



CITY OF CHICAGO



LICENSE APPEAL COMMISSION

MEMORANDUM

To: The Honorable Jason Ervin
Chairman, Committee on the Budget and Government Operations

From: Laura Parry, Chair
License Appeal Commission

CC: Kennedy Bartley
Chief External Affairs Officer, Mayor’s Office

Date: November 20, 2024

Re: Request for Information from Annual Appropriation Committee Hearing

ID#: 077-01

The following information is provided in response to questions posed at our department’s hearing on November 9, 2024, to discuss the proposed 2025 budget.

Alderman Lopez's requested a list of appeals by ward for 2024.

ID#	Applicant	Type of Appeal	Ward
24 LA 01	Art Life Art, Inc. Artice Clark, President 606 East 75th Street	Licensee/Suspension	6 th Ward – Alderman Hall
24 LA 02	La Unica Food Mart, Inc. Francisca Aranda, President 1515 West Devon Avenue	Licensee/Revocation	48 th Ward – Alderwoman Manna-Hoppenworth
24 LA 03	MAA Brahmani, Inc. d/b/a Express Dollar 7029 North Clark Street	Applicant (Package Goods)	49 th – Alderwoman Hadden
24 LA 04	Youyuan BBQ Inc. d/b/a Friends’ BBQ 2358 South Wentworth Avenue	Applicant (COP-IA)	11 th – Alderwoman Lee

As always, please let me know if you have any further questions.



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To: The Honorable Jason Ervin
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From: Laura Parry, Chair
License Appeal Commission

CC: Kennedy Bartley
Chief External Affairs Officer
Mayor's Office of Intergovernmental Affairs

Date: November 20, 2024

Re: Request for Information from Annual Appropriation Committee Hearing

ID#: 077-02

The following information is provided in response to questions posed at our department's hearing on November 9, 2024, to discuss the proposed 2025 budget.

Alderman Lopez requested a copy of the state statute regarding evidence at LAC hearings

Below is the state statute relating to the inquiry from Alderman Lopez.

(235 ILCS 5/7-9) (from Ch. 43, par. 153)

Sec. 7-9. Except as provided in this Section, any order or action of a local liquor control commissioner levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may, within 20 days after notice of such order or action, be appealed by any resident of the political subdivision under the jurisdiction of the local liquor control commissioner or any person interested, to the State Commission.

In any case where a licensee appeals to the State Commission from an order or action of the local liquor control commission having the effect of suspending or revoking a license, denying a renewal application, or refusing to grant a license, the licensee shall resume the operation of the licensed business pending the decision of the State Commission and the expiration of the time allowed for an application for rehearing. If an application for rehearing is filed, the licensee shall continue the operation of the licensed business until the denial of the application or, if the rehearing is granted, until the decision on rehearing.

In any case in which a licensee appeals to the State Commission a suspension or revocation by a local liquor control commissioner that is the second or subsequent such

suspension or revocation placed on that licensee within the preceding 12 month period, the licensee shall consider the suspension or revocation to be in effect until a reversal of the local liquor control commissioner's action has been issued by the State Commission and shall cease all activity otherwise authorized by the license. The State Commission shall expedite, to the greatest extent possible, its consideration of any appeal that is an appeal of a second or subsequent suspension or revocation within the past 12 month period.

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. If such resolution is adopted, a certified official record of the proceedings taken and prepared by a certified court reporter or certified shorthand reporter shall be filed by the local liquor control commissioner within 5 days after notice of the filing of such appeal, if the appellant licensee pays for the cost of the transcript. The State Commission shall review the propriety of the order or action of the local liquor control commissioner and shall 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.

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. No new or additional evidence shall be admitted or considered. The State Commission shall render a decision affirming, reversing or modifying the order or action reviewed within 30 days after the appeal was heard.

In the event such appeal is from an order of a local liquor control commissioner of a city, village or incorporated town of 500,000 or more inhabitants, granting or refusing to grant a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license, the matter of the propriety of such order or action shall be tried de novo by the license appeal commission as expeditiously as circumstances permit. **(Note: Applications and renewals are new trials and parties can call Alders as witnesses in the appeal)**

In the event such appeal is from an order or action of a local liquor control commissioner of a city, village or incorporated town of 500,000 or more inhabitants, imposing a fine or refusing to impose a fine on a licensee, revoking or suspending or refusing to revoke or suspend a license, the license appeal commission shall determine the appeal by a review of the official record of the proceedings of such local liquor control commissioner. A certified record of the proceedings shall be promptly filed with the license appeal commission by such local liquor control commissioner after notice of the filing of such appeal if the appellant licensee pays for the cost of the transcript and promptly delivers the transcript to the local liquor control commissioner or its attorney. The review by the license appeal commission shall be limited to the 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.

No new or additional evidence in support of or in opposition to such order or action under appeal shall be received other than that contained in such record of the proceedings. Within 30 days after such appeal was heard, the license appeal commission shall render its decision in accordance with the provisions of Section 7-5. **(Note: Suspensions, revocations are NOT new trials. Alders can be called as witnesses in disciplinary hearing but not in the appeal).**

In cities, villages and incorporated towns having a population of 500,000 or more inhabitants, appeals from any order or action shall lie to the license appeal commission of such city, village or incorporated town. All of the provisions of this Section and Section 7-10 relative to proceedings upon appeals before the State Commission and relative to appeals from the decisions of the State Commission shall apply also to proceedings upon appeals before any license appeal commission and appeals from the decisions of license appeal commission.

In any trial de novo hearing before the State Commission or license appeal commission, the local liquor control commissioner shall be entitled to 10 days notice and to be heard. All such trial de novo hearings shall be open to the public and the Illinois Liquor Control Commission and the license appeal commission shall reduce all evidence offered thereto to writing.

If after trial de novo hearing or review as provided herein, the State Commission or the license appeal commission (as the case may be) shall decide that the license has been improperly issued, denied, revoked, suspended or refused to be revoked or suspended or a hearing to revoke or suspend has been improperly refused or that the licensee has been improperly fined or not fined, it shall enter an order in conformity with such findings, which order shall be in writing.

A certified copy of the order shall be transmitted to the particular local liquor control commissioner and it shall be the duty of the local liquor control commissioner to take such action as may be necessary to conform with the order.

In any trial de novo hearing before the State Commission or the license appeal commission, the licensee shall submit to examination and produce books and records material to the business conducted under the license in like manner as before the local liquor control commissioner, and the failure of the licensee to submit to such an examination or to produce such books and records, or to appear at the hearing on such appeal, shall constitute an admission that he has violated the provisions of this Act. In the event the appeal is from an order of the local liquor control commissioner denying a renewal application, the licensee shall have on deposit with the local liquor control commissioner an amount sufficient to cover the license fee for the renewal period and any bond that may be required. (Source: P.A. 88-613, eff. 1-1-95.)

As always, please let me know if you have any further questions.