

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

**MONDAY, SEPTEMBER 21, 2015
CITY COUNCIL CHAMBERS @ 4:30 PM
2 E MAIN STREET**

1. Call to Order.
2. Roll Call.
3. Motion to accept and place on file minutes of the Liquor Control Commission meeting held on August 17, 2015.
4. Recommendation to approve a 1:00 a.m. late night permit for Macarena Tapas St. Charles located at 1890 W Main Street, St. Charles.
5. Recommendation to approve a class B2 liquor license for Isacco Kitchen which is being relocated 131 S 1st Street, St. Charles, IL.
6. Discussion regarding Citation and Hearing Notices for:
 - a. JDB Investment Group, LLC d/b/a Hotel Baker
 - b. Alibi Bar & Grill, Ltd.
7. Other Business.
8. Public Comment
9. Executive Session (5 ILCS 120/2 (c)(4)).
10. Adjournment.

**MINUTES
CITY OF ST. CHARLES, IL
LIQUOR CONTROL COMMISSION MEETING
MONDAY, AUGUST 17, 2015**

1. Opening of Meeting

The meeting was convened by Liquor Commissioner Rogina at 4:33 p.m.

2. Roll Call

Members Present: Liquor Commissioner Rogina, Ald. Payleitner, Ald. Lewis, and Chuck Amenta

Absent: Robert Gehm

Others Present: Police Chief Keegan, Atty. John McGuirk, Mark Koenen, Tina Nilles

3. Recommendation to accept and place on file minutes of the Liquor Control Commission meeting held on July 20, 2015.

Motion by Ald. Payleitner, second by Mr. Amenta to accept and place on file minutes of the Liquor Control Commission meeting held on July 20, 2015.

Voice Vote: Ayes: unanimous, Nays: none. **Motion carried.**

4. Recommendation to approve a massage establishment license for Still Waters Spa, LLC to be located at 2075 Prairie Street, St. Charles.

Chief Keegan: This business is currently operating as Oriental Massage and is located at 2075 Prairie Street. There is a contract to purchase the business from the current owner. The applicant has been vetted through the police background. We've looked at the site and did an inspection. The owner/manager was interviewed and we did a background investigation. They would like to operate as Still Waters Spa at the address mentioned. We are recommending approval of this license and I'd be happy to answer any questions that the Commission might have.

Mayor Rogina: This is an operating viable establishment it's just a matter of changing ownership from the current owner to someone who's working there and will now become the owner.

Chief Keegan: Yes and with that is a name change.

Motion by Ald. Payleitner, second by Mr. Amenta to approve a massage establishment license for Sill Waters Spa, LLC to be located at 2075 Prairie Street, St. Charles.

Voice Vote: Ayes: unanimous, Nays: none. **Motion carried.**

5. Recommendation to approve a class E-2 liquor license for Alley 64 Bar and Grill for August 29 and 30 for the Veterans Wishes/Jack Axe Event at Kane County Fairgrounds.

Mayor Rogina: The reason we're on a fast track is because somehow the application didn't come forward in a timely manner. I think the difference to factor is that we have a local business and it's a veteran's event. I think the Commission would like to hear more about it.

Chief Keegan: This event takes place on Saturday, August 29 and Sunday, August 30 at the fairgrounds. They have applied for an E2 which is a temporary liquor license. The event itself will be contained at the fairgrounds. There will be a fenced in/roped off area for liquor consumption, beer only. Alley 64 has applied for the license on behalf of the sponsor. There will be some food service provided by Buona Beef and The River House Barbeque. Two officers have been retained by the sponsor and will be present as extra duty and will be reimbursed by the sponsor. The hours of the event are 5pm – 10pm. I would like to call Eric Klein to answer any questions the Commission might have.

Eric Klein: Eric Klein, 1122 Morton Street, Batavia, Illinois. The event has three different sections. It's an obstacle course and sporting event and most of the obstacles we're utilizing are from lumberjack, Scottish highland games or strongman competitions. That will be happening in the back part of the fairgrounds. Outside the fence will be a camp area. This is where we will have a 40"x 80" tent with beer and it will be sectioned off. We have sponsorships and will have things for the kids, such as, a bounce house, scavenger hunts and chainsaw sculpture. It's more for entertainment. We wanted to cultivate a family environment with this sporting event and festival. At night we have partnered with Excel Automotive to put on the concert which is a direct benefit for Operation Warrior Wishes. We have enough sponsors that the entire ticket price of \$25 per ticket is going to go directly to Operation Warrior Wishes. Right now 100% of their funds go directly through to the Vets. We're doing everything we can to support them.

Ald. Payleitner: That was my first question; is it a benefit? Thank you for clarifying. When I saw that it was being touted as a veteran's event last minute I wanted to make sure.

Eric Klein: I don't like that. I see other people do that, that's not our intent at all.

Ald. Payleitner: That's my second question. Chief, who dropped the ball on this?

Eric Klein: This is our first event. When I started down the path getting the alcohol squared away, I went and talked to Tina, she helped direct me. I think at first we weren't sure where we were going to be placed. It was special events. We came back and she said that we would need

to work with a local vendor to make this happen. I was already signed up with other distributors, I didn't know. It's really more my fault because I didn't know.

Ald. Lewis: Does and E2 license allow you to go to midnight?

Chief Keegan: I believe the petitioner and the paperwork identified that they would like to go from 5pm – 10pm.

Eric Klein: It should be 12pm – 12am. It's a two-day event. Saturday was going to be 12pm – 12am, initially it was 12pm – 5pm, but we understand that the Kane County Fairgrounds allow until 12pm. Most of the event should be done by 10pm – 10:30pm. We're also going to be there Sunday, but that's going to be 12pm – 5pm on Sunday.

Ald. Lewis: It's a class E2 license?

Chief Keegan: It's an E2, but part of our licensure requires that if there is liquor consumption on site there has to be police officers present. Whatever the Commission permits as far as hours of operation you have to have Officers assigned to the event to monitor what's going on. Once we make a decision as a City and Commission today it can't deviate.

Eric Klein: We would request 12pm – 12am on Saturday.

Ald. Lewis: If an E2 only goes to 11pm it will be to 11pm.

Eric Klein: We would request 12pm – 11pm on Saturday and 12pm - 5pm on Sunday.

Ald. Payleitner: It says on the Executive Summary that beer will be served 5pm – 10pm.

Eric Klein: Again, that's probably partially my fault. I put in 12pm – 10pm when we did the application. I didn't understand that we could go until 12pm. I'm not sure about that.

Ald. Lewis: There is one other thing in the ordinance; I apologize for not being able to find it, but there is something that says there will be no competitive type games with liquor licenses. I think you have a cash prize. I didn't know if this fell into that. I want to make sure it's not a problem.

Chief Keegan: I feel more comfortable with this event because the consumption is only going to take place in the tent. Any of the live entertainment, and the games, will take place outside of that area. Really the tent area, unless I'm not understanding this, is where the liquor consumption and food is going to take place.

Ald. Lewis: How is that different from some of the licenses we gave for the ultimate fighting when they would come?

Chief Keegan: I think something like that where you have spectators in and around the event consuming alcohol, but the Axe Games are going to be out in the Fairground.

Eric Klein: The waiver we have is they can't drink before they participate which is important because we're throwing axes. Safety is very big for us; in no way shape or form are they allowed to drink any alcohol. The way things are stacking up right now, the competition should be done before 12pm, after that is when the beer tent will open.

Ald. Payleitner: My understanding was that this was post competition.

Eric Klein: The only thing I can think of that would address that is in the afternoons, for some of the spectators, we were going to open some of the zones, isolated things, such as the caber toss.

Ald. Lewis: I do have concerns with people consuming beverages and throwing axes and things.

Eric Klein: We would have to say to them if you've been drinking then you can't participate.

Ald. Lewis: I don't know how you would monitor that.

Eric Klein: In the morning it wouldn't be an issue because the bracelets won't be issued until 12pm. They won't be drinking anyway and will be done before then.

Mayor Rogina: Take me through 12pm – 12am on Saturday and 12pm – 5pm on Sunday. What's going to happen? How long is the Jack Axe event going to take place on Saturday?

Eric Klein: We'll be open at 7:30am on Saturday for the games. People will be arriving in the morning to compete from 8am – 12pm.

Mayor Rogina: It starts early and opens at noon for alcohol consumption. Events are going on until when?

Eric Klein: Right. The events as far as the competition, Jack Axe, should be completed. Everybody that we have signed up will be through the course before 12pm. Really what we're looking at after 12pm is more of a festival. We have music starting in the grandstand at 3:30pm. We will have some entertainment in the festival area in between.

Mayor Rogina: When does the concert start?

Eric Klein: The concert starts at 3:30pm we have some preliminary artists. At 6pm we will have a Jack Axe finale. The top three people of the day will be competing in the grandstand area for the prize money. After that's done, which will be about forty-five minutes, the rest of the concert will go throughout the night until about 10pm.

Mayor Rogina: Is there two admissions or one admission?

Eric Klein: There are two.

Mayor Rogina: The concert is separate.

Eric Klein: Entirely. Operation Warrior is very protective about the amount of money that comes in to the Vets and how it's structured. We were very careful with them about that. Admission is \$20 a car to come into the festival. The concert is \$25 a ticket per person. That's the charity event.

Mayor Rogina: At the concert beer may be consumed.

Eric Klein: Correct.

Ald. Payleitner: Not at the concert.

Eric Klein: At the concert as well.

Ald. Payleitner: I thought beer was only in the tent.

Eric Klein: There is going to be two locations. We're going to have the tent behind and outside the fence, and a second inside the grandstand area. It will be right next to the stands as people enter.

Ald. Payleitner: Still enclosed though.

Eric Klein: Yes, it's enclosed.

Mayor Rogina: When they are in the grandstand watching the concert can they have a beer in their hand?

Eric Klein: Yes, in the grandstand area.

Mayor Rogina: So it's not going to be roped off.

Eric Klein: The way I look at it is the whole grandstand area; if we fence off the back and have one entrance.

Ald. Payleitner: Then you don't have anyone under 21 watching the concert.

Eric Klein: Let me back up a little bit. The camp which is outside the fence is really more the Jack Axe festival part of it. At 3:30pm people are going to start trickling into the grandstand area. Now we're inside the fence. We will have a secondary beer tent that will not be closed in. We thought because the whole grandstand area is fenced all around with a gate on the backside, where we will post security, the tent is where we will check ID's.

Mayor Rogina: We have the Kane County Fair, we have the grandstand, is there beer in the stands?

Chief Keegan: Yes.

Mayor Rogina: There is. The Kane County Fair gets the liquor license from us. That includes a Rodeo, or Demolition Derby and someone is able to go into the grandstand with a beer and drink it while watching under our licensure.

Ald. Payleitner: During the fair week only.

Mayor Rogina: The same thing is happening here. I was trying to determine whether we're setting new territory or if we're doing something we've done before.

Eric Klein: I was under the impression we were not setting new territory.

Chief Keegan: There's a vetting process, and I want to make it very clear, the onus is going to be on the liquor license. In this case Alley 64. Anywhere there is consumption in the fairgrounds we have to have an officer that observes the behavior. The vetting, wrist banding, and the credentialing is going to be done by the license holder, Alley 64, if it's going to be a separate location outside of the tent which is what was in the license material. I have to make sure I have an officer that can observe behavior at all times. If we are going to limit it to now two locations I have to make sure to have enough officers to cover.

Mayor Rogina: Based upon the application and now with all the conversation; do you have enough officers?

Eric Klein: One of the things we were going to do is when we were switching over to the concert is shut down at the camp. There is only going to be one beer tent operating at a time.

Chuck Amenta: At 3:30pm the festival tent closes, at 3:30pm, not 3:45pm, 3:30pm shuts it down.

Eric Klein: There would be about a 15 minute window where we would shut down one and take about 20 minutes to open the other.

Chuck Amenta: There won't be people hanging around in the first tent finishing up their beer and then going into the next tent.

Eric Klein: No.

Ald. Payleitner: That's on Saturday, what about on Sunday?

Eric Klein: Sunday won't be as much of a deal. It's just a five-hour stint.

Mayor Rogina: No concert on Sunday?

Eric Klein: No Concert on Sunday.

Mayor Rogina: No fundraising on Sunday.

Eric Klein: No.

Ald. Lewis: Any competition?

Eric Klein: There is in the morning for teams of five people.

Ald. Lewis: There won't be a grand prize finale with a competition?

Eric Klein: They will be doing it in the camp area close to that.

Ald. Lewis: By the tent?

Eric Klein: Yes.

Mayor Rogina: Liquor on Sunday from 12pm – 5pm.

Eric Klein: Yes.

Chief Keegan: What is your expected numbers for the Concert on Saturday night? If we move the beer location and co-mingle the crowd in connection with wrist bands, how many people will be expected in the grandstand?

Eric Klein: I'm guessing it's going to be hundreds. I can keep track of the competitors but I have no way to really garner that. I'm thinking we could have anywhere from 200 – 500 people.

Chief Keegan: With your food vendors and alcohol vendors from Alley 64 how many kegs of beer?

Rick Brown, General Manager, Alley 64: The process we're talking about is having two locations 12pm – 5pm, shutting down at 5pm, starting the other from 5pm – 12am. We have enough security in place, enough BASSET certified people, managers and supervisors in place to make sure that everybody is going to be wearing a wrist band who actually gets alcohol within the grandstand or not. If they have a wrist band they can consume, if they don't have a wrist band and officers or any of our security sees it they will be questioning that person on the spot. We are covered on that part of it. As far as kegs it depends on the customer consumption. We have a distributor on call and can actually go get more if needed. We are going to probably purchase 30 -35 kegs. They will be on two trailers, six varieties, all kegs, all drafts poured by 2 to 3 people at a time with 3 supervisors walking.

Chief Keegan: All plastic cups? No glass?

Rick Brown: All plastic cups. No glass.

Chuck Amenta: You mentioned you had plenty of supervisors. Can you quantify how much security, how many supervisors, and how many bartenders? How many folks will you have on hand to help make sure, outside of the officers, how many people?

Rick Brown: It's me, two managers, and a couple more, so five supervisors. As far as bartenders it will vary depending on the customer consumption, 2 – 3 people pouring. That might even include us, and we're part of the security license, and as managers we're more apt to look out for that because we're protecting our license.

Chuck Amenta: We're looking at potentially 500 people with 7 to 8 Alley 64 supervisors.

Rick Brown: It's a controlled area we don't have to worry about the whole fairgrounds. We just want to make sure the person getting the alcoholic beverage has properly been carded, identified as someone who can consume alcohol is 21 and above, and then press on from there.

Ald. Payleitner: It's much more manageable when you don't have two open at the same time.

Rick Brown: I assure you that is not happening. The people shutting down one are going to open up the other. Once we get people transferred from one location to the next we will go ahead and start again. We work closely with the officer on duty to let them know we're shutting down. We completely lock up one trailer and go to the other. Nobody can pour, nobody can do anything. That's our vision. Alley 64 does no food in this process, just the alcohol process.

Ald. Lewis: I found what I was looking for. Item H: Athletic amusements, contests, demonstrations, entertainment, activities, events and exhibitions. The license premise is: Prohibited. Races between persons, it says it right here, baseball, kick boxing, wrestling, hand-to-hand combat, martial arts, ultimate fighting. We've gone through this before when we had the ultimate fighting and where they can have their license, at what age they are allowed to go in, I'd say this is the same thing. I don't know much about Jack Axe games, but when you do tell me that people are competing by throwing axes it makes me pause a little bit when we're going to have a big festival beer tent and what assurance is there in this final competition that from 12pm – 9pm these final participants haven't enjoyed the party.

Eric Klein: We are going to take the top 3 people, and will know who that is before 12pm. We will approach them and let them know that we want them to participate in the championship for the money. However, in order to do that, sorry, you have to miss the party as far as the drinking. If they want the prize money and want to compete, that's what they have to do. As far as the other competitors they will be done before the beer tent is open.

Ald. Lewis: Sunday you will have another final competition for the teams.

Mayor Rogina: There has been a recommendation made. We'll see if you could go along with this. I think we would be able to manage a quorum on this. The recommendation, and I tend to support this, otherwise I think we're asking for trouble tonight. I think there are too many unanswered questions and perhaps conflict with our ordinance. We should postpone for a week and have a special City Council meeting next Monday. It's still ahead of your event. Because it's a special Council meeting you would be responsible for the cost. I feel that tonight we're not going to get clarity. If you had a week to work with the Police Department and staff to sort this out and perhaps could get to the end result you're looking for.

Eric Klein: When you say we're responsible for the bill what does that mean?

Mayor Rogina: \$175.00 per council member.

Eric Klein: How many council members will there be?

Mayor Rogina: I don't know. All ten could be there due to the fact that there is also a committee meeting that night. We would have a special meeting either prior to or after the committee meeting and there is a good chance all ten would be there.

Eric Klein: I don't know. This is making it very difficult for us...

Mayor Rogina: The other alternative is this: You could come before the City Council tonight, my suspicion is you will get the same reaction and a lot of the same questions from a larger group.

Eric Klein: Help me put a fine point on it, and maybe there are multiple points, but what's really the main issue we're trying to address?

Mayor Rogina: Possible conflict with some of our ordinances, lack of clarity as to who's going to be sitting where and at what points in time, concern about minors sitting in the stands.

Ald. Payleitner: I also think the on-the-fly nature of this isn't going to sit well with my colleagues up here. If you have that extra week and were able to give us some hard facts.

Eric Klein: That doesn't make sense financially. It's \$2,000.00 to get a maybe. We still don't even know if that would fly. Honestly, it's making it difficult to be here and do this. I understand that there are rules here for a reason. I'm a law abiding citizen. I would want to make sure that we're doing it the right way. I think the way we have it set up is, we're not doing it while they are in the process of the competition. I understand some of the points. What is the way to make it work and address those points and make it agreeable?

Mayor Rogina: I think this is the smarter approach.

Eric Klein: It's a costly approach and we're just getting started. It doesn't help us.

Mayor Rogina: You're on the agenda tonight. If you want to come before us tonight as a group we're not going to stop you from doing that.

Ald. Lewis: Legal counsel hasn't had time to address some of the issues that have been raised. I don't know if there will be time to do that between now and 7:00pm. That's one of the reasons we request 45 days. I saw an advertisement come across my email on your event that listed all the beer vendors. I hadn't heard anything about it and you're already advertising your beer vendors. What's going on? I'm not so sure that if I hadn't saw that and brought it to our attention that you would have had the permission that you needed. Then you would have been under a serious violation.

Eric Klein: No. The City shared with me that we needed to work with local vendors to do this. Once we got there it was out of my hands a little bit. Alley 64 has been gracious enough to work through this with us. I felt powerless trying to work with the City to get this thing done because it wasn't in my ballpark at that point. Tina knows when I was here to address all this stuff and even then I thought we were getting close to the wire.

Ald. Lewis: Was that this month?

Eric Klein: No, that was a couple months ago.

Mayor Rogina: Let me interrupt by saying if you went to Tina a couple months ago that process could have been started and we may have been on the agenda last month as opposed to now. Here's what I recommend, it would be nice to have the Committee's stamp of approval, a motion with no recommendation to give them two choices. If you want to appear tonight, you can come here tonight.

Eric Klein: Can I get a couple minutes to talk to some of the folks and find out what better information I can provide for tonight or are you saying that you're not ready for the legal answers to the questions we've raised?

Ald. Lewis: I think we need some legal answers.

Eric Klein: I'm thinking about other events that are similar, the Spartan Race or the Tough Mutters, Warrior Dashes, things like that. They aren't throwing axes but they're throwing spears and other things that are similar.

Ald. Lewis: Is that here in St. Charles?

Eric Klein: No. I think that's my point. Maybe they could and would like to be able to do it here year after year. This is where we live. If we can't, then we can't.

Mayor Rogina: I'd entertain a motion allowing Eric to present tonight or if he chooses to wait until next week. No recommendation from this Committee. He's on the agenda if he comes

tonight before Council perhaps he will present in a bit more succinct manner and make the necessary adjustments.

Mark Koenen: I would like to suggest that if we're going to have a special council meeting the information would need to be to the City by noon on Wednesday. We have to publish 48 hours in advance. We have to post it on Friday afternoon.

Motion by Ald. Payleitner, second by Lewis to give Eric Klein the choice to present at the City Council Meeting on August 17, 2015 as scheduled or hold a Special City Council Meeting on August 24, 2015.

Voice Vote: Ayes: unanimous, Nays: none. **Motion carried.**

6. Discussion on recent "Happy Hour" changes posted by the Illinois Liquor Control Commission regarding Public Act 99-0046 which went into effect on July 15, 2015.

Mayor Rogina: On July 15 the State passed a statute permitting happy hour. Prior to that St. Charles mirrored the state statute which until that date did not permit a happy hour. We agreed at Committee to let the state statute play it's self out and then have a conversation as to whether we want to recommend to Council Committee any changes in the happy hour statute. We can adopt that as it is and take no position.

Atty. McGuirk: The act is in effect. If we do nothing to restrict it beyond what we already have, it's the law. Under Home Rule we can make it more restrictive. If there is anything in here, such as, the amount of hours per week for happy hour, we can make changes to be more restrictive. Not less restrictive.

Ald. Lewis: Does the new happy hour regulations apply to temporary or E licenses?

Attny McGuirk: I think it would apply to all licenses. Any place where they sell alcohol.

Ald. Lewis: If we had a temporary license they could have a happy hour?

Attny McGuirk: If it's temporary for a day they aren't going to be able to do that for four hours.

Mayor Rogina: We would be recommending to Council Committee. Is there anyone who has any thoughts on the matter?

Ald. Lewis: I think we have followed state statute in the past. I'm comfortable with their new regulations.

Mr. Amenta: I think if things get out of hand maybe it would be an opportunity to review it, but until that happens let's give it a shot.

Ald. Payleitner: I think it's sufficient and straight forward for now.

Mayor Rogina: I recommend a motion to Council Committee that we adopt the State's statute happy hour as printed. Moved and seconded. Further Conversation?

Ald. Lewis: Can they advertise?

Mayor Rogina: Council McGuirk are there any limitations?

Attny. McGuirk: Whatever conforms to the zoning code they can do. They do have a requirement of a seven-day advance notice on their website.

Ald. Lewis: It has to be on their website.

Attny. McGuirk: Yes, in advance.

Ald. Lewis: They can put signs in the windows.

Mayor Rogina: Within the confines of our zoning laws.

Attny. McGuirk: Yes.

Mayor Rogina: It's understood they are going to have to follow the ordinance. They can't do anything special above and beyond.

Ald. Lewis: I guess we'll see where that goes.

Motion by Ald. Payleitner, second by Mr. Amenta to move the State Statute regarding Happy Hour to Council Committee for adoption.

Voice Vote: Ayes: unanimous, Nays: none. **Motion carried.**

7. Other Business

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

9. Adjournment

Motion to adjourn by Ald. Payleitner, second by Mr. Amenta at 5:00 p.m.

Voice Vote: Ayes: Unanimous; Nays: none. **Motion carried.**



AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a 1:00 a.m. Late Night Permit for Macarena Tapas St. Charles Located at 1890 W Main Street, St. Charles

Presenter: Police Chief Keegan

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

NO

If NO, please explain how item will be funded:

Executive Summary:

Macarena Tapas St. Charles located at 1890 W Main Street, St. Charles is a current Class B liquor license holder in good standing with the City. They are requesting, at this juncture, to have a 1:00 a.m. late night permit as their restaurant is showing positive attention to allow their patrons more time to enjoy their visit at their place of business.

Upon recommendation of the Liquor Control Commission, this item will be forward to tonight's City Council as a New Business item for final approval.

Attachments: (please list)

Late Night Permit request

Recommendation / Suggested Action (briefly explain):

Recommendation to approve a 1:00 a.m. late night permit for Macarena Tapas St. Charles located at 1890 W Main Street, St. Charles.

For office use only:

Agenda Item Number: 4

APPLICATION FOR LATE NIGHT PERMIT

SUPPLEMENTAL TO LIQUOR LICENSE FOR CLASS B/C

To: St. Charles Liquor Control Commission

Date: 9/17/15

I now possess or have applied for a liquor license Class B.

Applicant's Name: John Borrás

Name of Business: Macarena Tapas St. Charles

Business Address: 1890 W Main Street, St. Charles IL

Business Phone: 630 945 3458 60174

Supplemental Permit Applied For:

X \$800 1:00 a.m. Late Night Permit

 \$2,300 2:00 a.m. Late Night Permit

\$ is attached hereto as permit fee

Applicant Signature

NOTE: Other permits that may be available upon request are

- Class E Special Events License (1 to 3-day event @ \$100.00 per day)
- Outdoor Dining Permit (Contact Community & Economic Development Department 630 377 4443)

() Liquor Commissioner hereby directs City Clerk to issue permit indicated above.

Liquor Commissioner

Date: _____



AGENDA ITEM EXECUTIVE SUMMARY

Title: Recommendation to Approve a Class B2 Liquor License for Isacco Kitchen which is being Relocated 131 S 1st Street, St. Charles, IL.

Presenter: Police Chief Keegan

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		NO	
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If NO, please explain how item will be funded:

Executive Summary:

Isacco Kitchen holds a current standard Class B liquor license and is in good standing with the City. Isacco Kitchen is in the process of moving its business to a new location at 131 S 1st Street, St. Charles. In addition to this move Mr. Vitali is requesting a change in his Class B liquor license to a Class B2. Mr. Vitali is expanding his restaurant operation to sell wine with catering orders which will be carry-out and deliveries.

A Class B-2 licenses shall authorize the retail sale of alcoholic liquors for consumption on the premises of a restaurant and tavern. Class B-2 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises, in conjunction and solely with a carry out order of one or more meals.

We seek recommendation from the Liquor Control Commission to move forward to the Government Operations Committee on October 5.

Attachments: (please list)

Application Front Page
Business Plan
Site Plan
Menu

Recommendation / Suggested Action (briefly explain):

Recommendation to approve a class B2 liquor license for Isacco Kitchen which is being relocated 131 S 1st Street, St. Charles, IL.

For office use only:	Agenda Item Number: 5
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Date: _____

() New Application

() Renewal Application

CITY OF ST. CHARLES

LIQUOR CONTROL COMMISSIONER

TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



City Retail Liquor Dealer License Application (rev. 12/13) **Non-Refundable**

Ordinance 5.08.050.A1

Application must be completed in full

Incomplete applications will be rejected

Business Type: Circle one Individual Partnership Corporation Other _____

Business Name ISACCO KITCHEN Sales Tax # _____

Business Address 131-S-FIRST STREET-ST. CHARLES IL Business Phone # 630-444-0202

Contact Person ISACCO VITAL Title OWNER Phone # [REDACTED]

If Corporation, Corporate Name SIXTY-FORTY CORP-216 WALL STREET-GENEVA (12)

Corporation Address 60134
Corporate Officers, plus Manager of Establishment, Officers must include President, Vice President, Secretary and Treasurer Or Sole Proprietor

Have you had a business within the City of St. Charles under any other corporate name: Yes _____ No (X)
If yes, list address of business _____

Full Name, include Middle Initial _____ Title _____

Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____

Home Address _____

Full Name, include Middle Initial _____ Title _____

Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____

Home Address _____

Full Name, include Middle Initial _____ Title _____

Birth Date _____ Birthplace _____ Driver's License # _____ Home Phone # _____

Home Address _____

Type of Establishment: () Package (X) Restaurant () Tavern () Hotel/Banquet/
Arcada/Q-Center (X) Other TO GO FOOD

Check as Applicable to () Holding Bar [5.08.010-F] (X) Service Bar [5.08.010-O] () Live Entertainment [5.08.010-H]
Type of Establishment: () Outside Dining [17.20.020-R]

Brief Business Plan Description based on type of establishment listed above:

SMALL RESTAURANT- WITH TO GO FOOD AND WINE
SALE OF WINE by bottles

Initial: Liq Comm _____

Police Chief _____



9/15/15

St. Charles Liquor Commission
Re: Isacco Kitchen liquor license

Greetings,

I recently changed my location from 210 Cedar St. to 131 S. 1st Street in St. Charles. Concurrently, I changed my restaurant concept to include food and wine delivery. My wine list is limited to small wine productions that are not available at chain stores. Oftentimes my clients want to buy a bottle or case of wine from me because it is not available to consumers directly.

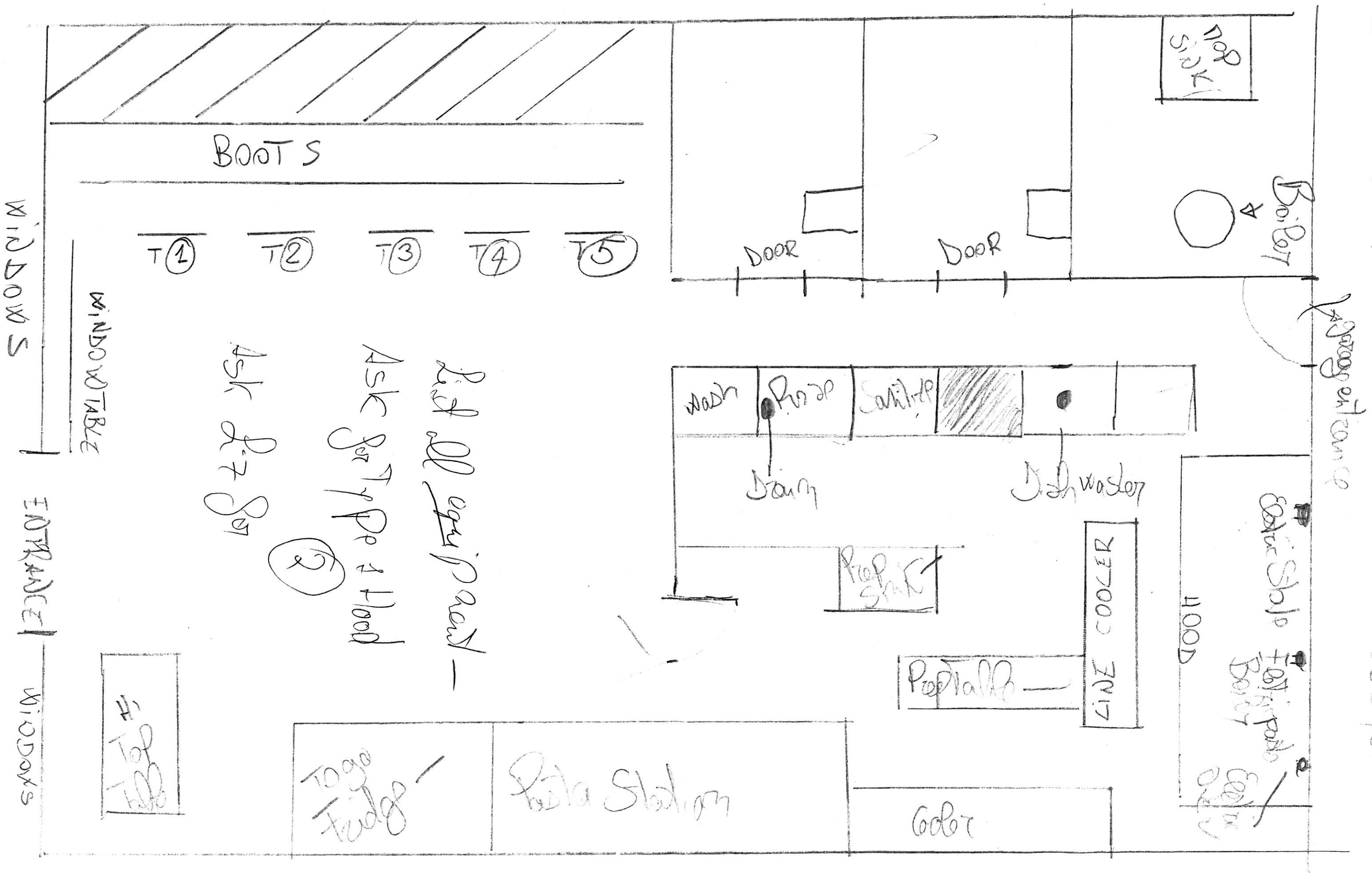
I am requesting a change to my liquor license that will allow wine delivery and direct purchase with food.

Thank you for your consideration and support of St. Charles businesses.

Respectfully,

Isacco Vitali
Owner, Isacco Kitchen

6304643036



ISACCO

Lunch Menu

Corn Chowder	[7]	
Butternut squash & apple soup	[7]	
Fruit & Vegetable Gazpacho	[7]	
Summer salad, house dressing ~ (chicken 4, shrimp 5)	[8]	
Brussels sprouts ~ Bacon, onions, sesame, orange zest	[8]	
Fried dates stuffed with chorizo, beets, feta cheese, balsamic	[10]	
Zucchini Flower Tempura, prosciutto, arugula, shaved parmesan		[10]
Mushroom risotto	[12]	
Homemade Fettuccine & My tomatoes, basil, parmesan	[12]	
Handmade duck ravioli, smoked prosciutto, marinara, pistachio	[12]	
Pappardelle pasta, spinach, goat cheese, walnut, chicken	[12]	
Caprese salad with Burrata mozzarella	[14]	
Ahi Tuna salad	[15]	
Grilled Octopus, fingerling potato, arugula, olives, balsamic	[15]	
Pork scaloppini, spinach risotto	[15]	
Grilled Flank steak, asparagus, potato gratin, arugula	[15]	
Crab ravioli diablo~ shrimp, scallop, spicy vodka sauce	[17]	

ISACCO

Dinner Menu

Starters

Corn chowder soup	[7]
Hand cut fruit & vegetable gazpacho [chilled]	[7]
Summer salad, my tomatoes, cucumbers, greens, apple, and house dressing	[9]
Roasted Brussels sprouts with bacon, walnut, sesame seeds, orange zest	[9]
Beet and butternut squash salad, apple, goat cheese, balsamic	[9]
Asparagus & roasted corn salad, blue cheese, raspberries	[9]
Fried dates with chorizo, handpicked greens, olives, herbs dressing	[10]
Baked grilled eggplant, rolled with Italian sausage, marinara, asiago	[10]
Zucchini flower tempura, filled with goat cheese cream, basil pesto	[10]
Baked figs with parmesan and asiago crust, salad, Parma ham, grilled bread	[12]
Fresh Maryland Oyster: 6pcs	[12]
Fried calamari	[12]
Crispy pork belly, salad, balsamic reduction	[14]
Caprese with home grown tomatoes & grilled vegetables, Parma Ham	[14]
Seared Ahi tuna, ratatouille of vegetables, salad, mango papaya salsa	[15]
Grilled octopus salad, roasted fingerling potatoes	[16]
Barbecue lamb ribs with potato salad	[16]
Cheese plate with selection of 4 Cured meat and 4 cheeses	[18]

Main Courses

isacco_cateringCavatelli pasta with Italian sausages, kale, cherry tomatoes, asiago cheese	[18]
Homemade duck ravioli, with sage, butter, smoked prosciutto, Parmigianino	[18]
Hand cut fettuccine with my grandma style Bolognese	[18]
Homemade tortellini filled with ricotta & spinach, grilled chicken, arugula	[18]
Grilled flank steak, potato gratin, grilled asparagus, arugula salad	[22]
Snapper on sun dried tomatoes and artichokes risotto	[22]
Pork scaloppini limone on creamy spinach - asiago risotto	[22]
Braised short ribs cannelloni, sautéed spinach & mushroom, port reduction	[22]
Berkshire Pork chop Milanese on a saffron risotto	[22]
Grilled duck breast, roasted baby potatoes, port reduction	[24]
Homemade crab ravioli diablo with scallop and shrimp, spicy vodka sauce	[26]
Sea food risotto: half lobster, scallop, calamari, mussels, clams, shrimp, tiger	
Shrimp white wine and marinara	[26]
Maine Lobster fettuccine with homegrown tomatoes and basil, herb butter	[28]



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~~ July, 2015.


Raymond Rogina
Local Liquor Control Commissioner
City of St. Charles

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

COUNTIES OF KANE AND DU PAGE

CERTIFICATE OF SERVICE

follows: ROCHELLE SALAS at THE HOTEL BAKER on the 30 day of ~~August~~, 2015.

John Ke

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

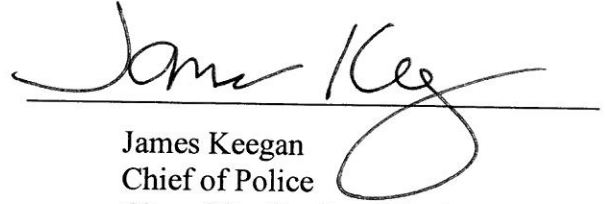
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

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

11/31/15

**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**



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

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.

Case 334

SUBSCRIBED AND SWORN TO
before me this 14 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

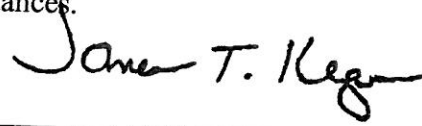
Allowed a patron to exit its premises while in possession of an alcoholic beverage.

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.



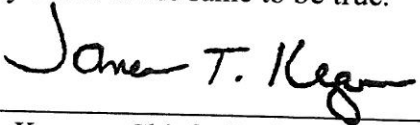
James Keegan
Chief of Police
City of St. Charles, Illinois

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 Keegan, Chief of Police

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



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			WHITE	MALE	

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	

Property

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

Vehicles

No.	Role	Vehicle Type	Year Make	Model	Color	License Plate State
-----	------	--------------	-----------	-------	-------	---------------------

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)