

**MINUTES OF THE EXECUTIVE SESSION
ILLINOIS LIQUOR CONTROL COMMISSION
Conducted Remotely Via WebEx
January 19, 2022**

Call the Roll*

Present

Melody Spann-Cooper	<i>Commissioner</i>
Thomas Gibbons	<i>Commissioner</i>
Donald O'Connell	<i>Commissioner</i>
Julieta LaMalfa	<i>Commissioner</i>
Steven Powell	<i>Commissioner</i>
Patricia Pulido-Sanchez	<i>Commissioner</i>
Cynthia Berg	<i>Chair</i>

ILCC Staff Present:

Noel Quanbeck	<i>General Counsel</i>
Avi Zisook	<i>Legal</i>
Rick Haymaker	<i>Legal</i>
Dean Argiris	<i>Acting Commission Secretary</i>

**All attendance was remote.*

I. General Announcements

Rick Haymaker went through the upcoming list of appeals cases for the next three months, their dates, and which Commissioners were scheduled to sit for those cases.

Commissioner LaMalfa asked legal to remind her of the March 24th date and that she would be available for the March 6th appeals case.

II. 20 APP 04, 21 APP 05 (*Four Play Sports Bar & Grill v. the City of Harvey*)

Mr. Haymaker informed the Commissioners that these were two separate cases, both involved a refusal to renew in separate years.

20 APP 04 was related to failure to submit retail tax forms and occupation taxes, thus prompting the City of Harvey to declare the licensee as not being of good moral character. In 21 APP 05, the case related to a failure to submit local Excise taxes and a failure to sign certain documents that were part of the application.

Commissioner Pulido-Sanchez asked Mr. Haymaker to clarify the statutory language of "good character."

Mr. Haymaker summarized both sides arguments related to the issues at hand.

Commissioner Spann-Cooper mentioned portions of the testimony where the respondent indicated they did not want to provide certain financial information due to a pending lawsuit and out of concern that the information would be used against them.

Commissioner Powell made a motion to affirm the City of Harvey on 20 APP 04, and Commissioner Spann-Cooper seconded.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes		
Cynthia Berg	Yes	Donald O'Connell	Yes

In the matter of 21 APP 05, Commissioner Powell made a motion to affirm the City of Harvey and was seconded LaMalfa.

Thomas Gibbons	Yes	Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes		
Cynthia Berg	Yes	Donald O'Connell	Yes

III. 21 APP 02 (*Ted J., LLC v. City of Bloomington*), 21 APP 04 (*JSP v. City of Normal*)

Legal informed the Commission that the cases would be combined due to the nature of the violations, which was ignoring the Governor's Covid-19 Mitigation Executive Orders.

Counsel Haymaker represented the establishment's argument as the Executive Order is invalid because the Legislature did not pass a law.

Commissioner LaMalfa expressed that the city attempted to find a basis for the fine, by asking the respondent to pay 50% of the court transcriber cost.

Commissioner Spann-Cooper clarified that the 50/50 requirement is mandated by local ordinance. She asked if the State Commission had the authority to move that we affirm, with a requirement that the transcriber costs be split.

Commissioner LaMalfa indicated that the city had the option to, but instead assessed a fine, to cover the costs.

Mr. Haymaker read the text of the local ordinance.

Commissioner LaMalfa indicated that she doesn't believe the State Commission has been asked to decide what the basis for the fee was, but rather to address whether the violation were appropriate or not.

Counsel Haymaker advised the Commission of the motion options before them.

Commissioner O'Connell moved to affirm the City of Normal and Commissioner Powell seconded the motion.

Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes	Spann-Cooper	Yes
Cynthia Berg	Yes	Donald O'Connell	Yes

Commissioner Spann-Cooper made a motion to affirm the decision by the City of Bloomington, with Commissioner Powell seconding.

Thomas Gibbons	Yes	Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes		
Cynthia Berg	Yes	Donald O'Connell	Yes

III. 21 APP 07 (Samuel Sledge v. Melrose Park)

Mr. Haymaker presented the case as a license denial. The City of Melrose Park denied his business license, which in turn denied his liquor license. Additionally, Mr. Haymaker pointed out that the Illinois Liquor Control Commission advised Samuel Sledge to obtain counsel on several occasions, but Mr. Sledge elected to move forward with the appeal without counsel.

Commissioner Powell made a motion to affirm the decision of Melrose Park and seconded by Commissioner O'Connell.

Thomas Gibbons	Yes	Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes		
Cynthia Berg	Yes	Donald O'Connell	Yes

IV. 21 APP 12 (Forest Park Tap v. Forest Park)

Forest Park Tap had its license revoked for remaining open after hours. Mr. Haymaker provided the Commissioner with a history of violations associated with the establishment, including public nuisance violations.

The Officer testified that he observed eight people and employees in the establishment after hours, eating, drinking, and appeared to be intoxicated.

The Licensee argued that everyone in the establishment after hours were employees, but according to the City the officer announced that "anybody who is not an employee needs to leave," which prompted four people to leave.

Additionally, the licensee alleged a lot of ambiguity and confusion with the ordinances due to language and continually changes in the hours of operation section of code.

Commissioner Spann-Cooper asked to verify whether or not this was, indeed, the licensee's third violation for staying open after hours. Counsel Haymaker indicated that it was.

Commissioner Gibbons asked it was true that the ticket was issued within ten minutes of closing time.

Chair Berg expressed concern over the evidence presented by the Officer, which was not body camera footage and doesn't necessarily prove, in her opinion, a violation and that issuing a citation at 12:02 a.m. is a bit harsh.

Mr. Haymaker advised the Commission of their options for motions.

Commissioner Powell made a motion to reverse the Local Commission's decision.
Commissioner Gibbons seconded the motion.

Thomas Gibbons	Yes	Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes		
Cynthia Berg	Yes	Donald O'Connell	Yes

**V. 20 APP 02 (Giggs Bajawa Corp. v. City of Harvey),
20 APP 17 (Stix Tavern v. Carbondale)**

Mr. Haymaker informed the Commissioner that there has been no new evidence presented to the ILCC which would warrant a Petition for Rehearing.

Commissioner Powell made a motion to deny the petitions for rehearing. Commissioner LaMalfa seconded the motion.

Thomas Gibbons	Yes	Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Pat Pulido-Sanchez	Yes		
Cynthia Berg	Yes	Donald O'Connell	Yes

VI. Adjournment of Executive Session

Commissioner Pulido-Sanchez made a motion to adjourn, and we seconded by Commissioner LaMalfa. The motion passed unanimously.

ATTEST:

/S/ Dean Argiris, Acting Commission Secretary