

**STATE OF ILLINOIS  
LIQUOR CONTROL COMMISSION**

In the Matter of:	)	
	)	No. 19 CA 01
Room 183	)	
State License No. 1A-1130527	)	
Premises located at:	)	
4167 W 183rd St.	)	
Country Club Hills, Illinois 60478	)	

**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 Room 183, State License No., 1A-1130527, Appellant, from an order of the Local Liquor Commissioner for the City of Country Club Hills, Illinois, this Commission having heard argument, and being otherwise fully informed does hereby state the following:

**Procedural History**

Appellant is the holder of a Retailer liquor license in the State of Illinois, license number 1A-1130527. Appellant also holds a City of Country Club Hills Class B liquor license. Appellant is located at 4167 W 183rd St., Country Club Hills, Illinois.

On or about May 2018, Appellant was served with a Notice of a Hearing by the Local Liquor Commissioner for the City of Country Club Hills, Illinois, Country Club Hills Case Number 2018CCH LLCC-01. On August 1, 2018, a hearing was held before the Honorable James W. Ford, Local Liquor Commissioner. On August 6, 2018, based on the evidence presented at the hearing, Appellant’s license was revoked. On August 16, 2018, Appellant filed this Appeal with the Commission appealing the decision of the Local Liquor Commissioner for the City of Country Club Hills, Illinois. The Commission heard oral arguments on November 13, 2018 and deliberated the matter on December 5, 2018.

The City of Country Club Hills (hereinafter “the City”) adopted an ordinance which requires all appeals from decisions of the Local Liquor Commissioner be limited in review by

the Illinois Liquor Control Commission to the official record of proceedings of the Local Liquor Commissioner. City of Country Club Hills Ord. Section 13.3.27.

### **Statement of Facts**

The Local Liquor Commissioner alleged in its initial complaint that on March 6, 2018, there were fights and other disruptions at Appellant's place of business which required a police presence. The complaint further alleged that on April 13, 2018, there were several disruptions or fights at Appellant's place of business. These included: an intoxicated patron injuring a Community Service Officer; damage to a city vehicle; the occupancy exceeded the maximum occupancy; several police officers were required to disperse a number of intoxicated patrons on or about the premises; drugs were recovered at or about the premises by police officers; and the intoxicated crowd was so unruly that it necessitated closing the business early. The complaint alleged that on multiple occasions the local liquor commissioner met with Appellant regarding these and other incidents. Finally, the complaint alleged that the licensed premises had become a nuisance to the community and danger to the public health safety and welfare of the community in violation of Section 13.1.15 of the Country Club Hills City Code.

On August 1, 2018, a hearing was held regarding this complaint. At the hearing, the Local Liquor commissioner heard testimony from William Brownlee, owner of Appellant, Kenneth Giden, a patron of Appellant, Norman Boyd, a patron of Appellant, Carmin Marie Lope, a patron of Appellant, Country Club Hills Police Chief William Jones, Country Club Hills Police Sergeant Michael Wilson. During the hearing, the following events were established:

A. November 2017 meeting regarding Ladies Night

In November 2017, William Brownlee met with the Local Liquor Commissioner, Mayor James Ford, regarding a "Ladies Night" event which occurred at Appellant. During this meeting, Appellant was asked to cease hosting the "Ladies Night" events. It is undisputed that Appellant ceased the "Ladies Night" events at least for some time.

B. February 2018 meeting regarding Appellant's conduct

In February 2018, Appellant had a second meeting with Mayor Ford regarding the conduct of Appellant. At issue was the need for additional police presence around at closing time.

C. March 6, 2018 event

On March 6, 2018. An incident occurred at Appellant's premises. During that incident a fight had occurred at Appellant's premises. This incident involved a police presence being necessary at Appellant's premises.

D. April 13, 2018 event

On April 13, 2018, an incident occurred which involved an intoxicated individual striking a Community Service Officer and a city vehicle with her car. This event occurred outside of Appellant's premises while police officers were assisting in controlling the crowds.

**Discussion**

In reviewing propriety of the order or action of a local liquor control commissioner, The Liquor Control Act of 1934 (hereinafter "the Act"), instructs the Illinois Liquor Control Commission to consider the following questions:

- (a) Whether the local liquor control commissioner has proceeded in the manner provided by law;
- (b) Whether the order is supported by the findings;
- (c) Whether the findings are supported by substantial evidence in the light of the whole record. 235 ILCS 5/7-9.

Additionally, the only evidence which may be considered in the review, shall be the evidence found in the certified official record of the proceedings of the local liquor control commissioner. *Id.*

The Act provides that "the appeal shall be limited to a review of the official record of the proceedings of such local liquor control commissioner if the county board, city council or board of trustees, as the case may be, has adopted a resolution requiring that such review be on the record." *Id.*

*A. Whether the local liquor control commissioner has proceeded in the manner provided by law*

Section 7-5 of the Act sets forth that the local liquor commissioner must give a licensee a 3-day written notice prior to holding a hearing to revoke a license. 235 ILCS 5/7-5. The Act further requires that following a hearing, the local liquor commissioner shall render the decision in writing within five days of the hearing and serve a copy of the written order on the licensee within five days. Additionally, pursuant to City of Country Club Hills Ordinance 13.1.15, a

licensee is given at least five days written notice prior to a hearing being held regarding the suspension or revocation of a license.

The record reflects that Appellant received notice of the original charges and was ordered to appear at a hearing on May 10, 2018, at 3:00 PM. LLC Record, Part A. The record further reflects that the hearing was continued from May 10, 2018, to August 1, 2018. LLC Record, Part D, Transcript Page 5. Appellant was therefore given sufficient time in which it could prepare a defense to the charges.

A hearing was held before the local liquor commissioner on August 1, 2018. The City was represented by John B. Murphy and Appellant was represented by Lex A. Johnson. During the hearing the City presented witnesses and sought the admission of other evidence. Appellant also presented witnesses and other evidence on its own behalf. The City called Chief of Police William Jones, Police Sergeant Michael Wilson, and William Brownlee as witnesses in its case in chief. Appellant called William Brownlee, Kenneth Giden, Norman Boyd, and Carin Marie Lopez as witnesses in its case in chief. Additional evidence was admitted into evidence through these witnesses. These witnesses and evidence were subject to cross examination by the City and Appellant. LLC Record, Part D.

Finally, the hearing was held on August 1, 2018, and the final written order revoking Appellant's license was issued within the five days as required on August 6, 2018. LLC Record, Part B. The written order was served, within the five days as required, on Appellant on August 6, 2018, by personal service. LLC Record, Part C. Accordingly, this Commission finds that the Local Liquor Commissioner, James W. Ford, has proceeded in the manner provided by law.

*B. Whether the order is supported by the findings*

Following the hearing, the Local Liquor Commissioner issued a Findings of Fact. In that Findings of Fact, the Local Liquor Commissioner detailed which exhibits he had admitted into evidence. LLC Record, Part B, Findings of Fact, ¶2. He further made findings regarding the relevancy of the evidence. Id. He also made determinations regarding the relevance and credibility of the evidence. Id. at ¶3. He made significant findings regarding the evidence presented at hearing. Id. at ¶¶4-14. He found that the city proved by a preponderance of the evidence that the March 6, 2018, and April 13, 2018 events constituted a concern over the health safety and welfare of the community. Id. at ¶15 and 17. Finally, he made a finding that based on the evidence presented that the continued operation of Appellant's business constituted a

nuisance in fact. *Id.* at ¶21. Additionally, in the Order of Revocation, the Local Liquor Commissioner included detailed findings citing to specific pieces of evidence and how those factual findings constituted violations of the City of Country Club Hills ordinance. Accordingly, that the order entered by the Local Liquor Commissioner for the City of Country Club Hills is supported by the findings.

*C. Whether the findings are supported by substantial evidence in the light of the whole record.*

Finally, this Commission must review whether the findings are supported by substantial evidence in the light of the whole record. The Illinois Appellate Court has ruled that as a reviewing body, the issue is not whether the reviewing court would decide upon a more lenient penalty were it initially to determine the appropriate discipline, but rather, in view of the circumstances, whether this court can say that the commission, in opting for a particular penalty, acted unreasonably or arbitrarily or selected a type of discipline unrelated to the needs of the commission or statute. Jacquelyn's Lounge, Inc. v. License Appeal Comm'n of City of Chicago, 277 Ill. App. 3d 959, 966, 661 N.E.2d 419, 423–24 (1996). The findings of the local commissioner are presumed to be correct and will not be disturbed unless contrary to the manifest weight of the evidence. Soldano v. State of Ill. Liquor Control Comm'n, 131 Ill. App. 3d 10, 13, 475 N.E.2d 560, 563 (1985). It is the function of the commissioner to determine the credibility of witnesses and the weight accorded their testimony. *Id.* Additionally, the courts have found that the question of revocation of a liquor license “presents a peculiarly local problem which can be best solved by the respective local commissioners who, because of their proximity to and familiarity with the situation, have greater access to information from which an intelligent determination can be made. That determination should not be disturbed in the absence of a clear abuse of discretion” Weinstein v. Daley, 85 Ill.App.2d 470, 481–82 (1967). Further the courts have found that, “in cases of this kind, we, and the Circuit Court, and the License Appeal Commission are all required to accept the judgment of the Local Commissioner as to the credibility of the witnesses. It is only he, as the trier of the facts, who is authorized to assess credibility, weigh the evidence, reconcile conflicting evidence, if possible, and, if not possible, determine which witnesses are worthy of belief.

Dugan's Bistro, Inc. v. Daley, 56 Ill. App. 3d 463, 470–71 (1977).

In this case, the Local Liquor Commissioner had the opportunity to hear testimony from numerous witnesses regarding the practices of Appellant and at Appellant's premises. The Local Liquor Commissioner was able to view the witnesses and determine what weight each witness should be given. The Local Liquor Commissioner made multiple references to the credibility given to both Appellant and the City's witnesses. LCC Record, Part B, Findings of Fact, ¶¶14, 16, 18, 19, 20. Additionally, both Chief of Police William Jones and Police Sergeant Michael Wilson testified as to the impact that Appellant had on the community. Local Liquor Commissioner Ford is the one best situated to determine the impact that Appellant has on the community. He is also best situated to determine what is the appropriate response to that impact. In this situation, the record reflects that Appellant's business had a significant negative impact on the community. There are specific examples of events which required significant police presence at Appellant's premises. Additionally, the record reflects the efforts that the local authorities utilized to alleviate the need for the significant police presence around Appellant's business. Accordingly, we find that when taken as a whole, the findings are supported by substantial evidence.

For the foregoing reasons, IT IS HEREBY ORDERED:

1. The order entered by the Local Liquor Commissioner for the City of Country Club Hills in Country Club Hills Case Number 2018CCH LLCC-01, is affirmed.

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.

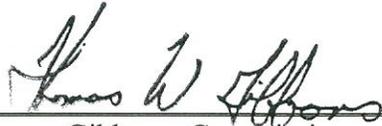
ENTERED before the Illinois Liquor Control Commission at Chicago, Illinois, on January 14, 2019.

ILLINOIS LIQUOR CONTROL COMMISSION

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Constance Beard, Chair

  
Donald G. O'Connell, Commissioner

  
Ann Deters, Commissioner

  
Thomas Gibbens, Commissioner

  
Gerald Gorman, Commissioner

  
Cynthia Cronin Cahill, Commissioner

  
Patricia Pulido Sanchez, Commissioner

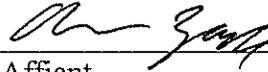
ATTEST:

  
Abraham Zisook, ILCC Attorney

COUNTY OF COOK

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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: January 14, 2019.



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Affiant

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