



**THE HANDBOOK OF THE
LICENSE APPEAL COMMISSION
OF THE
CITY OF CHICAGO**

**RICHARD J. DALEY CENTER
50 WEST WASHINGTON STREET
ROOM - CL 21
CHICAGO, ILLINOIS 60602
(312) 744-4095
www.cityofchicago.org/lac**

The License Appeal Commission is the immediate forum of appeal for suspensions, revocations, and fines imposed by the Department of Business Affairs and Consumer Protection against a liquor license holder. Additionally, the LAC decides appeals for denied liquor license applications, denied changes in management/ownership of an existing liquor license, and refusals of liquor license renewals issued by the Department of Business Affairs and Consumer Protection.

FILING APPEALS OF FINES, SUSPENSIONS, OR REVOCATION

1. An appeal of a decision by the Department of Business Affairs and Consumer Protection fining, suspending or revoking a liquor license must be filed with the License Appeal Commission within TWENTY (20)* days of the date of the issuance of the Department of Business Affairs and Consumer Protection order fining, suspending or revoking the liquor license. A FAILURE TO FILE THE APPEAL WITHIN TWENTY (20)* DAYS OF THE DATE OF THE ORDER WILL RESULT IN THE LOSS OF YOUR ABILITY TO APPEAL THE DECISION. (Please Note: The License Appeal Commission follows the schedule of official holidays issued by the City of Chicago's Law Department).
2. In order to appeal the finding of the Department of Business Affairs and Consumer Protection, the licensee must file certain documents with the License Appeal Commission.
 - A) The Licensee must file an original and one hard copy of the Notice of Appeal if filed electronically, or three hard copies if filed in person (see Notice of Appeal under Documents on our website).
 - B) A copy of the Department of Business Affairs and Consumer Protection Order of Disposition with the Findings of Fact, fining, suspending or revoking the license must be attached to the original and the one hard copy of the appeal if filed electronically, or each of the three hard copies of the appeal.
 - C) Additionally, in order to appeal the Licensee must pay a filing fee of \$125.00 with the Department of Finance. The POS Invoice form is now available on our department's website at **www.cityofchicago.org/lac** Download the form and pay the fee at any City of Chicago payment center. A receipt showing that the fee has been paid must be presented to the License Appeal Commission. **NO APPEAL WILL BE ACCEPTED WITHOUT THIS RECEIPT.** Only one electronic or hard copy needed.
 - D) Notarized Affidavit stating that the court reported transcripts from the proceedings at the Department of Business Affairs and Consumer Protection have been ordered. Only one electronic or hard copy needed.
3. The Licensee should also include any case law or statute upon which the Licensee will rely in arguing to reverse the decision of the Department of Business Affairs and Consumer Protection.
4. Once an appeal is filed with the License Appeal Commission, the Licensee must file a Notarized Affidavit stating that the court reported transcripts from the proceedings at the Department of Business Affairs and Consumer Protection have been ordered. The affidavit must be filed with the License Appeal Commission within TEN (10)* days. A FAILURE TO FILE THIS AFFIDAVIT WILL RESULT IN DISMISSAL OF THE APPEAL.
5. Any liquor licensee who appeals a revocation order from the Department of Business Affairs and Consumer Protection is required by state law to pay and keep current their liquor license renewal fees during the pendency of the appeal. Any liquor licensee who appeals a revocation order to the License Appeal Commission will be required to show proof that all license renewal fees are paid to date. Liquor licensees must pay their renewal fees at the City of Chicago

Department of Finance in Room 107 of City Hall and obtain a receipt. The paid license renewal fee receipt, as well as a receipt showing payment of the filing fee for a new appeal, must be submitted to the License Appeal Commission as a prerequisite to filing an appeal.

FILING APPEALS OF APPLICANT CASES

1. An appeal of a denial of an application for a liquor license (includes any of the following: denial of an application for a new license, change of officers, change of location, change of management/ownership or a refusal to renew) must be filed with the License Appeal Commission within TWENTY (20)* days of the date of the letter of denial issued by the Department of Business Affairs and Consumer Protection. A FAILURE TO FILE THE APPEAL WITHIN TWENTY (20) DAYS OF THE DATE OF THE LETTER OF DENIAL WILL RESULT IN THE LOSS OF YOUR ABILITY TO APPEAL THE DENIAL. (Please Note: The License Appeal Commission follows the schedule of official holidays issued by the City of Chicago's Law Department).
2. To appeal the denial by the Department of Business Affairs and Consumer Protection of an application for a liquor license, the applicant must file certain documents with the License Appeal Commission. Electronic filings by email to Michelle.Guzman-Flores@cityofchicago.org are preferred. If email is an impossibility, please call (312) 744-4095 to arrange for any in-person filings. All forms can be found on our website at www.cityofchicago.org/lac
3. Please send all documents listed below (in pdf format) to the attention of Michelle Guzman-Flores at Michelle.Guzman-Flores@cityofchicago.org
 - A) **Notice of Appeal.** The form is available on our website. The original and one hard copy of the Notice of Appeal if filed electronically, or three hard copies if filed in person.
 - B) A copy of the **Denial Letter** of the application for a liquor license issued by the Department of Business Affairs and Consumer Protection. The original and one hard copy of the Notice of Appeal if filed electronically, or three hard copies if filed in person. Please note, we are unable to process your appeal without a Denial Letter.
 - C) **Appearance Form.** The form is available on our website. Only one electronic or hard copy is needed.
 - C) A copy of the **Filing Fee Receipt** and for Renewals a copy of **Receipt(s)** showing all license renewal fees are paid to date. The Applicant must pay a filing fee of \$125.00 with the Department of Finance. Please download the **POS Invoice** from our website and proceed to pay at any City of Chicago Payment Center Location. For information on Payment Center Locations, please visit the Department of Finance at www.cityofchicago.org/dof. A **receipt** showing the \$125.00 has been paid

must be included with your Notice of Appeal. NO APPEAL WILL BE ACCEPTED WITHOUT THE REQUIRED RECEIPT(S). Only one electronic or hard copy is needed.

3. The Applicant should also include any case law or statute upon which the applicant will rely in arguing to reverse the decision of the Department of Business Affairs and Consumer Protection. Please file the appropriate number of copies per 3A above.
4. Refusal to Renew cases - Any liquor licensee who appeals a refusal to renew order from the Local Liquor Control Commission is required by state law to pay and keep current their liquor license renewal fees during the pendency of the appeal. Any liquor licensee who appeals a refusal to renew order with the License Appeal Commission will be required to show proof that all license renewal fees are paid to date. Liquor licensees must pay their renewal fees at the City of Chicago Department of Finance in Room 107 of City Hall and obtain a receipt. The paid license renewal fee receipt, as well as a receipt showing payment of the filing fee for a new appeal, must be submitted to the License Appeal Commission as a prerequisite to filing an appeal.

THE PROCESS

Upon the filing of the appeal, it will be given a case number. The appeal will then be given its first court date. At approximately three-week intervals the License Appeal Commission meets at 11:00 a.m. (or a time designated by the License Appeal Commission) in courtroom LL 02 on the lower level of the Daley Center (50 W. Washington) for what is referred to as the 'General Call.' Upon the filing of the appeal, the case will be assigned to one of the 'General Call' dates. Dates are available on LAC website. LAC reserves the right to limit the number of people in the courtroom for health and safety reasons. Legal representatives and pro se parties will take priority.

At the General Call, cases will be called according to their case numbers with the oldest case numbers being called first. All corporations must be represented by a licensed attorney. Those licensees who do not hold their license in a corporate entity may represent themselves before the License Appeal Commission. However, it is strongly recommended for the appellant's own benefit to seek legal counsel and representation. The Department of Business Affairs and Consumer Protection is always represented, at our hearings, by an attorney for the City called Assistant Corporation Counsel. If the appealing party is represented by counsel they do not need to personally appear for the General Call but are always welcome if they wish to come and observe. The attorney representing you must, however, appear at the General Call.

When an applicant case is called at the General Call, mutual discovery can be requested and your case will be set for a hearing on the merits of your appeal. Continuances in Applicant cases will be granted for good cause at the discretion of the Commissioners.

For appeals of Fines, Suspensions or Revocations, the transcript of the hearing at the Department of Business Affairs and Consumer Protection must be filed electronically with the License Appeal Commission in a timely fashion along with one hard copy as soon as possible after that. If filing in person, then one hard copy is required at the time of filing of the appeal. Once an appeal is filed with the License Appeal Commission, the

Licensee must file a Notarized Affidavit stating that the court reported transcripts from the proceedings at the Department of Business Affairs and Consumer Protection have been ordered. The affidavit must be filed with the License Appeal Commission within TEN (10)* days. A FAILURE TO FILE THIS AFFIDAVIT WILL RESULT IN THE DISMISSAL OF THE APPEAL. Further, a failure to provide the actual transcripts in a timely fashion may be grounds for a dismissal of an appeal. Continuances will be granted for good cause only at the discretion of the Commissioners.

HEARINGS

Fine, Suspensions or Revocation Cases

At hearings for Fine, Suspension or Revocation appeals, arguments are presented to the License Appeal Commission by the parties based entirely on the transcripts and record below and on relevant city code, statute or case law. The party that has filed the appeal is the Appellant and the party responding to the appeal is the Appellee. The Appellant has the burden of proof and argues first, followed by the Appellee and then by a brief rebuttal by the Appellant. After argument, the three Commissioners that make up the License Appeal Commission will take the matter under consideration. After deliberation, the Commissioners will issue a written order deciding the case, which will be mailed to the parties of the appeal.

Applicant Cases

Hearings for applicant cases are considered a trial 'de novo.' Both sides are entitled to call witnesses and present evidence for consideration. LAC may limit the amount and type of evidence, number of witnesses, time for presentation consistent with fundamental notions of fairness and within the general framework of basic rules of evidence and case law. The party that has filed the appeal is the Appellant and the party responding to the appeal is the Appellee. The Appellee has the burden of proof and presents their case first followed by the appellant. After both sides rest on the evidence argument is allowed. After argument, the three Commissioners take the matter under advisement. Subsequently, a written order deciding the case will be mailed to the parties of the appeal.

REHEARINGS, APPEALS

Either party wishing to continue to pursue their appeal after losing at the License Appeal Commission must file with the License Appeal Commission a Petition for Rehearing. A Petition for Rehearing must be filed within TWENTY (20)* DAYS, from the date of the License Appeal Commission's order. Again, electronic filing by email is preferred (one hard copy provided if requested by LAC). If filing in person, the original and one hard copy of the Petition must be provided. Electronic notice and the petition should also be sent to the opposing party's representative (in the alternative, it can be mailed). A written decision granting the rehearing or denying it will be issued. If the Petition for Rehearing is granted, parties will be given a new hearing date. If the Petition is denied, an appeal of the License Appeal Commission's order can be made to the Circuit Court of Cook County within THIRTY-FIVE (35) days and by the Circuit Court's rules.

MOTION TO VACATE AN ORDER DISMISSING AN APPEAL

If your appeal is Dismissed and you wish to reinstate the appeal you must do the following:

1. File a motion explaining why the dismissal order should be vacated. The motion must be filed within THIRTY (30) days of the order dismissing the appeal.
2. Present a receipt from the City of Chicago Department of Finance showing the \$50.00 filing fee has been paid. The POS Invoice form is now available on our department's website at www.cityofchicago.org/lac
Download the form and pay the fee at any City of Chicago payment center.

A written Order granting or denying the Motion will be issued. If the Motion is granted, the case will be given a new hearing date. A party may elect to appeal the LAC order to the Circuit Court of Cook County within THIRTY-FIVE (35) days and by the Circuit Court's rules.

*Days = calendar days. If a due date falls on a Saturday, Sunday, or Court holiday, the due date will be the next available business day.

If any party has any further questions relating to the License Appeal Commission, please do not hesitate to contact our office at (312) 744-4095.