

MINUTES OF THE REGULAR MEETING OPEN SESSION
ILLINOIS LIQUOR CONTROL COMMISSION
Conducted Remotely Via WebEx
January 19, 2021
1:00 PM

Call the Roll:

Present

Melody Spann-Cooper	<i>Commissioner</i>
Thomas Gibbons	<i>Commissioner</i>
Donald O'Connell	<i>Commissioner -- Audio Issues Resolved at 1:15 p.m.</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:

Tom Schlenhardt	<i>Associate Director</i>
Les Peterson	<i>Chief Enforcement Officer</i>
Dusanka Marijan	<i>Licensing Administrator</i>
Persis Dhankher	<i>I.T.</i>
Noel Quanbeck	<i>General Counsel</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 December 15th, 2021 meeting. The motion was seconded by Commissioner Spann-Cooper

The motion passed.

Melody Spann-Cooper	Yes	Thomas Gibbons	Yes
Julieta LaMalfa	Yes	Steven Powell	Yes
Patricia Pulido-Sanchez	Yes		
Cynthia Berg	Yes		

Not Present: Donald O'Connell

II. Executive Director's Report

Due to the holiday spike in Covid cases, the ILCC is working remotely until January 31, 2022.

As of December 31, 2021, the ILCC has taken over management of the Delinquency List from the Wine and Spirits Distributors of Illinois.

We saw a marked increase in the number of Bona Fide Disputes since the ILCC took over and over 90% of the submissions are not legitimate bona fide disputes.

A link to the Delinquency List is found on the ILCC website.

All License renewal extensions expired at the end of 2021. We saw a surge in last minute submissions. Over 200 renewal applications were received between December 31, 2021 and January 2, 2022.

Approximately 2200 retailers have not renewed their licenses as of January 18, 2022.

Commissioner Pulido-Sanchez commended the ILCC on the quick turnaround for developing the ILCC Delinquency List Database.

III. Division Reports

Les Peterson presented the Enforcement Report and talked about turn over within the Investigators.

812 Inspections were conducted for the month of December and found 260 violations and 65 complaints were issued.

47 Complaints were made for overserving and sales of alcohol to minors.

We had a 100% compliance rate in December's underage sting operations.

Commissioner Powell asked the Enforcement about if there was a change in policy regarding retail-to-retail purchases and Chief Enforcement Officer Peterson said retail-to-retail purchases were still not permitted.

Chief Peterson affirmed that inquiry and elaborated that there are many unlicensed operations out there that require ILCC investigative attentions.

Commissioner Spann-Cooper asked why cigarette purchases to minors falls under the ILCC jurisdiction.

Mr. Peterson said the ILCC enforcement team is obligated to report any noticeable violations to the proper enforcement authority.

Michelle Flagg presented the Industry Education report.

Q4 Newsletter was published and e-mailed to both licensees and BASSET managers. The newsletter provided legislative updates.

2022 Industry Speakers will be focused on health and safety, such as substance abuse and underage drinking prevention organizations.

Commissioner Gibbons congratulated Michelle on adding the BASSET graduates to the newsletter list serve.

Chair Berg noted that the newsletter is more informative than it has been in the past and is pleased with this change.

General Counsel Noel Quanbeck delivered the monthly report for Legal.

96 open cases in December, but 62 cases have been closed and the remaining cases are 18 distributor cases, 44 retailer cases, 20 Sale of Alcohol to Minor , 14 Non-Sufficient Funds Cases.

16 Sale of Alcohol to Minor cases are first time offenses, 2 cases are second-time offenders, and 2 are third time offenders.

30 Pre-Disciplinary Conferences were conducted in December.

Full Pull Wines, LLC v. Berg, et. al. was filed in the Illinois Central District Court and the Illinois Attorney General's Office is requesting the case be transferred to the Northern District.

Commissioner Gibbons spoke regarding a communication the Commission received regarding a concern over a licensee.

G.C. Quanbeck said the ILCC is investigating it, but the allegations are not new and the allegations were sent to both state and federal agencies with no action.

Dusanka Marijan provided the monthly Licensing reports

2,288 license renewals have not been turned in and of those, 57% of those are behind two years.

4,471 liquor licenses were processed in the month of December. Our staff worked overtime through the holidays and weekends to ensure they were processed on time.

We had a 15% increase in new license applications.

Our priority is to do expired licenses first to get the establishments back up and running.

December 31, 2019 (Pre-Covid) we had 24,565 retail licenses and 23,253 licenses as of December 31, 2021.

Commissioner Gibbons thanks Dusanka and the Licensing team for the extra work over the holidays to process the licenses.

Commissioner Pulido-Sanchez asked what percentage of expired licenses restaurants are.

Retail licenses encompass all restaurants, bars, off-premise establishments, and hotels. How many were actualy restaurants was not determined.

IV. Partner Presentations

Tazwell County Health Department delivered their partner presentation and spoke about their initiatives regarding substance abuse prevention through collaborations and education.

V. Public Comment

None

VI. Executive Session

Commissioner Spann-Cooper made a motion to move into Executive Session and was seconded by Commissioner Gibbons.

The motion passed unanimously.

Melody Spann-Cooper	Yes	Thomas Gibbons	Yes
Julieta LaMalfa	Yes	Donald O’Connell	NV
Steven Powell	Yes	Patricia Pulido-Sanchez	Yes
Cynthia Berg	Yes		

VII. Appeals & License Revocation/Tax Cases

In the matter of 21 APP 01 (*Ted J. LLC. v. the City of Bloomington*), the ILCC voted to affirm the decision of the Local Liquor Control Commission. The motion was made by Commissioner O’Connell and seconded by Commissioner Powell.

Melody Spann-Cooper	Yes	Thomas Gibbons	Yes
Julieta LaMalfa	Yes	Donald O’Connell	Yes
Steven Powell	Yes	Patricia Pulido-Sanchez	Yes
Cynthia Berg	Yes		

In the matter of 21 APP 04 (*JSP v. City of Normal*), a motion was made by Commissioner Powell and seconded by Commissioner LaMalfa to affirm the decision of the Local Liquor Control Commission.

Melody Spann-Cooper	Yes	Thomas Gibbons	Yes
Julieta LaMalfa	Yes	Donald O’Connell	Yes
Steven Powell	Yes	Patricia Pulido-Sanchez	Yes
Cynthia Berg	Yes		

In the consolidated matters of 21 APP 04 and 21 APP 05 (*Four Play Sports Bar & Grill v. the City of Harvey*), the ILCC voted to affirm the decision of the Local Liquor Control Commission. A motion to affirm was made by Commissioner Powell and seconded by Commissioner Gibbons.

Melody Spann-Cooper	Yes	Thomas Gibbons	Yes
Julieta LaMalfa	Yes	Donald O’Connell	Yes
Steven Powell	Yes	Patricia Pulido-Sanchez	Yes
Cynthia Berg	Yes		

In the matter of 21 APP 07 (*Samuel Sledge v. Melrose Park*), a motion was made by Commissioner O’Connell and seconded by Commissioner Powell to affirm the decision of the Local Liquor Control Commission.

Melody Spann-Cooper	Yes	Thomas Gibbons	Yes
Julieta LaMalfa	Yes	Donald O’Connell	Yes
Steven Powell	Yes	Patricia Pulido-Sanchez	Yes
Cynthia Berg	Yes		

In the case of 21 APP 12 (*Forest Park Tap v. Forest Park*), a motion was made by Commissioner Gibbons and seconded by Commissioner Spann-Cooper to reverse the decision of the Local Liquor Control Commission.

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

In the case of 20 APP 17 (*Stix Tavern v. Carbondale*) a motion to deny a petition for rehearing was made by Commissioner Powell and seconded by Commissioner Pulido-Sanchez.

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

In the case of 20 APP 02 (*Giggs Bajawa Corp. v. Harvey*) a motion to deny a petition for rehearing was made by Commissioner Pulido-Sanchez and seconded by Commissioner LaMalfa.

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

In the matter of 22-CR-0013 (*Kaddy's Kitchen and Clubhouse*), a motion was made to revoke the license based on a default judgement for delinquent tax by Commissioner O'Connell and seconded by Commissioner Pulido-Sanchez.

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

IX. Comments from the Board

Commissioner O'Connell offered pleasantries to see everyone again after a hiatus.

VIII. Closing Remarks and Adjournment to Hearing

- a. 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