  
Login ID: kschult  
Case Number: 2015-00023383

ST CHARLES POLICE DEPARTMENT  
ORI Number: IL0451400

## Case

Case Number: 2015-00023383  
Location: 16 S RIVERSIDE AVE  
SAINT CHARLES, IL 60174  
Reporting Officer ID: 0080 - Bauwens

Incident Type: 7325 OTHER ORDINANCE VIOLATIONS  
Occurred From: 10/20/2015 02:40  
Occurred Thru: 10/20/2015 02:40  
Disposition:  
Disposition Date:  
Reported Date: 10/20/2015 02:40 Tuesday

## Offenses

No.	Group/ORI	Crime Code	Statute	Description	Counts
1	IL0451400	7325	5-08-250-O	AFTER HOURS OCCUPANCY	1
2	IL0451400	7325	5-08-250-R	HARBORING AN INTOXICATED PERSON	1

## Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB/Age
COMPLAINANT	1				WHITE	MALE	
SUSPECT/OFFENDER	1				WHITE	MALE	
SUSPECT/OFFENDER	2	ERD, STEPHEN J			WHITE	MALE	
WITNESS	1				BLACK	MALE	
WITNESS	2				WHITE	MALE	
WITNESS	3				WHITE	MALE	
WITNESS	4				WHITE	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

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate	State
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## OfficerID: ebauwens, Narrative

On 10/20/15 at 0240 hrs I was dispatched to The House Pub (16 S Riverside Ave) for a report of subjects still inside and consuming alcohol. Sgt Bedell and Ofc Burden also responded to the scene. Upon arrival I observed the complainant, standing inside the doorway. I went to the window to look inside the bar. From my position, I could see all of the bar stools were up on the bar. I could see 2 small glasses with an unknown liquid inside of them on the bar top. One glass was in front of a subject standing behind the bar now known as Stephen Erd. There was another subject behind the bar now known as [redacted]. There was a male subject standing by the bar and he was identified as [redacted].

When I knocked on the glass, they just looked at me. [redacted] and [redacted] came to the front door when I knocked a second time. I advised them that I was coming inside to inspect the business. When I entered, I observed 2 male subjects sitting on the steps that lead to the 2nd level. They were identified as [redacted] and [redacted]. There was another male who was standing on the second floor leaning on the rail. He was identified as [redacted].

I asked who was in charge of the bar and [redacted] advised me that he was the bartender so he would be. I advised him that I received a complaint of people in the bar after hours and consuming alcohol. He stated that they were just cleaning up the place. I asked him if everyone was employees and he stated Stephen was the owner, and [redacted] was an employee. I was then advised that [redacted], and [redacted] were in a band and they played there tonight. I also noticed that the glasses were now empty.

I then asked about [redacted] who was standing outside. They advised me that they kicked him out around 0145-0150 hours. He was so drunk that he threw up in the street. I advised that if they weren't employees they would need to leave. They then advised that the subject outside had become unruly and they were waiting for him to leave. They were advised that they should have called us if there was any problems.

I then went outside to speak to [redacted]. He stated that while he was in the bar, a group of subjects stated he wasn't worthy of drinking with them. He advised them that he could drink with anyone. He and the owner then started a drinking contest. They started slamming shots of Crown Royal. He stated that he obviously lost because he puked in the street. He then pointed to a pile of vomit (obvious smell of vomit permeated the air). He further advised us that he didn't know the subjects before tonight and this was only his second time being at The House Pub.

I asked [redacted] how he was going to get home and he advised UBER. He then stated that he was going to stay at the Hotel Baker. I offered to call him a cab but he declined.

At this point the group exited the bar. Stephen was obviously intoxicated. He was staggering as he walked and had slurred speech. Ofc Burden asked Stephen how he was getting home. He stated his friends would drive him and that he knows not to drive like this. His friends provided him with a ride home.

This report will be given to the liquor commission for possible liquor law violations.

No further Action  
EB 316  
SB 330

### History of The House Pub Incidents/Violations

Sale to underage	June 2010	3-day suspension of selling alcohol /\$500 fees
Warning Letter regarding lax of compliance of identification at business entrance	January 2012	No Action
Violation – Intoxicated person on premise and selling alcohol to such person	March 2012	\$100 fine / \$100 fees
Three Violation Offenses: 1) permit intoxicated person to loiter on premise, 2) sold alcohol to intoxicated person, 3) interfere/obstruction with law enforcement entering into business	March 2013	\$500 fine / \$500 fees and 3-day suspension of selling alcohol
Warning Letter regarding employee consuming alcohol while working in establishment	November 2014	No Action
Two Violation Offenses 1) allowed patrons to remain on or about licensed premise after hours, 2) allowed consumption of liquor to an intoxicated person	October 2015	Pending