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Illinois Liquor Control Commission
COVID-19 Related Action
Guidance on Thirty (30) Day Credit Law Reporting – Retailer Delinquencies
Resumption of Delinquency List
REMINDER - July 27, 2020

Delinquency List

As of June 2, 2020, state law suspended pending retailer delinquencies until **30 days after the beginning of Phase 4 of the Governor's Restore Illinois Plan.**

Since Phase 4 began on June 26, 2020, the suspension of the Delinquency List ends on **Monday July 27, 2020 when the Illinois Liquor Control Commission posts the updated Delinquency List.**

Retailers that had been listed on the most recently posted Delinquency List who have not cured the delinquency will again be reported delinquent on July 27, 2020. Other retailers having become delinquent during the Delinquency List suspension period will also be placed on the Delinquency List.

Temporary Action: Until Phase 5 of the Governors Restore Illinois Plan, licensed distributors and licensed retailers may enter into payment plans to pay an existing debt on a sale or sales of wine and spirits occurring between February 15, 2020 and May 1, 2020. All payment plans shall be active requiring regular payments. If a retailer is participating in an active payment plan for qualifying debts, they shall not be reported delinquent. Distributors shall offer payment plans to all similarly situated retailers and shall not base the offer of a payment plan on the amount of existing debt or the average volume of retailer purchases. Payment plans are only permitted under guidelines stated herein.

Bona Fide Disputes

All previously reported bona fide disputes filed pursuant to Illinois Liquor Control Commission "Guidance on Thirty (30) Day Credit Law Reporting – Retailer Delinquencies - Bona Fide Dispute Process" **have been voided.** By law, all retailers previously filing bona fide disputes will be reported delinquent on July 27, 2020 if they have not fully paid a wine and spirits invoice or they are not in an active payment plan.

If a retailer is named on a published Delinquency List on or after July 27, 2020 and has a good faith bona fide dispute of the amount that is owed, the retailer may file (or refile) a "bona fide dispute" with the Commission at that time.

A retailer that files a bona fide dispute must be prepared to present facts related to legitimate dispute "at the next regularly scheduled meeting of the Commission" [11 Ill. Admin. Code 100.90(d)] currently scheduled for August 13, 2020 and at subsequent meetings scheduled monthly. A retailer should not file a bona fide dispute unless it legitimately disputes the amount owed.

The State Commission strongly encourages the retailer to pay the existing wine and spirits delinquency debt before July 27, 2020.