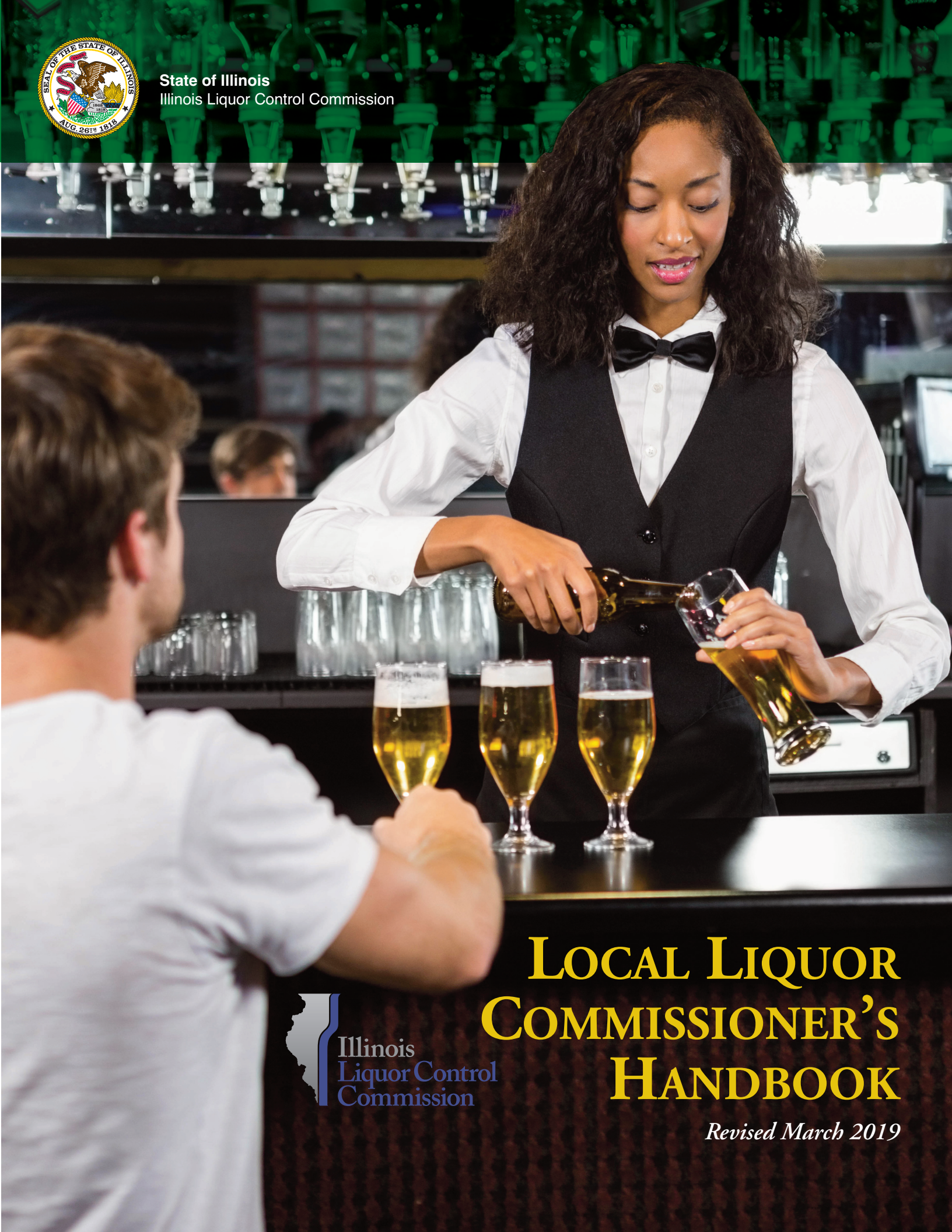
State of Illinois
Illinois Liquor Control Commission



# Local Liquor Commissioner's Handbook

*Revised March 2019*

Illinois Liquor Control Commission

## PURPOSE OF LOCAL LIQUOR COMMISSIONERS' HANDBOOK

The purpose of this publication is to ensure compliance with the Illinois Liquor Control Act (the Act) and rules and regulations of the Illinois Liquor Control Commission (ILCC) as well as all local liquor ordinances across all levels of government. As the regulatory and licensing agency of the state's alcoholic beverage industry, it is the duty of the Illinois Liquor Control Commission to provide local entities with as much support and information as possible.

Through the ILCC's Licensing, Investigations, Legal, and Industry Education Divisions – including the Beverage Alcohol Sellers and Servers Education and Training (BASSET) and the Under 21 programs — ILCC is committed to promoting responsible sales and service within the industry. By communicating the importance of complying with the law, licensees will remain viable Illinois businesses. By utilizing this handbook, local liquor commissioners can promote local economy and ensure a safer community.

Illinois Liquor Control Commission

## ILCC MISSION STATEMENT

"To protect the health, safety and welfare of the people of Illinois through careful control and regulation of the manufacture, distribution, and sale of alcoholic liquors and through the development of strategies to reduce youth access to alcohol products."

## TABLE OF CONTENTS


### SECTION A Local Control

Local Commissioner and Commission . . . . . 3
Local Licensing/Fees . . . . . 3
Local Ordinances – Limiting Authority. . . . . 4
Home Rule Authority . . . . . 5
Residency Requirements . . . . . 5

### SECTION B General Provisions

Illinois Department of Revenue. . . . . 6
State Facility Licensing . . . . . 6
Proximity Restrictions/Zoning . . . . . 7
Sale of Liquor on Election Days/
Political Contributions . . . . . 7
Seller/Server Training . . . . . 7
Signage – Interior . . . . . 8

### SECTION C Licenses

Renewals . . . . . 9
Transfer of License(s). . . . . 9
License Issuance . . . . . 10
Residency . . . . . 10
Additional Licensing Requirements. . . . . 10
Airplanes, Trains & Riverboats . . . . . 11
Revocations. . . . . 11
Special Events . . . . . 11
Special Use Permits . . . . . 11

### SECTION D Violations

Underage Sales/Sales to Intoxicated Persons. . . . . 12
Selling Without a License . . . . . 12
Access to Living Quarters . . . . . 12
Employees. . . . . 12
Premise Operations . . . . . 13
Inspections . . . . . 13
Happy Hour Regulations . . . . . 13

### SECTION E Fines, Hearings, Appeals, & Revocations

Hearings . . . . . 15
License Convictions . . . . . 15
Local Hearings . . . . . 16
Suspension . . . . . 16
Fines . . . . . 16
Local Appeals . . . . . 17
Revocations. . . . . 17
State Appeals. . . . . 17

## SECTION F Definitions

Alcohol . . . . . 18
Alcoholic Liquor . . . . . 18
Auction . . . . . 18
Beer. . . . . 18
Brew Pub. . . . . 18
Caterer Retailer . . . . . 18
Club . . . . . 18
Corporation . . . . . 19
Distilled Spirits . . . . . 19
Event. . . . . 19
Hotel. . . . . 19
Liquor . . . . . 19
Manager . . . . . 19
Meal . . . . . 19
Original Package . . . . . 19
Partner . . . . . 19
Premises/Place of Business. . . . . 19
Private Function . . . . . 19
Resident . . . . . 19
Restaurant. . . . . 20
Retailer . . . . . 20
Sale . . . . . 20
Sell at Retail . . . . . 20
Service Bar . . . . . 20
Special Event. . . . . 20
Special Event Retailer . . . . . 20
Special Use Permit. . . . . 20
Spirits . . . . . 20
Tasting . . . . . 20
Test Marketing . . . . . 20
To Sell. . . . . 20
Wine. . . . . 20

## APPENDIX

**Exhibit I**
Example of Citation . . . . . 22

**Exhibit II**
Example of Order of Suspension . . . . . 23

**Exhibit III**
Sample Application . . . . . 24

**Exhibit IV**
Affidavit . . . . . 27

**Exhibit V**
Resolution to Establish Review of Liquor Hearings On the Record to be Adopted by City Council or Board of Trustees as Applicable . . . . . 28

# SECTION A
## Local Control

### Local Commissioner and Commission

1. ***Q. Who is the local liquor commissioner?***

   A. In an incorporated Illinois city, town or village, the mayor or president of the board of trustees is the local liquor commissioner with jurisdiction and full licensing authority within the municipality's corporate limits. In unincorporated areas, the president or chairman of the county board is the local liquor commissioner. See the Illinois Liquor Control Act of 1934 (the Act), 235 ILCS 5/4-2.

2. ***Q. Can the local liquor commissioner appoint assistants, deputies or a board to assist in discharging the duties of Commissioner?***

   A. Yes. (235 ILCS 5/4-2)

3. ***Q. How should such appointments be made?***

   A. The best procedure is to make appointments effective in writing.

4. ***Q. May a local commissioner and any appointed assistants be paid?***

   A. Yes. The local governing body may authorize payments and salaries. (235 ILCS 5/4-2)

### Local Licensing/Fees

5. ***Q. May a local commissioner require any segment of the alcoholic liquor industry not engaged in retail sales within the local jurisdiction, such as wholesalers, distributors or manufacturers, to obtain a local liquor license?***

   A. No. The state commission (ILCC) has sole authority over these entities.

6. ***Q. How many and what kind of licenses can the local government body issue?***

   A. The city council or local board has the authority to determine, by ordinance, the number, kind and classification of licenses (e.g., beer or wine only; hours of operation). The authority to determine whether a license shall be issued in the case of a particular applicant is vested in the local liquor commissioner. (235 ILCS 5/4-1)

7. ***Q. May the city council, president and board of trustees, or county board, have the power to determine the amount of the local license fee to be paid for the various kinds of licenses to be issued in their political subdivision?***

   A. The city council or local board may determine by ordinance the fee for various licenses. (235 ILCS 5/4-1, 5/4-4)

8. ***Q. May the city council or local board refuse or fail to enact any ordinance establishing numbers, kinds and classifications of licenses?***

   A. If the city council or board refuses to enact any ordinance establishing the numbers, kinds and classifications of licenses, the state commission may issue a retail license without requiring a local license. (City of Fairfield v. Pappas, 199 N.E. 292 (1935))

9. ***Q. What restrictions may the local authority enact by legislative action to regulate the issuance of liquor licenses?***

   A. The local authority may impose reasonable regulations and restrictions, as the public good and convenience may require, upon the issuance of and operations under local licenses consistent with state law (i.e., license qualifications, number of available licenses, hours of operation).

10. ***Q. May a local liquor commissioner examine or investigate an applicant for a retail liquor license or a renewal of such a license?***

    A. Yes. The local liquor commissioner has the authority to examine the books and records of a license applicant or renewal licensee. (235 ILCS 5/4-5)

11. ***Q. May a local liquor commissioner call upon the local police department to investigate a new applicant for a local retail license or license renewal?***

    A. Yes. A license may not be issued to a person who is not of good character and reputation, or to persons who have been convicted of specific crimes, and a police investigation is often a necessary part of the license issuance procedure. (235 ILCS 5/4-4(2), 5/4-5, 5/6-2)

12. ***Q. May the local liquor commissioner require a new or renewal applicant for a liquor license submit to a fingerprint check?***

    A. Yes. (235 ILCS 5/4-7)

13. ***Q. May a fee be charged for purposes of obtaining a fingerprint check?***

    A. Yes. The local liquor commissioner can collect a fee and forward it to the appropriate policing body, which shall submit the fingerprints and fee to the Illinois State Police. (235 ILCS 5/4-7)

## Local Ordinances – Limiting Authority

14. ***Q. May the City Council or Local Board enact an ordinance declaring an area to be "dry"?***

    A. No. For an area to be "dry," the referendum provisions of Section 5/9-1 of the Act must be followed. (235 ILCS 5/9-1 through 5/9-19)

15. ***Q. May a local liquor commissioner control the sale of alcoholic liquor on Sunday?***

    A. Yes. The local governing body may restrict the permissible hours of sale by general ordinance or resolution. (235 ILCS 5/6-14)

16. ***Q. May the local liquor commissioner prohibit persons under a specified age from entering the premises of a tavern or other licensed retail establishment?***

    A. Yes. A local municipality may by ordinance prohibit individuals under the age of 21 from being on the premises of certain licensed establishments. (235 ILCS 5/4-1)

17. ***Q. May the local liquor commissioner set an age requirement for the serving, mixing, or handling of liquor by an employee, waitress, or bartender of a liquor licensee?***

    A. Unless a community passes a law to the contrary, anyone 18 years of age or older can serve, mix, or handle alcoholic beverages of all kinds. (235 ILCS 5/4-1 and 11 Illinois Adm. Code 100.20; A.G. Ops. S-671, 1973; Tavern Owners Assn. of Lake Co. Illinois, Inc. v. Lake County, 367 N.E.2d 748 (1977))

## Home Rule Authority

18. ***Q. What is a home rule unit?***

    A. A home rule unit is any county which has a chief executive officer elected by the electors of the county and any municipality which has a population of more than 25,000. Municipalities with a population of 25,000 or less may elect by referendum to become a home rule unit. (Illinois Constitution, Article VII, Sec. 6(a))

19. ***Q. Can a municipality, whether or not it is a home rule unit, amend, alter, or in any way change the legal age at which persons may purchase, consume, or possess alcoholic liquor as provided in the Act?***

    A. No. The establishment of such legal age is an exclusive exercise of state power which may not be exercised concurrently by local authority. (235 ILCS 5/6-18)

## Residency Requirements

20. ***Q. Is a sole proprietor required to reside within the city, village, or county in which the licensed premises are located?***

    A. Yes. A sole proprietor licensee must reside within the city, village, or county of his/her licensed premises. (235 ILCS 5/6-2(a)(1))

21. ***Q. Is an officer, member, partner, or owner of a corporation, limited liability company, or partnership required to reside within the local jurisdiction?***

    A. No. (235 ILCS 5/6-2(a)(9) and (a)(10))

22. ***Q. Can a local liquor commissioner require that a liquor establishment have a licensed manager on the premises?***

    A. Yes, if business operations are conducted primarily by a manager who is not an officer, member, partner, or owner of the business. (235 ILCS 5/4-2)

23. ***Q. Does the manager need to possess minimum qualifications to hold a liquor license?***

    A. Yes. The manager must possess the same qualifications required by the officer, member, partner, or owner of the business. (235 ILCS 5/6-2(a)(11))

# SECTION B
## General Provisions

### Illinois Department of Revenue

1. ***Q. What jurisdiction does the Illinois Department of Revenue maintain over the issuance, suspension, or revocation of licenses?***

   A. The Illinois Department of Revenue may initiate a complaint with the local liquor commissioner or the Illinois Liquor Control Commission to deny the issuance or renewal of a retailer's license, or to suspend or revoke any such license for violations of the "Retailers' Occupation Tax Act." The ILCC is required to hold a hearing and take appropriate action upon such a complaint being filed. (235 ILCS 5/6-3)

### State Facility Licensing

2. ***Q. Do the exceptions for specific parks, community centers, and state facilities provided for in Section 5/6- 15 of the Act constitute an exemption from the local and state licensing requirements?***

   A. Generally, state-owned property is ineligible to receive a liquor license. These exceptions merely make an otherwise ineligible premises eligible for licensing. Section 5/6-15 does not create an exemption from local and state licensing requirements. (A.G. Ops. S-1469, 1979)

3. ***Q. Does this differ if the operating entity is the State of Illinois itself (e.g. state universities), as opposed to a lessee or concessionaire?***

   A. Yes. The local liquor commissioner may not require the State of Illinois to secure a local license. However, a state license must still be secured. A lessee or concessionaire operating on state property would be required to secure both local and state licenses.

4. ***Q. Does this differ if the operating entity is a local unit of government itself, such as a park district, concessionaire, or lessee on such property?***

   A. No. Any local unit of government, or concessionaire/lessee, on such property must secure both local and state retail licenses to sell liquor in such locations. This applies to the park districts as well. No state license will be granted absent the issuance of a local license. (A.G. Op. S-1469 (1979))

## Proximity Restrictions/Zoning

5. ***Q. Are there restrictions on the issuance of liquor licenses for premises with proximity close to churches, schools, hospitals, and military stations?***

   A. In general, no license shall be issued within 100 feet of any church, school (except colleges and universities), hospital, home for the aged, indigent persons or veterans, or any military or naval station. The 100 feet is to be measured from property line to property line in all cases, except that of a church. In the case of a church, the 100 feet shall be measured to the nearest part of any building to be used for worship services or educational programs, and not to property boundaries. The restriction does not apply to restaurants, hotels offering restaurant services, or regularly organized clubs or food shops and other such places where the sale of alcoholic liquors is not the primary business (The Act has some additional requirements for cities with populations over 500,000). Also, the restriction does not apply if the church or school is established after issuance of the liquor license, but a variance may be required by local zoning ordinance. With the passage of PA 100-0663 (SB 2436), a local liquor commissioner may issue an exemption, if authorized by local ordinance. (235 ILCS 5/6-11)

6. ***Q. Can a school store have a liquor license?***

   A. No retail liquor license shall be issued to any store or other place of business when the majority of customers are minors of school age or when the principal business is the sale of school books and supplies, food, lunches, or soft drinks to such minors. (235 ILCS 5/6-12)

## Sale of Liquor on Election Days/Political Contributions

7. ***Q. What restrictions are there on the sale of liquor on election day?***

   A. There are none. Liquor may be sold at retail on the day of any national, state, county, or municipal election, just as any other day. The section of the Act prohibiting this was repealed in 1972.

8. ***Q. May a licensee or its agents contribute to the campaign or expenses of a political party or a candidate for office?***

   A. Yes. The section of the Act that prohibited this activity was repealed June 30, 1978.

## Seller/Server Training

9. ***Q. Is training for bartenders or wait staff mandatory in Illinois?***

   A. As of 7/1/2018, all alcohol servers employed by on-premises retailers are required to have completed a BASSET-approved certification course. (235 ILCS 5/6-27.1)

10. ***Q. Is it required that a newly hired alcohol beverage server in a county where server training is mandatory be trained when hired?***

    A. No. Training must be completed within 120 days of the hire date.

11. ***Q. Which of my employees needs to have responsible alcohol server (BASSET) training?***

    A. Any person who is responsible for serving alcoholic liquor or checking identification to verify a person's age needs to have alcohol server training.

12. ***Q. In mandatory training counties, is it required that packaged liquor or "to go" only alcoholic liquor businesses employ server trained staff?***

    A. No. Mandatory server training is required only for servers and persons responsible for checking ID's for businesses serving alcoholic liquor on-the premises

13. ***Q. Is it required that servers at not-for-profit special events be server trained?***

    A. No. Servers at not-for-profit licensed events are excluded from mandatory server training requirements.

14. ***Q. Is it required that servers at special use licensed events be server trained?***

    A. Yes. Servers at special use events held in mandatory server training counties are required to be server trained.

15. ***Q. Does a server training card expire?***

    A. Yes. A server training card expires three years after issuance.

16. ***Q. Is it required that a server possess a server training card while working?***

    A. While it is highly recommended that a server possess a server training card while working, server training can also be confirmed on the following website: www2.illinois.gov/ilcc/Education/SitePages/BASSETCard.aspx. It is also recommended that the employer maintains copies of server training certificates/cards for all employees in mandatory server training counties.

## Signage - Interior

17. ***Q. Does Illinois require a retail licensee to post a pregnancy warning sign? If so, what is the message and what are the reasons for the warning?***

    A. The State of Illinois requires every holder of a retail liquor license to frame and hang in plain view an educational sign that warns about fetal alcohol syndrome (FAS) and birth defects.

    The FAS sign must read: "Government Warning: According to the Surgeon General, women should not drink alcoholic beverages during pregnancy because of the risk of birth defects." (235 ILCS 5/6-24(a))

18. ***Q. Is smoking prohibited in all liquor licensed establishments?***

    A. Yes. The Smoke-free Illinois Act prohibits smoking in all Illinois-licensed liquor establishments, including private clubs.

    Additionally, signage is required to be posted to be in compliance with the law. To review this law and download the required signage, visit the Illinois Department of Public Health's website at www.smoke-free.illinois.gov.

19. ***Q. What other signs are required if tobacco is sold in the establishment?***

    A. In an establishment that sells tobacco products, the two following signs must be posted.

    - "Surgeon General's Warning: Smoking by Pregnant Women may result in fetal injury, premature birth, and low birth weight. Sale of tobacco in any of its forms to minors under the age of 18 is against Illinois law."
    - "Sale of tobacco accessories and smoking herbs to persons under eighteen years of age or the misrepresentation of age to procure such a sale is prohibited by law. Sale of tobacco in any of its forms to minors under the age of 18 is against Illinois law."

    (410 ILCS 85/4; 85/5; 720 ILCS 675/1; 720 ILCS 685/4; and 720 ILCS 675/1)

# SECTION C
## Licenses

### Renewals

1. ***Q. Does a licensee have an absolute right to the renewal of a liquor license from year to year?***

   A. No. License renewal is not a vested right as may prevent a local authority from decreasing the number of licenses to be issued within its jurisdiction. However, the renewal may not be arbitrarily refused, and the license must be reissued if the licensee continues to be qualified, and if there has been no reduction in the number of licenses. (235 ILCS 5/6-1-2(8))

2. ***Q. Can a local liquor commissioner revoke a license by denying renewal?***

   A. A local liquor commissioner cannot avoid the procedural revocation requirements by waiting for a license to expire and then refusing to renew. A local liquor commissioner must hold a hearing if a license will not be renewed. (City of Wyoming v. ILCC, 362 N.E.2d 1080 (1977))

### Transfer of Licenses

3. ***Q. May a licensee transfer a liquor license to a different premises?***

   A. The local liquor commissioner must authorize any transfer to a different licensed location. A license may be removed to another location if the licensee submits application and permission is granted by the local liquor commissioner and ILCC. (235 ILCS 5/7-14)

4. ***Q. May a licensee transfer a license to another person?***

   A. No license may be transferred to another person without that person being determined eligible to hold a license by the local liquor commissioner. (235 ILCS 5/6-1)

5. ***Q. In a case where a licensee dies, what is the status of the license?***

   A. The executor or administrator of the estate may, under court order, continue operating the establishment under the issued license for six months or until the license expires, whichever is earlier. The license cannot be transferred to another person by means of a will without that person being determined eligible to hold a license by the local liquor commissioner. (235 ILCS 5/6-1)

6. ***Q. If an establishment declares bankruptcy, may the business continue selling alcoholic liquor?***

   A. Under order of the appropriate court, the trustee may exercise the privileges of the bankrupt licensee until the expiration of the license or for six months, whichever is earlier. (235 ILCS 5/6-1)

## License Issuance

7. ***Q. Who may be denied a license?***

   A. Persons ineligible to be licensed as set forth in the Act, Sections 5/6-2, 5/6-11, 5/6-12 and 5/6-25, include non-residents (sole proprietors only), convicted felons, nonfilers of Illinois tax returns, licensees whose license has been revoked for cause, etc. Case authority also suggests that a local liquor commissioner has discretion to consider other matters not specifically enumerated in these sections of the Act when determining whether or not to issue a license. (Palmer v. Illinois Liquor Control Commission, 33 Ill. Des. 100, 396 N.E. 2d 325, 1979, Ace Produce, Inc. v. St. of Ill. Liq. Cont. Comm., Ill. Des. 812, 417 N.E.2d 214, 1981)

8. ***Q. Can a church or private school be issued a liquor license?***

   A. Churches and private schools may receive retail liquor licenses regardless of the distance involved if sales of alcoholic liquors are limited to when groups are assembled for some common purpose other than for the sale or consumption of alcoholic liquors. (235 ILCS 5/6-12)

## Residency

9. ***Q. Must a licensee be a resident of the particular locality?***

   A. Sole proprietors must be residents in the locality where the business is licensed. Partners need not be residents unless required by local ordinance. (235 ILCS 5/6-2(1)(9)(11))

10. ***Q. Are there residency requirements for a corporation and its officers, directors, shareholders, and managers?***

    A. The residency requirement does not apply to corporations, and their officers, directors, shareholders, or managers, unless the municipality has enacted an ordinance requiring that a manager or agent be a resident of the municipality. (235 ILCS 5/6-2(10); (235 ILCS 5/6-2(11); (See Aurora Pizza Hut, Inc. v. Hayter, 398 N.E. 2d 1150 (1979).)

## Additional Licensing Requirements

11. ***Q. What licenses or permits are required to operate a retail liquor business of any type?***

    A. I. A local retail liquor license

    II. A State of Illinois retail liquor license

    III. An Illinois Business Tax number

    IV. A federal employer identification number (FEIN)

    V. Any other locally required licenses or permits (235 ILCS 5/7-1)

12. ***Q. Must all legally required licenses and permits of state or local issuance be plainly displayed at all times on the licensed premises?***

    A. Yes. The Act requires all state licenses to be framed and hung in a conspicuous place on the licensed premises. Local licenses may be required to be posted by local ordinance. (235 ILCS 5/6-24)

13. ***Q. Is liquor liability insurance (dram shop insurance) required for establishments with an "on-premise" consumption license?***

    A. Yes. Dram shop insurance is required for liquor establishments that sell alcohol by the drink (bars, restaurants, etc.). (235 ILCS 5/6-2(a)(18))

## Airplanes, Trains, and Riverboats

14. ***Q. Does an airplane, train, or boat require a local liquor license or only a state liquor license?***

    A. Airplanes, trains, and boats require a state liquor license only. If a boat has a land-based facility, then both a local and state license are required for that facility. If the boat regularly operates as a common carrier on navigable waters, or is a permanently moored barge with a public dining area or restaurant, then only a state license is required. (235 ILCS 5/7-13)

## Revocations

15. ***Q. May a new local license be issued to a premises within one year of a revocation?***

    A. No, unless the ILCC, the local liquor Commissioner, and the Illinois Department of Revenue have approved such issuance, the revocation was vacated, or the revocation was issued against the licensee only, and the new licensee is not related to the licensee from whom the license was revoked.

## Special Events

16. ***Q. How is a special event retailer defined?***

    A. A special event retailer is an educational, fraternal, political, civic, religious, or non-profit organization that sells or offers for sale alcohol for consumption at the location on the dates designated by a special event retailer license. (235 ILCS 5/1-3.17.1)

17. ***Q. What procedure must be followed for a special event retail licensee (not-for-profit) to sell alcohol at one of its functions?***

    A. A qualified entity can receive a state special event retail liquor license for an event. However, it must show proof of dram shop insurance and that the local liquor commissioner has approved the event. (235 ILCS 5/1-3.17.1 and 235 ILCS 5/5-1(e))

18. ***Q. May a special event retailer licensee (not-for-profit) purchase alcoholic liquor from another retail licensee?***

    A. Yes. There is a $500 limitation for such purposes. (235 ILCS 5/1(e))

## Special Use Permits

19. ***Q. What if a current retail licensee wants to sell alcohol at a location other than at a current place of business, such as a picnic?***

    A. A licensee may receive a state-issued special use permit license which allows the licensee to sell alcohol up to 15 days per off-site location, per year. However, it must show proof of dram shop insurance and that the local liquor commissioner has approved the events. (235 ILCS 5/1-3.35 and 235 ILCS 5/5-1(q))

# SECTION D
## Violations

### Underage Sales and Sales to Intoxicated Persons

1. ***Q. What is the legal age in Illinois at which an individual may purchase, consume, or possess alcoholic liquor?***

   A. An individual must be 21 years of age to purchase, consume, or possess alcoholic liquor. The term "alcoholic liquor" includes beer, wine, and spirits. This minimum age limit cannot be changed by home rule units. (235 ILCS 5/6-16)

2. ***Q. Is it a crime to sell alcoholic liquor to minors?***

   A. It is a criminal offense to sell, give, or otherwise deliver alcoholic liquor to anyone under 21 years of age. (235 ILCS 5/6-16)

3. ***Q. Is it a crime to sell alcoholic liquor to intoxicated individuals?***

   A. It is a criminal offense to sell, give, or otherwise deliver alcoholic liquor to anyone who is intoxicated. (235 ILCS 5/6-16)

### Selling without a License

4. ***Q. Is it a criminal offense to sell liquor without a current license?***

   A. Yes. (235 ILCS 5/10-1(a))

### Access to Living Quarters

5. ***Q. Can patrons be allowed access to living quarters from the licensed premise?***

   A. No alcoholic liquor shall be sold on any premises that has access from the premises to any part of the same building used for living or lodging and kept accessible for use by the public. Exceptions include hotels and clubs, or where the access from the licensed premises leads to living quarters of the licensee and is restricted to personal use for themselves and their guests. (235 ILCS 5/6-13)

### Employees

6. ***Q. Is a licensee responsible for a bartender's or server's actions?***

   A. Every act or omission constituting a violation of the Act by any officer, employee, or agent of the licensee is the responsibility of the licensee and subjects them to punishment as if the act were done by them personally. (235 ILCS 5/10-3)

## Premises Operations

7. ***Q. Must bars have one ounce shot glasses?***

   A. Yes. Unmixed alcoholic liquor may not be sold at retail for consumption on the premises except in containers having a capacity of at least one fluid once and which at the time of the sale contain one fluid ounce of the beverage being sold. (235 ILCS 5/6-26)

8. ***Q. What does "refilling" mean?***

   A. "Refilling" is the unlawful act of any person filling or refilling, in whole or in part, any original package of alcoholic liquor with the same or different kind or quality of alcoholic liquor, and it shall be unlawful for any licensee to have possession of such bottles of alcoholic liquor for retail sale. (235 ILCS 5/6-22 and Rule 100.290)

9. ***Q. Is it a violation for a licensee to have on the licensed premises alcoholic liquors which contain any deleterious, contaminated, filthy, or putrid substance or insects?***

   A. Yes. (11 Illinois Adm. Code 100.290(c))

## Inspections

10. ***Q. Is a search warrant necessary in order to cause an examination of the licensed premises?***

    A. No. Any law enforcement officer of the local authority or state Liquor Control Special Agent is specifically authorized by the Illinois Liquor Control Act to enter any licensed premises and to examine the premises of the licensee. (235 ILCS 5/3-12(a), 235 ILCS 5/4-4 and 235 ILCS 5/10-8; Daley v. Berzanskis, 269 N.E.2d 716 (1971), cert. den., 402 U.S. 999)

## Happy Hour Regulations

11. ***Q. What is the "happy hour" law?***

    A. The happy hour law, effective August 31, 1989, is found in the Illinois Liquor Control Act, Section 5/6-28 This law generally prohibits promotions which encourage over-consumption of alcohol, including, but not limited to: 2-for-1 drinks, unlimited drinks for a fixed price, increased volume of drinks without a proportionate price increase, games which involve the drinking of alcohol or have alcoholic drinks as prizes. On July 15, 2015, happy hours were again allowed in Illinois. This law provides exceptions to the prohibition on happy hours, such as "meal packages" and "party packages." Additionally, it allows for discounted prices during a specified time period with the following restrictions:

    i. The price cannot be changed during the specified time period;

    ii. The time period cannot be more than 4 hours per day, although the 4 hours do not have to be consecutive and can be divided by the licensee in any manner, and no more than 15 hours per week;

    iii. The discounts cannot occur after 10 pm;

    iv. Notice must be posted at least one week in advance, on the premises or the licensee's publicly available website. (235 ILCS 5/6-28, 235 ILCS 5/6-28.5)

12. ***Q. Can one person buy more than one drink at a time?***

    A. Yes, but it cannot be part of a "2-for-1" special. (235 ILCS 5/6-28.5(b)(7))

13. ***Q. Can a person buy pitchers of beer that serve more than one person?***

    A. Yes, this prohibition was removed with the passage of PA 99-46 on July 15, 2015. (235 ILCS 5/6-28.5(b)(7))

14. ***Q. Can a licensee sell a "shot and a beer?"***

    A. Yes, "boilermakers," or a shot and a beer are considered to be one drink.

15. ***Q. Can a licensee serve unlimited numbers of drinks during a specific time of day?***

    A. Serving an unlimited number of drinks during a set time for a fixed price is prohibited. Prices for all drinks for all customers must be the same during the normal course of the business day (i.e., "half-price drinks all day") or comply with the allowable happy hour" specials. (235 ILCS 5/6-28(b)(2))

16. ***Q. Can drink size, or alcohol content, increase during the course of a business day?***

    A. The happy hour law prohibits increasing the volume of alcoholic liquor contained in a drink or the size of a drink, without proportionally increasing the price regularly charged for that drink on that given day. (235 ILCS 5/6-28(b)(4))

17. ***Q. Can a licensee advertise illegal promotions at their establishment?***

    A. As it is illegal to provide happy hour-type promotions at any licensed establishment, it is also illegal to advertise such promotions. Any promotion that is advertised must be valid during the course of normal business hours any given day. (235 ILCS 5/6-28(b)(6))

18. ***Q. What kind of games or prizes can a licensee offer involving alcohol?***

    A. None. Any game or contest that involves drinking alcoholic liquor or awarding drinks as prizes is illegal. (235 ILCS 5/6-28(b)(5))

19. ***Q. Can free food or entertainment be provided to customers as a promotion?***

    A. Yes. However, free drinks, reduced price drinks, and similar drink-related promotions cannot be offered in conjunction with this promotion. (235 ILCS 5/6-28(c)(1))

20. ***Q. Can drink prices be increased in lieu of a cover charge?***

    A. Yes. Drink prices can be raised to offset the cost of entertainment not regularly scheduled. This exception does not apply to house bands or any other regularly scheduled entertainment. (235 ILCS 5/6-28(c)(7))

21. ***Q. Restaurants will frequently offer wine or drinks in the price of a meal. Is that legal?***

    A. Yes. Alcoholic beverages can be included in the price of a meal package. (235 ILCS 5/6-28.5(b)(2))

22. ***Q. How are private functions, such as weddings and fundraisers, handled with regard to the happy hour law?***

    A. As defined by statute, a private function means a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public. Guests in attendance are served in rooms designated and used exclusively for the private party, function, or event. Additionally, guest list charges for access to the event cannot be paid or collected by the licensee. (235 ILCS 5/1-3.36)

23. ***Q. Can a retail licensee charge one price for a drink in the restaurant and another price for the same drink in the adjoining lounge?***

    A. No, unless the setup would fall under one of the exceptions set forth as an allowable happy hour. (235 ILCS 5/6-28.5)

24. ***Q. Do licensees have to post the prices of all drinks?***

    A. No. However, price lists must be maintained and kept on premises. Prices that are stored within an electronic cash register and can be retrieved on demand satisfy this requirement. (235 ILCS 5/6-27.5)

25. ***Q. What is the penalty for violating the happy hour law?***

    A. Violation of this law may result in the licensee being fined or having its license suspended or revoked. (235 ILCS 5/6-28(d))

# SECTION E

## Fines, Hearings, Appeals, & Revocations

### Hearings

1. ***Q. May local liquor licensees be fined, or have their licenses suspended, revoked, or denied without a hearing?***

   A. In general, no licensee may be fined, or have their license suspended, revoked, or denied without an opportunity to be heard within a minimum three days of written notice being delivered to the licensee. It is important to note that the courts have interpreted all notice and hearing requirements of 235 ILCS 5/7-5 as applicable to denials of renewals as well as suspensions and revocations. However, if the local liquor commissioner has reason to believe that the continued operation of the licensed premises will immediately threaten the welfare of the community, the issuance of a written order stating the reason for such conclusion and without notice of hearing, is sufficient to order the licensed premises closed for not more than seven days, during which time the licensee must have an opportunity to be heard. (235 ILCS 5/7-5, City of Wyoming v. Liquor Control Commission, 362 N.E. 2d 1080 (1977))

### Licensee Convictions

2. ***Q. What happens if a court convicts a licensee or any officer, director, manager, or other employee in a position of authority of violating the liquor statutes?***

   A. A retail license holder convicted by any court of any violation of the Illinois Liquor Control Act is subject to revocation proceedings, but revocation is discretionary. If the license is revoked, the licensee shall forfeit state and local licenses and the fees paid for them. (235 ILCS 5/10-3, 235 ILCS 5/10-4)

3. ***Q. Does a finding of "not guilty" in a criminal prosecution of a licensee or agent of a licensee preclude an action to fine, suspend, revoke, or deny renewal of a State or local license?***

   A. No. See Nechi v. Daley, 188 N.E. 2d 243 (1963); Legones v. Lic. Appeal Comm., 241 N.E. 2d 499 (1968).

## Local Hearings

4. ***Q. What is the minimum notice for a hearing?***

   A. At least three days written notice in every case before the local liquor commissioner, and it must spell out for the licensee what the charge is, and state the specific provisions of the law that have been allegedly violated. (235 ILCS 5/7-5) Actions taken by the ILCC require ten days notice before a hearing. (11 Illinois Adm. Code 100.180)

5. ***Q. How should hearings on liquor license violations be conducted by the local liquor commissioners?***

   A. The best procedure is to hold a public hearing before a certified court reporter or certified shorthand reporter. (235 ILCS 5/7-9)

6. ***Q. Can private citizens initiate proceedings against a licensee?***

   A. Any five residents of the particular municipality or county may file a complaint against a license holder. The complaint must be in writing in the form prescribed by the local liquor commissioner and shall be signed and sworn to by the parties complaining. The complaint must specify the law or regulation allegedly violated and state the detailed facts upon which belief in the alleged violation is based. (235 ILCS 5/7-7)

7. ***Q. When a citizen's complaint is lodged with the local liquor commissioner, must the local liquor commissioner institute action against the licensee named?***

   A. Action is not required unless the commissioner determines that based on the facts of the allegations, there is reasonable cause to believe a violation exists. (235 ILCS 5/7-7)

8. ***Q. If the local liquor commissioner determines that there is no reasonable cause to believe a violation exists or makes no determination on a complaint, may this action be appealed to the Illinois Liquor Control Commission?***

   A. Yes., Interested persons or citizen groups may appeal and the same procedures apply for appealing a suspension, revocation, or denial of a renewal. See questions 9 & 10 below. (235 ILCS 5/7-9)

9. ***Q. How long does a local liquor commissioner have to render a decision after a hearing?***

   A. Within five days after a hearing, the local liquor commissioner shall state the reasons for any determination in a written order and shall serve a copy of the order to the licensee. (235 ILCS 5/7-5)

## Suspension

10. ***Q. May a local liquor commissioner suspend a license for more than 30 days?***

    A. No. The local liquor commissioner is not authorized to suspend a license for more than 30 days. (235 ILCS 5/4-4(1))

11. ***Q. If a local retail liquor license is ordered suspended from a premises that also houses other business operations, are those other businesses also subject to the suspension order?***

    A. No. The sale of alcohol is the only business that must be suspended. (235 ILCS 5/1-3.05)

## Fines

12. ***Q. May any local liquor commissioner impose a fine against a licensee and are there any limits on the fines which may be assessed against a licensee by the local liquor commissioner?***

    A. Yes. Any local liquor commissioner may impose a fine upon or suspend a licensee. Any fine imposed shall not exceed $1,000.00 **per violation** and no more than $15,000.00) maximum in total fines against any licensee during the period of the active license. (235 ILCS 5/7-5)

## Appeals of Local Orders

13. ***Q. What provisions are there for a licensee to appeal a decision of the local liquor commissioner in refusing to grant a license, revoking, suspending, or denying the renewal or transfer of a license, or imposing a fine?***

    A. Except in cases of appeals from the City of Chicago Liquor Commissioner, a licensee may, within 20 days after notice of the order or action, appeal to the state commission. After 20 days, the local order becomes final and there is no further recourse. Hearings before the state commission are considered to be a new trial, except for communities that have adopted a resolution requiring that review be of the official record of the proceedings before the local commissioner. (235 ILCS 5/7-9)

14. ***Q. What effect does a licensee appeal have upon their duty to pay a fine, serve a suspension, or ability to operate in the event of a revocation imposed by the local liquor commissioner pending the outcome of the appeal hearing?***

    A. Generally, an appeal operates as a stay of the decision of the local liquor commissioner, and the fine need not be paid, suspension served, or business operations closed. However, whenever a licensee appeals a suspension or revocation that is the second or subsequent suspension or revocation ordered by the local liquor commissioner within the preceding 12 months, the suspension or revocation shall be effective until the state commission makes a determination on the appeal. (235 ILCS 5/7-9 and 11 Illinois Adm. Code 100.230)

15. ***Q. When does the stay become effective?***

    A. Upon notice to the local liquor commissioner that an appeal has been accepted, the stay becomes effective. While the ILCC tries to provide this notice in writing, when time constraints present a problem, it may be done by fax or telephone. (235 ILCS 5/7-9 and 11 Illinois Adm. Code 100.350(d))

## Revocation

16. ***Q. What constitutes grounds for revocation of a liquor license?***

    A. A liquor license may be revoked for cause. This may include

    - a violation of the Act or the rules and regulations of the ILCC,
    - a violation of a municipal ordinance or established rule of the local liquor commissioner, or
    - a violation of any other state or federal law pertaining to the operation of a dram shop.

    However, Illinois courts have generally upheld only revocations for licensees that have had repeat violations (e.g., sales to minors) or where the licensee or its employees are directly involved in criminal or quasi-criminal activity (e.g., unlicensed gambling, drug sales or prostitution). (235 ILCS 5/4-4, 235 ILCS 5/7-5, 11 Illinois Adm. Code 100.30)

## State Appeals

17. ***Q. What provisions are there for judicial review of the ILCC's decision?***

    A. The proceedings of the state commission are subject to judicial review pursuant to the provisions of the Administrative Review Law (735 ILCS 5/3-101, et seq.). No action for judicial review may be allowed unless the appellant has first filed a petition for re-hearing and the Commission has acted on the petition. (235 ILCS 5/7-10, 235 ILCS 5/7-11)

# SECTION F
## Defenitions

**Alcohol** means the product of distillation of any fermented liquid, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol. It does not include denatured alcohol or wood alcohol. (235 ILCS 5/1-3.01)

**Alcoholic liquor** includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, capable of being consumed as a beverage by a human being. The provisions of this Act shall not apply to alcohol used in the manufacture of denatured alcohol produced in accordance with Acts of Congress and regulations promulgated thereunder, nor to any liquid or solid containing one-half of one percent, or less, of alcohol by volume. No tax provided for in Article VIII of the Act shall apply to wine intended for use and used by any church or religious organization for sacramental purposes, provided that such wine shall be purchased from a licensed manufacturer or importing distributor under this Act. (235 ILCS 5/1-3.05)

**Auction liquor license** means a person who obtains prior written approval from the State Commission to sell or offer for sale at auction, on a specific date, wine or spirits for private use or consumption, or for resale by an Illinois liquor licensee in accordance with the provisions of the Act. (235 ILCS 5/1-3.32)

**Beer** means a beverage obtained by the alcoholic fermentation of an infusion or concoction of barley, or other grain, malt, and hops in water, and includes, among other things, beer, ale, stout, lager beer, porter and the like. (235 ILCS 5/1-3.04)

**Brew Pub** means a person who manufactures beer only at a designated premises to make sales to importing distributors, distributors, and to non-licensees for use and consumption only and, who stores beer at the designated premises, and who is allowed to sell at retail from the licensed premises provided that the brew pub licensee shall not sell for off-premise consumption more than 50,000 gallons per year. (235 ILCS 5/1-3.33)

**Caterer Retailer** means a person who serves alcoholic liquors for consumption, either on-site or off-site, whether the location is licensed or unlicensed, as an incidental part of food service. Prepared meals and alcoholic liquors are sold at a packaged price agreed upon under contract. (235 ILCS 5/1-3.34)

**Club** means a corporation organized under the laws of this state not for pecuniary profit, but solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, kept, used, and maintained by members through the payment of annual dues, and owning, hiring, or leasing a building or space in a building, of such extent and character as may be

suitable and adequate for the reasonable and comfortable accommodation of its members and their guests and provided with suitable and adequate kitchen and dining room space and equipment and maintaining a sufficient number of servants and employees for cooking, preparing, and serving food and meals for its members and their guests; provided that such club files with the local liquor commissioner at the time of its application for a license under the Act two copies of a list of names and residences of its members, and similarly files within 10 days of the election of any additional member his or her name and address; and provided further, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting and that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by members or by its board of directors or other governing body out of the general revenue of the club. (235 ILCS 5/1-3.24)

**Corporation** means any corporation, domestic or foreign, qualified to do business in the State of Illinois under the "Business Corporation Act" of Illinois. (11 Illinois Adm. Code 100.10)

**Distilled spirits** (See Spirits)

**Event** means a single theme. (11 Illinois Adm. Code 100.10)

**Hotel** means every building or other structure kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations of such guests, and having one or more public dining rooms where meals are served to such guests, such sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity. (235 ILCS 5/1-3.25)

**Liquor** (See Alcoholic liquor)

**Manager** means "agent" or any individual employed by any licensed place of business, provided said individual possesses the same qualifications required of the licensee. Satisfactory evidence of such employment will be furnished to the Commission in the form and manner as such Commission shall from time to time prescribe. (11 Illinois Adm. Code 100.10(f))

**Meal** means food that is prepared and served on the licensed premises and excludes the serving of snacks. (11 Illinois Adm. Code 100.10)

**Original package** means any bottle, flask, jug, can, cask, barrel, keg, hogshead, or other receptacle or container, whatsoever, used, corked, or capped, sealed, and labeled by the manufacturer of alcoholic liquor, to contain and convey any alcoholic liquor. (235 ILCS 5/1-3.06)

**Partner** means any individual who is a member of a co-partnership. "Co-partnership" means an association of two or more persons to carry on as co-owners of a business for profit. (11 Illinois Adm. Code 100.10)

**Premises or Place of Business** means the place or location where alcoholic beverages are manufactured, stored, displayed, offered for sale, or where drinks containing alcoholic beverages are mixed, concocted, and served for consumption. Not included are sidewalks, streets, parking areas, and grounds adjacent to any such place or location. (11 Illinois Adm. Code 100.10)

**Private functions** mean a prearranged private party, function, or event for a specific social or business occasion, either by invitation or reservation and not open to the general public, where guests in attendance are served in a room or rooms designated and used exclusively for the private party, function, or event. (235 ILCS 5/1-3.36)

**Resident** means any person (other than a corporation) who has resided in the State of Illinois for at least one year and in the city, village, or county in which the premises covered by the license are located for at least 90 days prior to making application for such license. (11 Illinois Adm. Code 100.10)

**Restaurant** means any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals are actually and regularly served, without sleeping accommodations, such space being provided and adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve food for its guests. (235 ILCS 5/1-3.23)

**Retailer** means a person who sells, or offers for sale, alcoholic liquor for use or consumption and not for resale in any form. (235 ILCS 5/1-3.17)

**Sale** means any transfer, exchange, or barter in any manner, or by means whatsoever, including the transfer of alcoholic liquor by and through the transfer or negotiation of warehouse receipts or certificates, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee. The term "sale" includes any transfer of alcoholic liquor from a foreign importer's license to an importing distributor's license even if both licenses are held by the same person. (235 ILCS 5/1-3.21)

**Sell (sale) at retail** means and refers to sales for use or consumption and not for resale in any form. (235 ILCS 5/1-3.18)

**Service bar** means a place or location not within view of the general public where beer and wine may be poured and served through a draught system. A service bar may only be located in a kitchen, food preparation area, or waiter or server station area of a retail licensee who primarily serves meals. (11 Illinois Adm. Code 100.10)

**Special event** means an event conducted by an educational, fraternal, political, civic, religious, or non-profit organization. (235 ILCS 5/1-3.30)

**Special event retailer** means an educational, fraternal, political, civic, religious, or non-profit organization that sells or offers for sale beer or wine, or both, only for consumption at the location and on the date(s) designated by the special event retailer license. (235 ILCS 5/1-3.17.1)

**Special use permit** means a license for use by a retailer to allow for the transfer of alcoholic beverages from an existing licensed retail premises to a designated site for a specific event. (235 ILCS 5/1-3.35)

**Spirits** means any beverage that contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin, or other spiritous liquors, and such liquors when rectified, blended, or otherwise mixed with alcohol or other substances. (235 ILCS 5/1-3.02)

**Tasting** means a supervised presentation of alcoholic products to the public at an off-premise licensed retailer for the purpose of disseminating product information and education, with consumption of alcoholic products being an incidental part of the presentation. Only products registered with the Commission may be tasted in the following amounts: Distilled Spirits ¼ oz., Wine 1 oz., and Beer 2 oz.; notice of the tasting may be given. Tasting must be done by a licensee and/or a registered tasting representative in accordance with Section 100.40. (11 Illinois Adm. Code 100.10)

**Test marketing** means to test new products or products unfamiliar to the sampler through a marketing firm or the like. (11 Illinois Adm. Code 100.10)

**To sell** means to keep or expose for sale and to keep with intent to sell. (235 ILCS 5/1-3.22)

**Wine** means any alcoholic beverage obtained by the fermentation of the natural contents of fruits, or vegetables, containing sugar, including such spirits, as defined above. (235 ILCS 5/1-3.03)

# APPENDIX

*The exhibits included on the following pages are examples for review and educational purposes only. No identification with actual persons (living or deceased), places, buildings, and products is intended or inferred. Any resemblance to actual persons or real-life entities, past or present, is entirely coincidental.*

TO: Thomas Martin, President
Sparky's Banquets
10 North Main Street
Matte, IL 00000

You are hereby notified, pursuant to Section 5/7 – 5 of the Illinois Liquor Control Act and Section _____ of the City Code of _____ and as the holder of a Class B liquor license No. 13 of the City of Matte, Illinois, that the undersigned shall hold a public hearing, at _____.m. on the ____ day of_____, 20__, in the City Council Room, Matte City Hall, to determine whether your said liquor license should be fined, suspended or revoked by reason of an alleged sale of alcoholic liquor, to wit: two glasses of beer, by your agent or employee John Jones, on or about _____, to a person under the age of 21 years, Carol Smith, in violation of Section 5/6-16 of Chapter 235 of the Illinois Compiled Statutes, and _____ of the City Code of the City of Matte, Illinois, at which time you shall be given the opportunity to appear and defend against such a charge. Please take notice that at said hearing you may be represented by an attorney and you may call witnesses on your own behalf.

_____

Mary Kanen
Liquor Commissioner
City of Matte, Illinois
Date: _____

Certificate of Service: _____ The undersigned does hereby certify that the foregoing Citation and Notice of Hearing was served upon the licensee on _____
by _____
(Personal Service or Certified Mail)

_____
Signature of Serving Agent

## ORDER OF SUSPENSION

TO: Thomas Martin, President
Sparky's Banquets
10 North Main Street
Matte, IL 60000

This matter having come on to be heard upon Citation and Notice direction Sparkey's Banquets, Inc., 10 North Main Street, Matte, Illinois, to appear before the Liquor Commission of the City of Matte, Illinois to show cause why this Commissioner should not fine (suspend or revoke) its City Retail license No. 13 by reason of an alleged sale of alcoholic liquor, to wit: two glasses of beer, by its agent or employee John Jones on or about December 10, 2018, to a person under the age of 21 years, namely, Carol Smith, in violation of the Statutes of the State of Illinois and City Code of the City of Matte, Illinois, and this Commissioner having heard and considered the evidence, for and against, the allegations contained in said Notice at the hearing held December 29, 2018, a copy of which was served upon the respondent licensee, and being fully advised herein, FINDS:

1. That notice of aforesaid charges was given in writing upon all parties entitled thereto at least 3 days prior to said public hearing and in the manner as provided for by law.
2. That at the hearing held herein on December 29, 2018, the respondent licensee was represented by James East, and attorney, and the City of Matte, Illinois, was represented by its attorney, Jane West.
3. That all witnesses were duly sworn, and all testimony was received under oath. That all parties were given the opportunity to cross examine al witnesses. Said hearing was held in all respects according to law.
4. That December 10, 2018, John Jones did sell alcoholic liquor, to wit 2 glasses of beer to Carol Smith, a person under the age of 21, having been born February 28, 1999.
5. That the sale of alcoholic liquor is a violation of section 5/6-16 of Chapter 235, Illinois Compiled Statutes, and Section _____ of the City Code of the City of Matte, Illinois.

NOW, THEREFORE, IT IS HEREBY ORDERED that the City of Matte, Illinois, Class B Liquor License No. 13 of Sparky's Banquets, Inc., covering the premises at 10 North Main Street, Matte, Illinois, be, and the same is hereby SUSPENDED for a period of _____ days to commence at _____ a.m. on _____and to terminate at _____ a.m. on _____

Dated: _____ _____

Mary Kanen
City of Matte, Illinois 60000

Certification of Service:
The undersigned does hereby certify that the foregoing Order of Suspension was served upon the licensee on _____ by _____.
(Personal Service or Certified Mail)

_____
Signature of Serving Agent

## APPLICATION FOR CITY LIQUOR RETAILER'S LICENSE

TO: Thomas Martin, President
Sparky's Banquets
10 North Main Street
Matte, IL 60000

The undersigned hereby make(s) application for the issuance of a city retailer's license for the sale of alcoholic liquor for the term beginning _____, 20___, and ending _____, 20__, and hereby certify(ies) to the following facts:

1). Applicant's full name (If a partnership or corporation give names of all owners of more than 5%)
Name under which business is to be conducted: _____

2. Location of place of business for which license is sought:
(A) _____
***Exact address by street and number/zip code***
(B) _____
***(Full description of location, place or premises, specifying floor, room, etc.)***

3) State principal kind of business
_____

4) Class of license applied for
_____

5) Does applicant seek a license to sell alcoholic liquor upon the premises as a restaurant?
_____
If so, are premises:
(A) Maintained and held out to the public as a place where meals are, and regularly served? _____
(B) Provided with adequate and sanitary kitchen and dining room equipment and capacity with sufficient employees to prepare, cook and serve suitable food? _____

6) Does applicant own premises for which this license is sought?
_____

7) Has applicant a lease on such premises covering full period for which the license is sought?
_____
If so, attach copy.

8) Is applicant licensed as a food dispenser?
_____

9) Is the location of applicant's business for which license is sought within 100 feet property line to property line, of any school, hospital, home for aged or indigent persons, or for veterans, their wives or children, or any military or naval station, or 100 feet building to building from a church?
_____

10) Is any law enforcing public official, mayor, alderman, member of the city of council or commission, or any president or member of a county board directly interested in the business for which this license is sought?
_____

11) Has any manufacturer, importing distributor directly or indirectly paid or agreed to pay for this license, advanced money or anything of value, or any credit (other than merchandising credit in the ordinary course of business for a period not to exceed 30 days), or is such person directly or indirectly interested in the ownership, conduct or operation of the place of business?

_____

12) Is the applicant or any affiliate, associate, subsidiary, officer, director or other agent engaged in the manufacture of alcoholic liquors? _____ If so, at what location or locations? _____

13) Is the applicant engaged in the business of an importing distributor or distributor of alcoholic liquors? _____ If so, what location or locations? _____

14) Will the business be conducted by a manager or agent? _____ If so, give name and residence address of such manager or agent
Name _____
Address _____

15) Do you hold any other current business licenses issued by the City? _____ If so, what type of license do you currently hold and what is the address of the licensed premises?
Type _____
Address _____

## Individual Applicant

16) (a) Name _____
Date of birth (Month/Day/Year)

(b) Residence address (give street and number) _____
Telephone number _____

(c) Place of birth _____
(d) Are you a citizen of the United States? _____ If a naturalized citizen, when naturalized? (Month/Day/Year) _____
Where naturalized? (City and State) _____
Court in which (or law under which) naturalized _____

(e) Have you ever been convicted of any felony under any Federal or State law? _____
If so, give date and state offense _____

(f) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor opposed to decency and morality? _____
If so, give dates and state offense _____

(g) Have you ever been convicted of a violation of a Federal or State liquor law since February 1, 1934? _____
If so, give dates and state offense _____

(h) Have you ever permitted an appearance bond forfeiture for any of the violations mentioned in? _____

(i) Have you made application for other similar license for premises other than described in this application? _____

If so, give date, location of premises and disposition of application _____

(j) Has any license previously issued to you by State, Federal or local authorities been revoked, Suspended or fined? _____

If so, state the reasons therefor and date(s) _____

## Co-partnership/Corporate Applicant:

17) (a) Name of partner, or corporate officers and directors and shareholders, if any: (attach separate sheet if necessary), Date of birth (Month/Day/Year) _____

(b) Residence address (City and State) _____

Telephone number _____

(c) Place of birth (Month/Date/Year) _____

(d) Are you a citizen of the United States? _____

If a naturalized citizen, when naturalized? _____

Where naturalized? (City and State) _____

Court which (or law under which) naturalized _____

(e) Have you ever been convicted of any felony under Federal or State law? _____

If so, give date and state offense _____

(f) Have you ever been convicted of being the keeper of a house of ill fame; or of pandering or other crime or misdemeanor or opposed to decency and morality? _____

## AFFIDAVIT

STATE OF ILLINOIS )
)SS
COUNTY OF _____)

I (or we) swear (or affirm) that I (or we) will not violate any of the ordinances of the City of _____ or the laws of the State of Illinois or the laws of the United States of America, in the conduct of the place of business described herein and that the statements contained in this application are true and correct to the best of my (our) knowledge and belief.

Subscribed and Sworn to before me this day of _____, 20_____.

_____
(Signature of Applicant)

## Resolution to Establish Review of Liquor Hearings On the Record to be Adopted by City Council or Board of Trustees as Applicable

WHEREAS, the City of Matte, Illinois, is a municipal corporation of the State of Illinois; and

WHEREAS, Illinois Compiled Statutes, Chapter 235, Section 5/7-8, provides that:

Any appeal to the Illinois Liquor Control Commission shall be limited to a review of the official record of the proceedings of such local liquor control commissioner if the city council or board of trustees or county board, as the case may be, has adopted a resolution requiring that such review be on the record.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF MATTE, ILLINOIS**, that effective upon the passage of this revolution, all review or appeal of the actions or orders of the local liquor control commissioner of the City of Matte, Illinois shall be made by the Illinois Liquor Control Commission on the official record made before the local liquor control commissioner. All resolutions or parts thereof in conflict with the provisions of this resolution are hereby repealed.

Dated: _____

Illinois
Liquor Control
Commission

# Local Liquor Commissioner's Handbook

*Revised March 2019*

Illinois Liquor Control Commission

100 West Randolph Street, Suite 7-801
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