

**STATE OF ILLINOIS
LIQUOR CONTROL COMMISSION**

GWINN'S,
370 S SIDE SQ CARLINVILLE IL 62626-1751
Illinois Lic. #1A-1136899
Appellant,
vs.
CARLINVILLE,
Appellee.

Case No.: 19APP07

ORDER

ORDER

THIS MATTER having come to be heard before the Liquor Control Commission of the State of Illinois (hereinafter "the Commission") upon the appeal of GWINN'S, Appellant, this Commission being otherwise fully informed does hereby state the following:

An order was entered by the Local Liquor Commission for the City of Carlinville, Illinois on January 31, 2019, revoking Appellant's license. Appellant filed its appeal on February 20, 2019. On March 14, 2019, Appellee notified Appellant of the process by which Appellant could obtain a copy of the transcript of the proceedings. On September 18, 2019, a status hearing was held before the Commission on this matter. Appellant failed to attend that status hearing in person or via phone. Appellant was notified at Appellant's address of record and via e-mail at appellant's e-mail address of record. On September 18, 2019, Appellee provided a second notice to Appellant regarding obtaining a copy of the transcript. On October 16, 2019, a second status hearing was held before the Commission. Appellant failed to attend the status hearing in person or via phone. Notice was sent to Appellant's address of record, to Appellant's e-mail address of record, as well as to an additional address previously provided by Appellant. Appellant has failed to provide the Commission with a copy of the transcript of proceedings. On October 16, 2019, Appellee submitted a motion to dismiss the appeal for failure to appear and for want of prosecution. The Commission deliberated this matter on October 16, 2019.

The City of Carlinville has adopted an ordinance requiring an appeal of a decision of the Local Liquor Commission to be limited to a review of the official record of the proceedings. Carlinville City Code §21-4-13. As such, the review of any order is to be conducted by the

Commission based solely on the official record of proceedings. While the Local Liquor Commission is responsible for maintaining and preparing the official record of the proceedings, the licensee can be required by the Local Liquor Commission to pay for the cost of the transcript. 235 ILCS 5/7-9. Failure to file the official record of the proceedings including the transcript may result in the appeal not being docketed for a hearing or other sanction as deemed appropriate by Commission being applied. 11 Ill. Admin. Code 100.350. Appellant has failed to pay for the transcript of the proceedings resulting in the official record of the proceedings being unavailable.

IT IS HEREBY ORDERED:

This matter is dismissed with prejudice. Accordingly, the order of the Local Liquor Commissioner remains in effect.

THIS IS A FINAL ORDER

Pursuant to 235 ILCS Sec. 5/7-10 of the Illinois Liquor Control Act, a Petition for Rehearing may be filed with this Commission within twenty (20) days from the service of this Order. The date of mailing is deemed to be the date of service. If the parties wish to pursue an Administrative Review action in the Circuit Court, the Petition for Rehearing must be filed within twenty (20) days after service of this Order as such Petition is a jurisdictional prerequisite to the Administrative Review.

ENTERED before the Illinois Liquor Control Commission at Chicago, Illinois, on October 25, 2019.

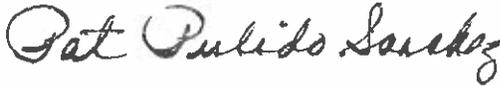
ILLINOIS LIQUOR CONTROL COMMISSION



Donald G. O'Connell, Acting Chair



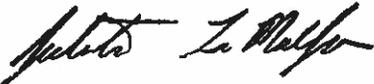
Thomas Gibbons, Commissioner



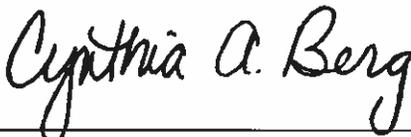
Patricia Pulido Sanchez, Commissioner



Melody Spann Cooper, Commissioner



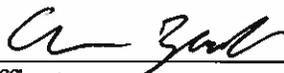
Julieta LaMalfa, Commissioner



Cynthis Berg, Commissioner

STATE OF ILLINOIS)
COUNTY OF COOK) 19 APP 07

UNDER PENALTY OF PERJURY, as provided by law, Section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the foregoing ORDER to be deposited in the United States mailbox located at 100 West Randolph Street, Chicago, Illinois 60601, by both regular mail and certified mail, return receipt requested in envelopes with proper postage affixed and addressed to the parties at the addresses listed above, prior to 5:00 p.m. on the following date: October 25, 2019.



Affiant
Abraham Zisook, ILCC Attorney

Via regular and certified mail:

GWINN'S

370 S Side Sq

Carlinville, IL 62626-1751

9489 0090 0027 6140 7526 14

Deanna Demuzio

Local Liquor Commissioner

City of Carlinville

550 North Broad St.

Carlinville, IL 62626

9489 0090 0027 6140 7526 21

Via regular mail:

GWINN'S

1130 E 1st South St.

Carlinville, IL 62626

GWINN'S

716 N. Chiles

Carlinville, IL 62626

Dan O'Brien

P.O Box 671

124 E. Side Sq.

Carlinville, IL 62626

Via e-mail:
dan_obrien@mac.com
krisgwinn983@yahoo.com