

**MINUTES OF THE REGULAR MEETING OPEN SESSION
ILLINOIS LIQUOR ONTROL COMMISSION
55 W. Washington St. Chicago, Illinois
April, 20, 2022
1:00 PM**

Call the Roll:

Commissioner Gibbons called the meeting to order at 1:00 p.m.

Present

Thomas Gibbons	<i>Commissioner</i>	
Julieta LaMalfa	<i>Commissioner</i>	
Steven Powell	<i>Commissioner</i>	
Melody Spann-Cooper	<i>Commissioner</i>	
Brian Sullivan	<i>Commissioner</i>	
Cynthia Berg	<i>Chair</i>	<i>Remote</i>

Not Present

A motion was made by Commissioner Gibbons to allow Chair Berg to join in remotely. The motion was seconded by Commissioner Powell.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

Commissioner Gibbons yielded the floor to Chair Berg for the purposes of running the remainder of the meeting.

ILCC Staff Present:

Les Peterson	<i>Chief Enforcement Officer</i>	
Dusanka Marijan	<i>Licensing Administrator</i>	
Persis Dhankher	<i>I.T.</i>	<i>Remote</i>
Noel Quanbeck	<i>General Counsel</i>	
Lee Roupas	<i>Industry Education</i>	
Avi Zisook	<i>Legal</i>	
Rick Haymaker	<i>Legal</i>	
Dean Argiris	<i>Acting Commission Secretary</i>	

I. Approval of Minutes

A motion was made by Commissioner Powell to approve the minutes, as amended, of the March 16th, 2022 meeting. The motion was seconded by Commissioner Spann-Cooper.

The motion passed.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Steven Powell	Yes	Julieta LaMalfa	Yes
Cynthia Berg	Yes	Brian Sullivan	Yes

II. Executive Director's Report

A motion was made by Commissioner Powell to defer the Executive Director's Report until the May meeting and seconded by Commissioner LaMalfa.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Steven Powell	Yes	Julieta LaMalfa	Yes
Cynthia Berg	Yes	Brian Sullivan	Yes

III. Division Reports

Joseph "Zoel" Jones, Acting Underage Compliance Check Coordinator, presented the Enforcement Report, as Chief Enforcement Officer Les Peterson was unable to attend.

In the month of March, the ILCC conducted 963 inspections, found 338 violations and issued 78 warnings during new license inspections.

These represent a marked increase from the previous month.

We also had 76 complaints with the largest complaints being sale of alcohol to minors, operating without a license, and retail-to-retail purchasing.

298 illegal online alcohol sale posts were removed from Craigslist and 3 were removed from Facebook Marketplace.

One notable investigation in where an agent noticed there were receipts showing one retailer bought alcohol from another retailer, during an inspection. During the interview, the retailers indicated that a distributor had told them they were permitted to purchase alcohol from another retailer due to Covid restrictions.

Commissioner Gibbons discussed the confusion surrounding a provision in P.A. 102-0442 relating to retail-to-retail purchases. Mr. Jones clarified that a retailer would receive two (2) warnings during a rolling 12-month period, with the third resulting in a fine. Some people may be misconstruing the warnings as a permissibility.

Lee Roupas, Manager of the BASSET and Under 21 Programs, gave the Industry Education report.

10,985 people have gone through BASSET training, with 27,576 YTD undergoing BASSET training.

We saw a 2,000 increase of people getting trained between February and March.

The ILCC Industry Education has been busy with BASSET trainings in Worth, Morris, and Willington. Additionally, we held two licensee meetings up in Newman City and Marengo.

General Counsel Noel Quanbeck delivered the monthly report for Legal.

The ILCC closed 59 cases in March and have 49 cases pending. Of those 49 cases, 12 are Distributor Cases, 22 are retailer cases, 15 are Sale of Alcohol to Minor cases.

On April 27th, the ILCC will be holding a Sale of Alcohol to Minor training at the

Chicago office for offenders.

Legal division received 18 Freedom of Information Act (FOIA) requests.

No new information on Full Pull Wine v. Illinois Liquor Control Commission, the Illinois Attorney General's Office filed to have the case dismissed or transferred to the Northern District. We are awaiting a decision on that motion.

The Public Access Bureau - Office of the Attorney General closed its investigation into an Open Meetings Act accusation and determined that the Illinois Liquor Control Commission did not violate the Open Meetings Act and provided adequate notice of its October 2021 Commission meeting.

Dusanka Marijan provided the monthly Licensing reports

Both the Chicago and Springfield office saw a 69% increase in foot traffic in our offices.

For the month of March, we issued 3,199 total licenses and represents a consistency with our pre-pandemic numbers.

The number of licensees that have not yet renewed their December 31, 2021 (exp.) licenses is at 949, down from over 5,000 at the close of next year.

Special Events applications are up ticking with warmer weather. We currently are at 600 applications.

Governor Pritzker signed the FY-2023 Budget, which included a one-year fee waiver for retail (1A) licensees intended to provide some financial relief to businesses impact by the Covid-19 lockdown. Licenses expire between July 1, 2022 and June 30, 2023, are effected by this fee waiver.

Commissioner Spann-Cooper asked a question regarding how many licenses will be effected by this waiver. Dusanka responded that 23,497 out of 30,000 fall into this category, which constitutes over \$14m, with 50/50 being split between the General Revenue Fund and Dram Shop Fund.

Commissioner Gibbons asked if new licensees would be required to pay. Ms. Marijan indicated they would be required to pay.

IV. Partner Presentations

Kelly Henrichs of Prevention First provided the partner presentation for this month.

Commissioner Gibbons suggested an ILCC/Prevention First collaboration for Under Age Compliance Investigations.

V. Public Comment

No public comment was given.

VI. Executive Session

A motion was made by Commissioner Powell to move into Executive Session. Commissioner LaMalfa seconded the motion.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Cynthia Berg	Yes	Brian Sullivan	Yes

VI. Appeals & License Revocation/Tax Cases

Commissioner Powell made a motion to reverse the decision of the Local Liquor Control Commission, in the matter of 21 APP 17 (*Graham C. Stores v. City of Joliet*) and 21 APP 18 (*Jefferson BP v. City of Joliet*).

The motion was seconded by Commissioner Sullivan.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Cynthia Berg	Yes	Brian Sullivan	Yes.

An additional motion was made by Commissioner Powell to affirm the decision of the Local Liquor Control Commission in the matters of 21 APP 16 (*Sant Matthew Enterprises, INC. d/b/a PS Fuels v. City of Joliet*) and 21 APP 19 (*Joliet Citgo v. City of Joliet*).

Commissioner Gibbons seconded the motion.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Cynthia Berg	Yes	Brian Sullivan	Yes.

IX. Comments from the Board

Commissioner Powell welcomed Commissioner Brian Sullivan to his first meeting of the Illinois Liquor Control Commission.

VIII. Closing Remarks and Adjournment to Hearing

Commissioner Powell made a motion to adjourn and was seconded by Commissioner LaMalfa

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes
Steven Powell	Yes	Julieta LaMalfa	Yes
Cynthia Berg	Yes	Brian Sullivan	Yes.

The meeting adjourned at 2:15 p.m. CST.

ATTEST:

/S/ Dean Argiris, Acting Commission Secretary