

MINUTES OF THE REGULAR MEETING
OPEN SESSION
ILLINOIS LIQUOR CONTROL COMMISSION
NOVEMBER 16, 2016
JAMES R. THOMPSON CENTER – ROOM 9-034
1:00 PM
CHICAGO, ILLINOIS

The regular meeting of the Illinois Liquor Control Commission was held at the James R. Thompson Center, Chicago, Illinois 60601 room 9-034 pursuant to notice.

Call the Roll:

Constance Beard, Chair
Cynthia Cronin Cahill, Commissioner
Donald O'Connell, Commissioner
Thomas Gibbons, Commissioner (joining after initial call at 1:04pm)
Patricia Pulido Sanchez, Commissioner

Also Present:

U-Jung Choe, Executive Director
Ivan Fernandez, Director, Enforcement Division
Sean O'Leary, Chief Legal Counsel
Dusanka Marijan, Licensing Administrator
Lee Roupas, Industry Education
Mary McNulty, Commission Secretary

I. Licensing Division

Dusanka Marijan stated that online renewals continue to increase and are currently estimated at 65% of total renewal applications. Licensing staff is also continuing to process more complex applications at a faster rate. Ms. Marijan also informed the Commission about current licensing totals.

II. Enforcement Division

Ivan Fernandez reported that there are currently twenty-three communities that have signed on for the LC-13 program, and six additional pending communities. Roughly 2,600 licenses are now covered under the new program. Staff recently hosted a training session in Decatur and received positive feedback. There are training sessions scheduled in various communities for November and December including Winnebago County.

Mr. Fernandez added that there have been two SAM details since the last Commission meeting, one in Peoria County and one in Lincolnwood. One of the licensees in Peoria County received a fourth SAM violation.

III. Industry Education

Lee Roupas stated that the College Town Summit was a success. A wide variety of speakers educated the attendees on liquor related issues including prevention strategies, sexual assaults on college campuses, counseling with students, and identification fraud. Mr. Roupas added that surveys will be sent to all attendees for feedback. Commissioners and staff congratulated Mr. Roupas on a job well done.

IV. Legal Division

Sean O’Leary stated that drafts pertaining to coupons and “of value” issues will be circulated at the next Commission meeting on December 8, 2016.

V. ALJ Recommendations

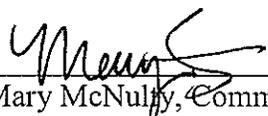
The Commission approved the attached ALJ recommendations for hearings held on November 2, 2016.

VI. Administrative Personnel Change

VII. Closing Remarks and Adjournment to Hearing

Commissioner Saldana made a motion to adjourn the meeting. Motion was seconded by Commissioner O’Connell. Motion unanimously approved. Meeting adjourned at 2:04 pm.

ATTEST:



Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

IN THE CITATION MATTER OF:

YJK CORP.
1514 SHERMAN AVE
EVANSTON, IL

LICENSEE

Citation Number: 17-CR-0129

License Number: 1A-0075990

Richard R. Haymaker
Administrative Law Judge

PROPOSAL FOR DECISION

Appearances:

Faith Dolgin appeared on behalf of the Illinois Department of Revenue; Paula Kim and Haesook Kim, owners, appeared on behalf of the Licensee.

Synopsis:

This matter was heard on November 2, 2016 in Chicago, Illinois. Following the submission of all evidence, I find that the Licensee has violated 235 ILCS 5/6-3 of the Illinois Liquor Control Act and recommend the revocation of the liquor license. In support thereof, the following "Findings of Fact" and "Conclusions of Law" are made.

Findings of Fact:

1. The Department of Revenue's (Department) representative testified that the Licensee failed to pay Sales/Use Tax total assessment balance of \$41,654.43 for tax reporting periods March 2016 through September, 2016.

2. The Department's testimony was corroborated by a "Taxpayer Statement" – admitted into evidence as a record kept in the normal course of the Department's business. *Department Exhibit 1.*
3. Licensee did not dispute the charges contained in the Taxpayer Statement.
4. The Department testified that the liquor licenses for the Licensee businesses have been cited five times in the past, three of which resulted in revocations (later vacated). The most recent revocation was in April of 2016.
5. The Department testified that the Licensee has submitted twelve payments which have been returned due to insufficient funds.
6. Licensee testified to having been in business as a Korean restaurant for eleven years.
7. Licensee testified that the business has been performing well but, due to family illness and personal issues, the Licensee fell behind in the tax payments.

Conclusions of Law:

Section 6-3 of the Illinois Liquor Control Act states:

- (a) In addition to other grounds specified in this Act, the State Commission or the local liquor control commissioner, on complaint of the Department, shall refuse the issuance or renewal of a license, or suspend or revoke the license, of any person, for any of the following violations of any tax Act administered by the Department:
 1. Failure to make a tax return.
 2. The filing of a fraudulent return.
 3. Failure to pay all or part of any tax or penalty finally determined to be due.
 4. Failure to keep books and records.
 5. Failure to secure and display a certificate or sub-certificates of registration, if required.
 6. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.
- (b) Upon receiving notice from the Department that a violation of any of items 1 through 6 of subsection (a) have been corrected or otherwise resolved to the Department's satisfaction, the Commission may vacate an Order of Revocation.

235 ILCS 5/6-3.

Under the mandate of the Illinois Liquor Control Act, the Commission shall "refuse the issuance or renewal of a license, or suspend or revoke the license," if a Licensee fails to pay "any tax" or "make a tax return." *235 ILCS 5/6-3 (emphasis added).* On the basis of the testimony of the Department representative

which was corroborated by documentary evidence, the Licensee failed "to pay all or part of any tax or penalty finally determined to be due" by the Department. 235 ILCS 5/6-3(a)(3). The Licensee did not contest the testimony nor the evidence submitted by the Department which leads me to conclude that the Department did not err in the assessment of liability. The Licensee is found to have committed violations of Section 6-3 of the Liquor Control Act.

Related to the enforcement of this order, the Licensee has been cited to appear before the Commission on five separate occasions and has been revoked three times for tax violations (later vacated). The most recent revocation occurred in April 2016. Based on this history, I do not recommend that a stay be entered for this revocation.

For the reasons stated herein and under the authority of the Illinois Liquor Control Act, it is recommended the license be REVOKED EFFECTIVE IMMEDIATELY. Should the Licensee come into compliance after the service of this order, the Order of Revocation shall be vacated in accordance with 235 ILCS 5/6-3(b) of the Act.

Proposed: November 2, 2016



Richard R. Haymaker
Administrative Law Judge

APPROVAL OF PROPOSAL FOR DECISION

Licensee referenced herein, having been duly cited and notified to appear at a hearing before an administrative law judge and having been found to have violated the conditions of their license, the Illinois Liquor Control Commission does hereby approve the Proposal For Decision to REVOKE the liquor license referenced herein:

EXCEPT FOR:

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Pat Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas W. Gibbons, Commissioner

Attested by:

Mary McNulty

Mary McNulty
Commission Secretary

Taxpayer Statement



17-CR-0129

November 1, 2016



Letter ID: L0573119056

YJK CORP
1514 SHERMAN AVE
EVANSTON IL 60201-4407

Taxpayer ID: 20-3730753
Total amount due: \$41,654.43



This statement lists our most recent information about your unpaid balance, available credits, or returns you have not filed. A payment voucher is included so you may pay the balance due.

Sales/Use Tax & E911 Surcharge

Account ID: 5526-3941

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
31-Mar-2016	6,302.00	856.24	96.77	-	(7,240.00)	15.01
30-Apr-2016	6,939.00	932.68	117.38	-	-	7,989.06
31-May-2016	7,799.00	1,035.88	112.06	-	-	8,946.94
30-Jun-2016	8,227.00	922.70	93.51	-	-	9,243.21
31-Jul-2016	7,348.00	881.76	57.01	-	-	8,286.77
Aug-2016	7,023.00	140.46	9.98	-	-	7,173.44

Sept. 2016

WIT
Sept. 2016

SOC

Retain this portion for your records.
Fold and detach on perforation. Return bottom portion with your payment.

Taxpayer Statement (R-12/08) (136)



Letter ID: L0573119056
YJK CORP

Total amount due: \$41,654.43

Write the amount you are paying below.

\$ _____

Write your Taxpayer ID on your check.

Department Ex. 1

Mail this voucher and your payment to:
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19035
SPRINGFIELD IL 62794-9035

000 006 005056061927 731 123199 0 0000004165443



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

IN THE CITATION MATTER OF:

SALTY SAILOR, LLC
D/B/A BREAD & WINE
3732 W IRVING PARK ROAD
CHICAGO IL,

LICENSEE

Citation Number: 17-CR-0118,
17-CR-0119

License Number: 1A-0046895
1A-0103156

Richard R. Haymaker
Administrative Law Judge

PROPOSAL FOR DECISION

Appearances:

Faith Dolgin appeared on behalf of the Illinois Department of Revenue; attorney Mark Kelly and owners, Lisa Kelly and Jennifer Wisnewski, appeared on behalf of the Licensee.

Synopsis:

This matter was heard on November 2, 2016 in Chicago, Illinois. Following the submission of all evidence, I find that the Licensee has violated 235 ILCS 5/6-3 of the Illinois Liquor Control Act and recommend the revocation of the liquor license. In support thereof, the following "Findings of Fact" and "Conclusions of Law" are made.

Findings of Fact:

1. The Department of Revenue's (Department) representative testified that the Licensee failed to pay Sales/Use Tax and Withholding Tax total assessment balance of \$11,743.61 for tax reporting periods July 2016 through September, 2016 (Sales/Use Tax) and September 2016 (Withholding Tax)

2. The Department's testimony was corroborated by a "Taxpayer Statement" – admitted into evidence as a record kept in the normal course of the Department's business. *Department Exhibit 1.*
3. The Licensee did not dispute the charges contained in the Taxpayer Statement but stated that the Citation and Notice of Hearing was mailed prior to the Sales/Use and Withholdings Tax assessment for September 2016.
4. The Licensee has submitted nine payments with insufficient funds payments (eight of which were electronic payments) and will take steps to correct this from happening in the future.
5. Licensee operates a restaurant business that has been negatively impacted by the Major League Baseball playoffs. Licensee anticipates that business will improve at the conclusion of the playoffs.
6. The Licensee has not been cited by the Commission for tax related charges in the past.

Conclusions of Law:

Section 6-3 of the Illinois Liquor Control Act states:

- (a) In addition to other grounds specified in this Act, the State Commission or the local liquor control commissioner, on complaint of the Department, shall refuse the issuance or renewal of a license, or suspend or revoke the license, of any person, for any of the following violations of any tax Act administered by the Department:
 1. Failure to make a tax return.
 2. The filing of a fraudulent return.
 3. Failure to pay all or part of any tax or penalty finally determined to be due.
 4. Failure to keep books and records.
 5. Failure to secure and display a certificate or sub-certificates of registration, if required.
 6. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.
- (b) Upon receiving notice from the Department that a violation of any of items 1 through 6 of subsection (a) have been corrected or otherwise resolved to the Department's satisfaction, the Commission may vacate an Order of Revocation.

235 ILCS 5/6-3.

Under the mandate of the Illinois Liquor Control Act, the Commission shall "refuse the issuance or renewal of a license, or suspend or revoke the license," if a Licensee fails to pay "any tax" or "make a tax return." *235 ILCS 5/6-3 (emphasis added).* On the basis of the testimony of the Department representative which was corroborated by documentary evidence, the Licensee failed "to pay all or part of any tax or

penalty finally determined to be due" by the Department. 235 ILCS 5/6-3(a)(3). The Licensee did not contest the testimony nor the evidence submitted by the Department which leads me to conclude that the Department did not err in the assessment of liability. The Licensee is found to have committed violations of Section 6-3 of the Liquor Control Act.

Per the Licensee's representations, the business is expected to improve within the next month (after the baseball playoffs) which will help bring the business into compliance. The Licensee does not have a history of tax violations or revocations. Therefore, I recommend a stay of this revocation order until November 30, 2016.

For the reasons stated herein and under the authority of the Illinois Liquor Control Act, it is recommended the license be REVOKED EFFECTIVE NOVEMBER 30, 2016. Should the Licensee come into compliance after the service of this order, the Order of Revocation shall be vacated in accordance with 235 ILCS 5/6-3(b) of the Act.

Proposed: November 2, 2016



Richard R. Haymaker
Administrative Law Judge

APPROVAL OF PROPOSAL FOR DECISION

Licensee referenced herein, having been duly cited and notified to appear at a hearing before an administrative law judge and having been found to have violated the conditions of their license, the Illinois Liquor Control Commission does hereby approve the Proposal For Decision to REVOKE the liquor license referenced herein:

EXCEPT FOR:

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Pat Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attested by:

Mary McNulty

Mary McNulty
Commission Secretary

Taxpayer Statement



17-CR-0018
+
17-CR-0019

SALTY SAILOR LLC
BREAD & WINE
3732 W. IRVING PARK ROAD
CHICAGO IL 60618

November 1, 2016



Letter ID: L0630959888

Taxpayer ID: 27-1886295
Total amount due: \$7,628.75

This statement lists our most recent information about your unpaid balance, available credits, or returns you have not filed. A payment voucher is included so you may pay the balance due.

Sales/Use Tax & E911 Surcharge

Account ID: 4022-8479

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
31-Jul-2016	3,997.00	499.70	31.02	-	-	4,527.72
31-Aug-2016	3,036.00	60.72	4.31	-	-	3,101.03

Sept 2016

4114.84

Wit
Sept 2016

SOC

Retain this portion for your records.
Fold and detach on perforation. Return bottom portion with your payment.

Taxpayer Statement (R-12/08) (136)



Letter ID: L0630959888
SALTY SAILOR LLC

Total amount due: \$7,628.75

Write the amount you are paying below.

\$ 11,743.61

Write your Taxpayer ID on your check.

Mail this voucher and your payment to:
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19035
SPRINGFIELD IL 62794-9035



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

IN THE CITATION MATTER OF:

DON JUAN – NO. 1 INC.
6730 N. NORTHWEST HIGHWAY
CHICAGO, IL

Licensee

Citation Number: 17-CR-0098

License Number: 1A-0010718

Richard R. Haymaker
Administrative Law Judge

PROPOSAL FOR DECISION

Appearances:

Faith Dolgin appeared on behalf of the Illinois Department of Revenue; James Elsesser, attorney, appeared on behalf of Licensee.

Synopsis:

This matter was heard on November 2, 2016 in Chicago, Illinois. Following the submission of all evidence, I find that the Licensee has violated 235 ILCS 5/6-3 of the Illinois Liquor Control Act and recommend the revocation of the liquor license. In support thereof, the following “Findings of Fact” and “Conclusions of Law” are made.

Findings of Fact:

1. The Department of Revenue’s (Department) representative testified that the Licensee failed to pay Sales/Use Tax total assessment balance of \$33,828.58 for tax reporting periods April 2016 through September 2016.

2. The Department's testimony was corroborated by a "Taxpayer Statement" – admitted as a record kept in the normal course of the Department's business. *Department Exhibit 1.*
3. Licensee did not dispute the charges contained in the Taxpayer Statement.
4. Licensee was cited for two prior violations of Section 6-3 of the Act for failing to pay business related taxes. One such violation resulted in a revocation of the license (which was later vacated following full payment).
5. Licensee offered no reasons for failing to pay the assessment balance but indicated they would be able to make a significant payment in 30 days.

Conclusions of Law:

Section 6-3 of the Illinois Liquor Control Act states:

- (a) In addition to other grounds specified in this Act, the State Commission or the local liquor control commissioner, on complaint of the Department, shall refuse the issuance or renewal of a license, or suspend or revoke the license, of any person, for any of the following violations of any tax Act administered by the Department:
 1. Failure to make a tax return.
 2. The filing of a fraudulent return.
 3. Failure to pay all or part of any tax or penalty finally determined to be due.
 4. Failure to keep books and records.
 5. Failure to secure and display a certificate or sub-certificates of registration, if required.
 6. Willful violation of any rule or regulation of the Department relating to the administration and enforcement of tax liability.
- (b) Upon receiving notice from the Department that a violation of any of items 1 through 6 of subsection (a) have been corrected or otherwise resolved to the Department's satisfaction, the Commission may vacate an Order of Revocation.

235 ILCS 5/6-3.

Under the mandate of the Illinois Liquor Control Act, the Commission shall "refuse the issuance or renewal of a license, or suspend or revoke the license," if a Licensee fails to pay "any tax" or "make a tax return." 235 ILCS 5/6-3 (*emphasis added*). On the basis of the testimony of the Department representative which was corroborated by documentary evidence, the Licensee failed "to pay all or part of any tax or penalty finally determined to be due" by the Department. 235 ILCS 5/6-3(a)(3). The Licensee did not contest the testimony nor the evidence submitted by the Department which leads me to conclude that the

Department did not err in the assessment of liability. The Licensee is found to have committed violations of Section 6-3 of the Liquor Control Act.

As to the penalty, the Licensee's ability to pay a large portion of the assessment within 30 days is weighed against the fact that it has twice been cited in the past for tax violations and has been revoked once (later vacated). Because of the Licensee's past history, I do not recommend a revocation stay in this matter.

For the reasons stated herein and under the authority of the Illinois Liquor Control Act, it is recommended the license be REVOKED EFFECTIVE IMMEDIATELY. Should the Licensee come into compliance after the service of this order, the Order of Revocation shall be vacated in accordance with 235 ILCS 5/6-3(b) of the Act.

Proposed: November 2, 2016



Richard R. Haymaker
Administrative Law Judge

APPROVAL OF PROPOSAL FOR DECISION

Licensee referenced herein, having been duly cited and notified to appear at a hearing before an administrative law judge and having been found to have violated the conditions of their license, the Illinois Liquor Control Commission does hereby approve the Proposal For Decision to REVOKE the liquor license referenced herein:

EXCEPT FOR:

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Pat Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attested:

Mary McNulty

Mary McNulty
Commission Secretary

Taxpayer Statement

17-CR-0098



October 31, 2016



Letter ID: L0747627664

DON JUAN - NO. 1, INC.
6730 N NRTHWST HWY
CHICAGO IL 60631-1320

Taxpayer ID: 36-3325357
Total amount due: \$28,589.81



This statement lists our most recent information about your unpaid balance, available credits, or returns you have not filed. A payment voucher is included so you may pay the balance due.

Sales/Use Tax & E911 Surcharge

Account ID: 1780-8278

Period	Tax	Penalty	Interest	Other	Payments/Credits	Balance
30-Apr-2016	5,368.00	636.80	73.61	-	(1,836.03)	4,242.38
31-May-2016	6,823.00	782.30	83.79	-	(2,000.00)	5,689.09
30-Jun-2016	5,741.00	674.10	64.62	-	-	6,479.72
1-Jul-2016	5,429.00	642.90	41.52	-	-	6,113.42
-Aug-2016	5,938.00	118.76	8.44	-	-	6,065.20

Sept 2016

5238.77

SOC

Retain this portion for your records.
Fold and detach on perforation. Return bottom portion with your payment.

Taxpayer Statement (R-12/08) (136)



Letter ID: L0747627664
DON JUAN - NO. 1, INC.

Total amount due: ~~\$28,589.81~~

Write the amount you are paying below.

\$ 33,828.58

Write your Taxpayer ID on your check.

Mail this voucher and your payment to:
ILLINOIS DEPARTMENT OF REVENUE
PO BOX 19035
SPRINGFIELD IL 62794-9035

Department



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

Ankit Enterprise Inc.
d/b/a Sam's Pantry
547 S. 25th Ave
Licensee

Citation: 1-409-178-112
License No.: 1A-0004974

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$100.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$100.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge

REVIEW OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: _____

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Pat Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attest:

Mary McNulty

Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

Schug Capneros Estate Winery
602 Bonneau Road
Sonoma, CA 95476

Licensee

Citation: 0-993-702-912
License No.: 3I-0040527

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$100.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$100.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge

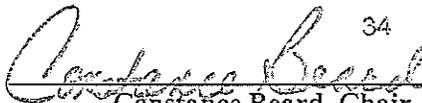
REVIEW OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: _____



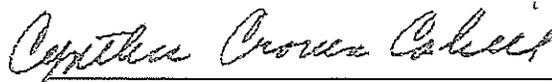
Constance Beard, Chair



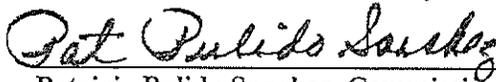
Donald O'Connell, Commissioner

James Pandolfi, Commissioner

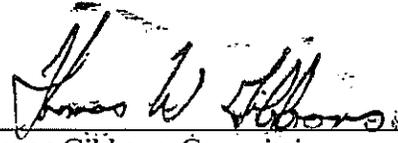
Maria Saldana, Commissioner



Cynthia Cronin Cahill, Commissioner



Patricia Pulido Sanchez, Commissioner



Thomas Gibbons, Commissioner

Attest:


Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

Best Price Tobacco & Gifts Inc.
750 Wedgewood Cir.
Lake in the Hills, IL 60156
Licensee

Citation: 0-304-702-976
License No.: 1A-0048798

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$100.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$100.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge

REVIEW OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: _____

Constance Beard³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Patricia Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attest:

Mary McNulty

Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

Forgiveness, Inc.
d/b/a Maple & Ash
1050 N. State Street, Ste. 117
Chicago, IL 60610
Licensee

Citation: 0-302-616-064
License No.: 1A-0006960

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$100.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$100.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge

REVIEW OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: _____

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Pat Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attest:

Mary McNulty
Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

The Rathskeller & Sausage Shop
1132 Auburn St.
Rockford, IL 61103
Licensee

Citation: 1-989-001-360
License No.: 1B-0101947

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$100.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$100.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge

REVIEW OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: _____

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Patricia Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attest:

Mary McNulty

Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

St. Josaphat Parish
2311 N. Southport Ave
Chicago, IL 60614
Licensee

Citation: 1-822-951-680
License No.: 4A-0108185

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$25.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$25.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

In the matter of:

Pierre Banquets Inc.
3237 S. Harlem Ave
Berwyn, IL 60402
Licensee

Citation: 0-347-776-512
License No.: 1A-0048798

Richard R. Haymaker
Administrative Law Judge

November 2, 2016

PROPOSAL FOR DECISION

This matter having come to be heard upon the complaint of the Illinois Department of Revenue, the administrative law judge being fully informed does hereby make the following:

FINDINGS OF FACT

1. The Licensee currently holds a liquor license issued by the Illinois Liquor Control Commission.
2. That a Citation and Notice of Hearing was sent to the Licensee via certified mail alleging the licensee tendered insufficient funds in payment of fee to the Illinois Liquor Control Commission.
3. The Licensee has:
 - a) Not contested tendering a payment to the Illinois Liquor Control Commission with insufficient funds;
 - b) Subsequently, tendered a certified payment in the same amount that was initially insufficient, and;
 - c) Tendered an additional payment in the amount of \$100.00 as a penalty for initially tendering insufficient funds.

CONCLUSIONS OF LAW

1. That this hearing officer has jurisdiction over the parties and the subject matter pursuant to Commission Resolution dated August 17, 2016.
2. That the above actions of the Licensee herein constitute violations of Section 5/6-1 of the Illinois Liquor Control Act of 1934.
3. Based on my evaluation of the totality the circumstances, I recommend that the Commission impose a FINE in the amount of \$100.00 against the Licensee.

Date: November 2, 2016

By:



Richard R. Haymaker
Administrative Law Judge

REVIEW OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: _____

*Constance Beard*³⁴

Constance Beard, Chair

Donald O'Connell

Donald O'Connell, Commissioner

James Pandolfi, Commissioner

Cynthia Cronin Cahill

Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

Pat Pulido Sanchez

Patricia Pulido Sanchez, Commissioner

Thomas W. Gibbons

Thomas Gibbons, Commissioner

Attest:

Mary McNulty

Mary McNulty, Commission Secretary



Illinois Department of Revenue
OFFICE OF ADMINISTRATIVE HEARINGS
James R. Thompson Center
100 West Randolph Street, Level 7-900
Chicago, Illinois 60601
312/814-7054

**ADMINISTRATIVE LAW JUDGE PROPOSAL FOR DECISION TO THE
ILLINOIS LIQUOR CONTROL COMMISSION**

For Hearings Held on November 2, 2016

DEFAULT RECOMMENDATIONS

The matters referenced herein having come to be heard upon a citation with notice of hearing provided via certified mail to the Licensee, the administrative law judge being fully informed does hereby make the following Proposal:

Default Judgement Recommendations - Tax Cases – Violations of 235 ILCS 5/6-3

Four licensees referenced below were served with legal notice to appear at the **November 2, 2016** hearing and failed to appear.

License Number: 1a-0041268
IBT Number: 2756-2662
Legal Name and d/b/a: Avantgarde BG
Address: 5241 N. Harlem Ave, Chicago, IL

License Number: 1a-0066597
IBT Number: 3184-1007
Legal Name and d/b/a: New Barbakan LLC
Address: 3145 N. Central Ave, Chicago, IL

License Number: 1a-0014295
IBT Number: 3647-6374
Legal Name and d/b/a: Bettys Blue Star Lounge
Address: 1600 W. Grand Ave, Chicago, IL

License Number: 1a-0086139

IBT Number: 3941-9932
Legal Name and d/b/a: Headquarters Bar & Grill
Address: 119 E. 22nd Ave. Coal Valley, IL

Due to licensees' failure to appear at the hearing, notice having been given, I recommend that the Commission **REVOKE** the referenced licenses on the facts alleged in the Citations and Notices of Hearing **effective immediately** upon affirmative vote of the Commission.

Therefore, for the above stated reasons, under the authority granted to me by the Illinois Liquor Control Commission in its Resolution dated August 17, 2016, I respectfully submit all recommendations set forth herein.



Richard R. Haymaker
Administrative Law Judge

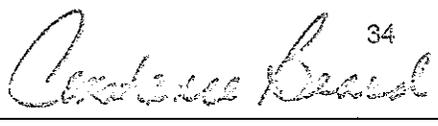
APPROVAL OF PROPOSAL FOR DECISION

The Illinois Liquor Control Commission does hereby take the following action on the recommendation of the administrative law judge for the matter recited herein:

AFFIRM: X

REVERSE: _____

MODIFY: License 1A-0041268 (Avantgarde BG)
has come into compliance.

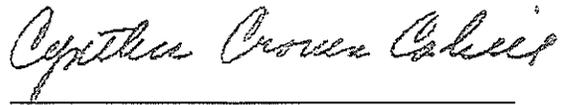

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Constance Beard, Chair



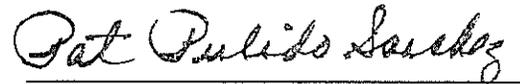
Donald O'Connell, Commissioner

James Pandolfi, Commissioner

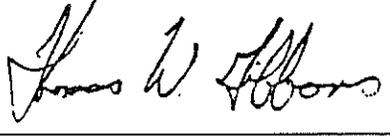


Cynthia Cronin Cahill, Commissioner

Maria Saldana, Commissioner

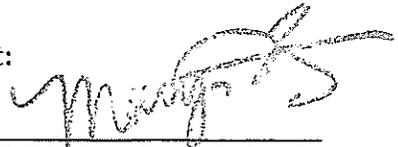


Patricia Pulido Sanchez, Commissioner



Thomas Gibbons, Commissioner

Attest:



Mary McNulty, Commission Secretary