

CITY OF CHICAGO
DEPARTMENT OF ADMINISTRATIVE HEARINGS
BUILDINGS HEARINGS DIVISION
400 WEST SUPERIOR, ROOM 115
CHICAGO, ILLINOIS

2007 AUG 22 PM 3:48
DEPT. OF ADMIN. HEARINGS
FILED

CITY OF CHICAGO,)	No. 07 BN 00419A
a municipal corporation,)	
Plaintiff,)	Re: 817 W. Lake
v.)	Chicago, Illinois
RAUL PEREZ, RAUL D. PEREZ,)	
PERCY PEREZ, TONY PEREZ, JEHAD)	PIN: 17-08-434-002-0000
Y. SHEHADE, 817 W. LAKE ST. INC.,)	
Respondents.)	

SECOND AMENDED COMPLAINT

Plaintiff City of Chicago ("City"), by its attorney, Mara S. Georges, complains of Respondents RAUL PEREZ, RAUL D. PEREZ, PERCY PEREZ, TONY PEREZ, JEHAD Y. SHEHADE, 817 W. LAKE ST. INC. ("Respondents"), as follows:

GENERAL ALLEGATIONS - THE PARTIES AND PROPERTY IN ISSUE

1. The City is a municipal corporation and a home-rule unit organized and existing pursuant to the laws of the State of Illinois.
2. There is a property commonly known as 817 W. Lake, Chicago, Illinois ("Subject Property"), with a property index number of 17-08-434-002-0000 and the following Legal Description:

Lot 4 in Block 36 in Carpenter's Addition to Chicago, a Subdivision of the South East 1/4 of Section 8, Township 39 North , Range 14, East of the Third Principal Meridian, in Cook County, Illinois.
3. At all times relevant to this complaint, the Respondents owned, managed or controlled the property located at the Subject Property.
4. This Complaint is brought pursuant to the Drug and Gang Houses, Houses of Prostitution and Other Disorderly Houses Ordinance, Section 8-4-090 of the City's Municipal Code ("Code").
5. Section 8-4-090 of the Code provides that any premises used for prostitution, illegal gambling, illegal possession or delivery of or trafficking in controlled substances, or any other activity that constitutes a felony, misdemeanor, business offense or petty offense

under federal, state or municipal law is declared to be a public nuisance, provided that the property is used for more than one such offense within any six month period, or the offense is punishable by imprisonment for one year or more.

6. Section 8-4-090 further provides for any person who owns, manages or controls such premises and who encourages or permits illegal activity to occur or continue shall be subject to a fine. This fine shall not be less than \$3,000 and not more than \$6,000 for any offense defined as a class X felony by the Criminal Code of 1961, 720 ILCS 5 ("Criminal Code"); not less than \$1,500 and not more than \$3,000 for any offense defined as a Class 1 felony by the Criminal Code; not less than \$700 and not more than \$1,400 for any offense defined as a Class 2 felony by the Criminal Code; not less than \$500 and not more than \$1,000 for any offense defined as a Class 3 felony by the Criminal Code; not less than \$300 and not more than \$1,000 for any offense defined as a Class 4 felony by the Criminal Code; and not less than \$200 and not more than \$1,000 for all offenses not otherwise specified. Each day that a violation of this section continues shall be considered a separate and distinct offense.

COUNT I - CRIMINAL ACTIVITY

7. The City re-alleges paragraphs 1-6 of General Allegations, above, and reincorporates those allegations herein as part of Count I.
8. During the time that the Respondents owned, managed and/or controlled the Subject Property, criminal activity has taken place in and around the Subject Property.
9. Specifically, the following criminal activity occurred at the Subject Property:
 - A. On November 20, 2005 at 2:15 AM, Chromium security guard Robert WILLIAMS committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when he intentionally struck a police officer while the officer attempted to break up a street fight among Chromium patrons. (HL 745 584)
 - B. On November 20, 2005 at 2:20 AM, Chromium patron Rashaun FUMBANKS committed the offense of disorderly conduct (Municipal Code of Chicago section 8-4-010) when he engaged in a physical altercation involving a mass number of combatants on the sidewalk directly adjacent to the Chromium night club. (CB# 16371600)
 - C. On December 18, 2005 at 2:00 AM, two unknown Chromium security guards committed the offense of aggravated battery (720 ILCS 5.0/12-4, a class 3 felony) when a Chromium patron was involved in a verbal altercation inside the Subject

Property with a guard named "Sgt" (aka Sargon). Sargon then struck the patron with a closed fist about his head and body several times and the patron fell to the ground. Sargon and another guard crushed several glasses on the patron's head causing him to lose consciousness. (HL 745 908)

- D. On December 18, 2005 at 2:10 AM, an unknown individual committed the offense of aggravated battery (720 ILCS 5.0/12-4, a class 3 felony) when two victim-patrons were attempting to break up a fight inside the Chromium night club. One patron-victim was struck on the left side of the face and the other was struck by an unknown thrown object. (HL 795 822)
- E. On January 22, 2006 at 1:30 AM, Chromium patrons Johnny MAEQUEZ, Ramon AGUILAR and Juan GUTIERREZ committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when in the Chromium night club, on the dance floor, they began striking another individual in the face and body with closed fists and kicking him with their feet. (HM 138 028);
- F. On January 29, 2006 at 12:40 AM, Chromium patron Jeffrey CEDENO committed three counts of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when he grabbed the buttock of another Chromium patron inside the night club. After a verbal altercation ensued CEDENO struck two club employees about the face with a closed fist. In addition, Chromium patron Oscar ALFARO committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when during a verbal altercation in the Chromium night club he began striking another individual in the face and body with closed fists. (HM 150 909);
- G. On January 29, 2006 at 2:51 AM, Chromium patron Alan S. RASHO committed the offense of assault (720 ILCS 5.0/12-1-a, a class C misdemeanor) when during a verbal altercation at the Chromium night club he stated "I AM A BOXER, I'M GONNA KICK YOUR ASS, BITCH." He then posed a fighter's stance. RASHO became an active resister when police officers attempted to place him in custody. (HM 151 045);
- H. On January 29, 2006 at 3:15 AM, Chromium patrons Victor M. PEREZ, Jr., Roberto GARCIA and Henry A. PEREZ committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when during a verbal altercation at the Chromium night club they began striking two other individuals in the face and body with closed fists. (HM 151 091);
- I. On February 5, 2006 at 2:00 AM, unknown Chromium patrons committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when they approached another Chromium patron in the ladies room and struck her in the face

with a high-heel shoe. The Chromium night club committed the offense of failure to notify (Municipal Code of Chicago Section 4-60-141) when the manager failed to notify the police of this offense after the victim/patron requested that the manager do so. (HM 166 692)

- J. On March 11, 2006 before 7:48 PM, an unknown offender committed the offense of theft (720 ILCS 5.0/16-1, a class A misdemeanor) when the offender stole two valet loading signs from in front of the Subject Property (HM 226 909)
- K. On March 31, 2006 at 12:59 AM, Chromium patron Gerardo J. MONTOYA committed three counts of aggravated assault (720 ILCS 5.0/12-2-a-1, a class A misdemeanor) when after exclaiming "I'M GOING TO KILL ONE OF THOSE SECURITY GUARDS!" He got into his vehicle and drove it over the curb, over a barricade and at the immediate direction and proximity of three security guards. (HM 262 846);
- L. On April 29, 2006, between 1:00 and 2:00 AM, an unknown individual committed the offense of aggravated battery (720 ILCS 5.0/12-4, a class 3 felony) on the sidewalk adjacent to the Chromium night club when he hit a victim on the head with a bottle, punched the victim in the mouth and robbed the victim. (HM 319 517)
- M. On May 6, 2006 at 3:08 AM, Chromium patron Pablo MORADO committed the offenses of resisting a police officer (720 ILCS 5.0/31-1-a, a class A misdemeanor) when MORADO disregarded verbal directions from and struggled with the arresting officers. MORADO also committed the offense of aggravated assault of a peace officer (720 ILCS 5.0/12-2-a-6 a, class A misdemeanor) when he bit one police officer in the right foot. Chromium patron Cherise DEJONGE committed the offense of resisting a police officer (720 ILCS 5.0/31-1-a, a class A misdemeanor) when she pushed an officer in an attempt to terminate the arrest of MORADO. (HM 355 317)
- N. On May 21, 2006 at 2:00 AM, an unknown offender committed the offense of theft (720 ILCS 5.0/16-1, a class A misdemeanor) when the offender stole a purse, cell phone and Illinois photo identification from a Chromium patron inside the night club. (HM 364 367)
- O. On September 25, 2006 at 2:00 AM, an unknown offender committed the offense of theft (720 ILCS 5.0/16-1, a class A misdemeanor) when the offender stole a purse, Illinois photo identification and social security card from a Chromium patron inside the night club. (HM 621 515)
- P. On October 13, 2007 at 11:30 PM, Renee WHITE an employee of the Chromium

night club committed the offense of placing advertisement matter on vehicles (Municipal Code of Chicago section 10-8-310) when she placed advertisements on automobile windows located on the 800 block of Lake St. (P000 782 782 18)

- Q. On October 14, 2007 at 12:01 AM, an unknown Chromium security guard committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when he pushed a patron out of the Chromium night club and struck the patron's finger on an unknown object giving the finger a laceration. (HM 658 830)
- R. On October 21, 2006 at 12:05AM, an unknown offender committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when the offender came from behind a Chromium patron standing in line on the sidewalk adjacent to the Subject Property and used a stick to strike the patron on the back of the head and forearm. (HM 612 769)
- S. On October 21, 2006 at 12:15AM, Chromium patron Antonio P. LEWIS committed the offense of reckless conduct (720 ILCS 5.0/12-5-a, a class A misdemeanor) when standing in a crowded line to enter the Chromium night club he began arguing with security personnel. After being asked to leave he refused and began shouting profanities and attempted to incite a fight putting other patrons in jeopardy of being injured. (HM 672 859);
- T. On October 28, 2006 at 11:52 PM unknown Chromium patrons committed the offense of battery (720 ILCS 5.0/12-3-a-1, a class A misdemeanor) when they struck two other Chromium patrons with closed fists, pushed one patron to the ground and kicked her. (HM 698 104)
- U. On October 29, 2006 at 2:20AM, Chromium patron Milton Terrance HOWERY committed the offense of reckless conduct (720 ILCS 5.0/12-5-a, a class A misdemeanor) when he became enraged after being removed from the nightclub he pushed a wooden-horse/barricade into a crowd of people standing in line at the club. (HM 688 365);
- V. On December 10, 2006 at 1:16 AM, Chromium patron Brandy GARNER committed two counts of the offense of assault (720 ILCS 5.0/12-1-a, a class C misdemeanor) and one count of criminal trespass to land (720 ILCS 5.0/21-3-a-2, a class B misdemeanor) when she refused to leave the Chromium night club after being asked to do so. GARDNER then threatened to "KICK [the guards'] ASS." (HM 151 803);
- W. On January 20, 2007 at 2:10 AM, Demond STRONGS committed the offenses of aggravated assault of a peace officer (720 ILCS 5.0/12-2-a-6, a class A misdemeanor), resisting a police officer (720 ILCS 5.0/31-1-a, a class A

misdemeanor) and reckless conduct (720 ILCS 5.0/12-5-a, a class a misdemeanor) when he was observed by police officers street fighting at 817 W. Lake. When instructed to disperse, STRONGS attempted to incite the crowd by screaming "FUCK THE POLICE WE AIN'T LEAVING." He also screamed "I'LL WHOOP YOU MOTHER FUCKIN ASS," to another combatant and when approached by the police officers he responded, "I'LL BEAT YO' ASS TOO." When officers attempted to take STRONGS into custody he proceeded to pull away from the officers and flailed his arms to prevent being handcuffed. (HN 133 774);

- X. On January 20, 2007 at 2:10 AM, Jamaul BAKER and Jeffrey MCCALLUM committed the offense of disorderly conduct (720 ILCS 5.0/26-1-a-1, a class C misdemeanor) when they were observed by police officers street fighting at 817 W. Lake. When instructed to disperse they continued to fight with an individual who later fled the scene. (HN 133 774);
- Y. On March 25, 2007 at 2:20 AM, Chromium patron Jorge VARGAS Jr. committed the offense of criminal trespass to land (720 ILCS 5.0/21-3-a-2, a class B misdemeanor) when he returned to the Chromium night club moments after being asked to leave for being involved in a disturbance at the Subject Property. (HN 245850)
- Z. On April 10, 2007 at 2:20 AM, Chromium patron Will WALLS committed the offense of reckless conduct (720 ILCS 5.0/12-5-a, a class A misdemeanor) when he was swinging his arms and shouting profanities in a crowd at the Chromium night club. (HN 274 605)
- AA. On August 18, 2007 at 1:45 AM, an unknown Chromium patron committed the offense of aggravated battery (720 ILCS 5.0/12-4, a class 3 felony) when after a verbal altercation the patron hit a female patron on the head with an object. (HN 535 805)
- BB. On August 18, 2007 at 1:45 AM, Chromium patron Cleveland L. SACK committed the offense of aggravated assault of a peace officer (720 ILCS 5.0/12-2-a-6, a class A misdemeanor) when he made a verbal threat to shoot the police and held his right hand inside his waistband. (HN 535 841)
- CC. On August 19, 2007 at 3:08 AM, Chromium patrons committed the offense of first degree murder (720 ILCS 5/9-1, a felony) when after being involved in a verbal altercation inside the Chromium night club they left the Subject Property, pulled up in their automobile to the other Chromium patron involved in the altercation and began to fire bullets at the victim-patron and killed him. (HN 537 588)

10. Respondents encouraged and/or permitted this illegal activity to occur on the Subject Property in violation of Section 8-4-090 of the Municipal Code of Chicago.

WHEREFORE, the City respectfully requests that this Agency:

- a. Find that criminal activity, as defined in Section 8-4-090, has occurred at the Subject Property;
- b. Find that the Respondents failed to take reasonable abatement measures to end the criminal activity taking place at the property and therefore encouraged and/or permitted the illegal activity to occur on the Subject Property in violation of Section 8-4-090 of the Municipal Code of Chicago.
- c. Fine the Respondents in the amount of \$6,000 per day, per criminal offense, or up to the maximum fine allowable by the Code for each criminal offense committed at the Subject Property which Respondents permitted and/or encouraged to occur.
- d. Order that the Respondents take action to abate the criminal activity now occurring at the Subject Property, including but not limited to the following:
 - i. Vacate the Subject Property;
 - ii. Board the Subject Property for a period of two (2) years;
 - iii. Assign or forfeit to the City all of the Respondents's rights, title and interest in the Subject Property;
- e. Any other relief that this Agency deems just and equitable.

COUNT II - BUILDING CODE VIOLATIONS

11. The City re-alleges paragraphs of 1-6 of General Allegations, above, and reincorporates those allegations herein as part of Count II.
12. During the time that Respondents has owned, managed and/or controlled the Subject Property the Subject Property has failed to meet the minimum requirements of the Code.
- A. Specifically, on May 11, 2007, and on each day thereafter, Respondents failed to comply with the Municipal Code of the City of Chicago regarding:
- 003042
1. Failure to provide and maintain uninterrupted means of egress to outside exit at grade level, *weather guard fabric entrance has slide bolts and outside hasps*, in violation of §§13-160-010, 13-196-050, 13-200-330 of the Code;
- 194029
2. Failure to provide rear exit doors to alley - *provide wheel stops block rear exits, 1st floor rear exits to alley - provide wheel stops so garbage dumpsters or vehicles cannot block rear exits*, in violation of §13-52 of the Code;

- 015032
3. Failure to relocate door so does not project into public way when open, *front east exit from 2nd door swinging into public way*, in violation of §13-160-250 (e) of the Code;
- 005062
4. Failure to remove fusible links and/or other hold-open arrangements on stair doors, *2nd floor doors to exit stairs remove hold open devices*, in violation of §§15-8-180 (c), 15-12-150 of the Code;
- 005012
5. Failure to provide stairwell opening with self-closing, framed, 1 1/2 hour Class B door, *2nd floor east stairwell door broken closers*, in violation of §15-8-180 of the Code;
- 101015
6. Failure to repair holes and large cracks in interior walls or ceilings, *2nd floor west loose ceiling holes*, in violation of §13-196-540 (c) of the Code;
- 171017
7. Failure to obtain permit for plumbing work before undertaking work, pull permit, in violation of §18-29-106.1 of the Code;
- 171027
8. Failure to employ licensed and bonded plumber to perform plumbing work, hire license and bonded plumbing contractor, in violation of §14-332-010-100 of the Code;
- 151087
9. Failure to label bathrooms for each sex, *provide separate male/female handicap toilets, label needed for each toilet room, quit using handicap toilet rooms for storage*, in violation of §13-168-1740 of the Code;
- 163027
10. Failure to provide non-absorbent open front seats for public or employee toilet, *provide open front toilet seat in men bath room*, in violation of §18-29-4203 of the Code;
- 234032
11. Failure to install trap and/or waste and vent pipes, *provide waste vent and traps for hand wash sink and ice storage bin behind 1st floor bar*, in

violation of §18-29-906.1 906.2, 18-29-1001.1, of the Code;

237004

12. Failure to provide indirect connection for water supply, *install blow flow devices for dish washer behind 1st floor bar*, in violation of §18-29-602, 608.1 of the Code;

239030

13. Failure to provide proper flue pipe and draft hood for water heater, *provide proper flu pipe for water heater*, in violation of §13-152-400, of the Code;

237004

14. Failure to provide indirect connection for water supply, *install vacuum breaker for hare bid in basement*, in violation of §18-29-602, 608.1 of the Code;

220009

15. Failure to provide at least 3 feet of clear space around electrical service and distribution equipment, *provide proper clearances for electrical equipment in 1st floor - electrical room*, in violation of §18-27-110.6 of the Code;

220020

16. Failure to support loose light fixture, *properly support exit signs in 1st floor areas*, in violation of §18-27-410.15 of the Code;

220033

17. Failure to strap and secure raceway and armored cable, *properly support all conduit runs in 1st floor electronics room*, in violation of §18-27-110.12 of the Code;

220065

18. Failure to replace defective live front service and distribution equipment with dead front, *replace live front emergency service with dead front type*, in violation of §18-27-384.5 of the Code;

220066

19. Failure to remove unapproved flexible cord, *remove unapproved flexible cords in lower level tripping hazard*, in violation of §18-27-400.8 of the Code;

220084

20. Failure to install GFCI outlets, all electrical equipment shall be installed in a work man like manner - *conduit runs main electrical room*, in violation of §18-27-110.12 of the Code;

220085

21. Failure to provide maintenance system III emergency lights and exit signs in violation of §18-27-570.8 of the Code;

220086

22. Transfer switch location - shall not be located in same room as the service equipment in violation of §18-27-701-8 of the Code;

156017

23. Failure to repair or replace defective water supply piping and appurtenances, *remove garden hose from floor of basement*, in violation of §18-29-604.10.1.1, 10.1.2, 606.5.1, 606.5.1.1, 606.5.1.2, 606.5.3 of the Code;

163027

24. Failure to provide no-absorbent open front seats for public or employee toilet, *toilet room ground floor missing seat*, in violation of §13-168-1350 of the Code;

161027

25. Failure to seal open drain from removal of plumbing fixture, *2nd floor V.I.P. area behind bar*, in violation of §18-29-102.3 of the Code;

157047

26. Failure to stop leaking water, *ground floor behind bar ice bin waste*, in violation of §18-29-102.3, 601.1 of the Code;

239010

27. Failure to engage licensed and bonded plumbing contractor to install plumbing, licenced and bonded plumbing contractor, in violation of §13-168-180 of the Code;

13. This proceeding is brought pursuant to the provisions of the Municipal Code of Chicago.

WHEREFORE the City respectfully requests that this Court:

- a. Issue a fine against Respondents in the amount of \$1000 per violation per day, for each day the violations have existed and/or exist.
- b. Order Respondents as follows:

- i. Immediately repair all of the above-listed violations;
 - ii. Allow a complete interior and exterior inspection by the City of Chicago building inspectors to verify that all required repairs have been completed and are in compliance with all applicable laws and standards;
 - iii. Obtain all necessary permits required to perform the work; and
 - iv. Hire licensed electricians and plumbers to do the necessary work, where applicable;
- f. Any other relief that this forum deems appropriate.

COUNT III - FAILURE TO IMPLEMENT REASONABLE ABATEMENT MEASURES

14. The City re-alleges paragraphs 1-6 of General Allegations, above, and reincorporates those allegations herein as part of Count III.
15. Respondent Raul Perez failed to abate the nuisance and failed to implement the reasonable and warranted abatement measures listed in the Resolution Agreement Dated February 1, 2006 (See Exhibit A).
16. The Resolution Agreement, signed by Respondent Raul Perez, specifically required Respondents Raul Perez to institute and perform the following abatement measures at the Subject Property:
- a. regularly attend CAPS beat 1212 meetings,
 - b. employ adequate numbers of licensed and bonded security guards,
 - c. clean the street of club-related debris,
 - d. conduct regular meetings with his security staff to assess performance and identify areas that need further attention,
 - e. employ scanners to record the identification cards of incoming patrons,
 - f. maintain a list of and bar patrons who have been involved in altercations,
 - g. not allow parking immediately in front of the club,
 - h. allow police to access club-made videos,
 - i. stop serving alcohol 35 minutes prior to closing,
 - j. pay a fine of \$1,550.00,
 - k. call the police when they become aware of illegal activity occurring at the property, and
 - l. adequately illuminate the front, side and rear of the property.
17. Respondent failed to failed to implement abatement measures as follows:
- a. Respondent Raul Perez failed to regularly attend CAPS beat 1212 meetings,
 - b. Respondent Raul Perez failed to employ adequate numbers of licensed and bonded security guards,
 - c. Respondent Raul Perez failed to conduct regular meetings with his security staff

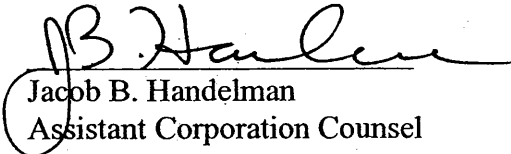
- d. Respondent Raul Perez failed to maintain a list of and bar patrons who have been involved in altercations,
- e. Respondent Raul Perez failed to not allow parking immediately in front of the club,
- f. Respondent Raul Perez failed to stop serving alcohol 35 minutes prior to closing, and
- g. Respondent Raul Perez failed to call the police when they become aware of illegal activity occurring at the property.

18. This proceeding is brought pursuant to the provisions of the Municipal Code of Chicago.

WHEREFORE the City respectfully requests that this Agency:

- a. Find Respondent in violation of Section 8-4-090 in that Respondent encouraged or permitted illegal activity to occur at the Subject Property;
- b. Fine Respondent in the amount of \$500 per day for Respondent's failure to implement the reasonable and warranted abatement measures subsequently agreed upon;
- c. Order Respondent to take action to abate the criminal activity now occurring at the Subject Property, including but not limited to the following:
 - i. Assign or forfeit to the City all of the Respondent's rights, title and interest in the Subject Property;
 - ii. Vacate the Subject Property;
 - iii. Board the Subject Property for a period of two (2) years; and
- d. Any other relief that this Agency deems just and equitable.

Respectfully submitted,
Mara S. Georges,
Corporation Counsel of the City of Chicago


Jacob B. Handelman
Assistant Corporation Counsel

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(312) 744-5526

CITY OF CHICAGO DEPARTMENT OF LAW
MUNICIPAL PROSECUTIONS DIVISION
DRUG AND GANG HOUSE ENFORCEMENT SECTION

RESOLUTION AGREEMENT

EXHIBIT

-A-

I. ACKNOWLEDGMENTS

Raul Perez, the owner/manager, recognizes and acknowledges that criminal activity has occurred on property owned/managed by him, located in Beat 1212 at 817 W. Lake Street, in the City of Chicago ("Subject Property"), which may constitute a violation of Section 8-4-090 of the Chicago Municipal Code. The owner/manager and his attorney, Demetris Kare, met with Chicago Police Officers Jill Stevens and Thomas Foley and Assistant Corporation Counsel Robin Crabb from the City of Chicago Department of Law on February 1, 2006, to discuss and agree upon measures necessary to abate the nuisances associated with the criminal and building code violations. The owner/manager has entered into this Resolution Agreement freely and voluntarily, and acknowledges that it is binding upon him.

II CRIMINAL ACTIVITY ABATEMENT REQUIREMENTS

1. Raul Perez ("Respondent"), as owner and/or manager of the building located at 817 W. Lake Street, Chicago, Illinois ("Subject Property") stipulates that the City possesses evidence which, if presented, may be sufficient for a finding of liability in the above-captioned matter. Respondent enters this order by agreement in settlement of this matter, and acknowledges that as the owner/manager of record, he is responsible for maintaining the Subject Property in accordance with the Chicago Municipal code.
2. Respondent or his agent shall regularly attend CAPS meetings for Beat 1212, and shall identify themselves as a representative of Chromium night club. At each meeting they attend, they shall document their presence by signing the attendance sheet. The beat meetings are held on the second Wednesday of each month at 1224 W. Lexington, at 6:30 p.m. The dates and times may be confirmed by contacting 311.
3. Respondent shall continue to employ adequate numbers of licensed and bonded security guards on any nights that the licensed establishment is in operation. These guards shall be provided with portable radios. Respondent shall perform a criminal background check for each security guard prior to hiring him or her, and shall produce documentation of the background check upon request by the Chicago Police Department or the City of Chicago Department of Law.
4. Respondent shall continue to employ workers to clean the street of any club-related

garbage following each day that the licensed establishment operates. Records of these workers' employment shall be made available to the City of Chicago Department of Law upon written request.

5. Respondent shall conduct regular meetings with his security staff to assess their performance and to identify areas that may need further attention. The Respondent shall produce attendance sheets from these meetings, with the date and signatures of all attendees, upon written request of the City of Chicago Department of Law.
6. Respondent shall continue to employ scanners to record the identification cards of incoming patrons. Respondent shall maintain a list of any patrons who have been arrested or involved in any altercation in the Subject Property, and shall bar them from the Subject Property. If Respondent becomes aware that any barred person comes to be inside the property, he or his agent shall immediately contact the Chicago Police Department and request that the offender be arrested. The list of patrons who are not allowed in the property shall be produced upon request of the Chicago Police Department or the City of Chicago Department of Law.
7. Respondent shall not allow employees of the licensed establishment to park immediately in front of the Subject Property at any time.
8. Upon request, Respondent shall allow the Chicago Police Department access to any video recordings made by club personnel.
9. Respondent shall stop serving any alcoholic beverages no later than thirty-five minutes prior to closing. Respondent acknowledges that this agreement in no way limits his legal right to serve alcohol until the time indicated on his liquor license, but has voluntarily chosen to stop serving alcohol prior to that time.
10. Respondent shall pay a fine of \$250 for each allegation in the complaint, ($\$250 \times \text{six counts of the complaint} = \1500), plus \$50 court costs, for a total of \$1550. This fine will be payable to the City of Chicago, and will be tendered by certified check, cashier's check, or money order. The fine shall be paid to Kris Mokrzycki, 30 N. LaSalle Suite 700, Chicago, IL 60602, on or before February 10, 2006.
11. Following an initial trial period of six months, any of the terms of this agreement may be altered by mutual, written agreement of the parties.
12. In the event that Respondent or his agents becomes aware of any illegal activity occurring on the property, he or she shall immediately contact the police by calling 911 and requesting the arrest of any offenders.
13. Respondent shall take steps to ensure that the exterior of the building is adequately

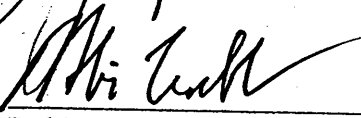
illuminated at front, sides, and rear.

14. Respondent acknowledges that, for the purposes of Section 8-4-090 of the Code, the "premises" includes the property located at 817 W. Lake, as well as "...any portion of the public way that abuts the parcel of property when it is used in conjunction with the abutting property for the commission of illegal activity." This definition is contained within Section 8-4-090 (f) of the Code.
15. Respondent acknowledges that, pursuant to the requirements of Section 8-4-090(e) of the Code, he has been given written notice that the building in question constitutes a nuisance, that he has met with representatives of the city, and that the foregoing agreement constitutes the reasonable abatement measures that have been agreed to by all parties. Respondent acknowledges that willful failure to comply with any part of this order constitutes a violation of Section 8-4-090 of the code, and will be the basis for further legal action.



Raul Perez
Respondent

2/3/06
Date



Robin Crabb
Asst. Corporation Counsel

2-3-06
Date