

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

A.A. Sports Connection, Inc.)
Joel Wilczewski, President)
Applicant (Late Hour))
for the premises located at)
3714 North Clark Street)
) Case No. 05 LA 19
vs.)
)
Department of Business Affairs & Licensing)
Local Liquor Control Commission)
Scott V. Bruner, Director)
)
)
)

ORDER

COMMISSIONER KOPPEL'S OPINION

This matter comes before the License Appeal Commission on an appeal from a decision by the Mayor's License Commission denying the application of the licensee for a 4:00 a.m. late hour liquor license.

The charging document gives two reasons for denial of the late hour license:

1. Deleterious impact upon the community
2. That pursuant to statute the applicant failed to get the community support which is required

Charge number two was dropped because it was determined that the applicant did receive the signatures by the community supporting the 4:00 a.m. license. The only charge left was the deleterious impact. With reference to the second charge, it should be noted that the applicant has

been in business for many years without revocation or penalty. The 4:00 a.m. liquor license law sets out certain criteria - the applicant has met that criteria.

This applicant is not responsible for activities that might occur outside the premises. The law specifically gives an opportunity by the community to close a place that creates a nuisance to the community. This place does not fall under that category. They have been in business for years without violation and they did receive the support of the community by the signatures of support of the issuance of the 4:00 a.m license.

In the event the issuance of such a license is in effect and it turns out to be a nuisance, then the license can be revoked by citizen complaint. This is not the case. The citizens have approved, pursuant to the City's code. The applicant has met the qualification required for a 4:00 a.m license. The City is reversed.

OPINION OF CHAIRMAN CALABRESE

This application for a 4:00 a.m. liquor license was originally denied on dual basis. First, the application was denied when the City believed that the applicant had failed to properly notify local registered voters of his application and failed to garner a sufficient percentage of voter support. An additional basis was a suggestion that the issuance would create a deleterious impact on the community. The applicant appealed the denial and a hearing on the merits was held.

The primary focus of the very contentious hearing was on the process of figuring the appropriate number of signatures required for notification and support. The applicants were caught in the switches when the City changed the process by which the notification parameters were created in an effort to make the process more efficient. It became clear in the hearing that despite the best efforts of the applicants, they were unable to meet the changing requirements of the City. It also was clear that despite the best intentions of the City to make the process computerized and thereby more efficient, implementation problems frustrated the applicants best efforts. Near the end of the hearing, the City in fairness decided to strike that basis as a reason for denial. The sole basis left for denial was the allegation of deleterious impact.

A review of that issue weighs neighborhood concern with our impressions of the businessmen seeking the license. We are required to limit our inquiries to the evidence presented at this hearing. The caliber of evidence of potential deleterious impact presented in this hearing was not sufficiently proved likely, when compared to the positive impression left on this Commissioner by the testimony of the applicants. I was extraordinarily impressed by the diligence, competence and sincerity of the applicants. The City, based solely on the evidence presented in this case, did not prove a deleterious impact. The decision to deny the license is reversed.

OPINION OF COMMISSIONER ADAMS IN DISSENT

The applicants were denied the request for a 4:00 a.m. liquor license at their currently

licensed establishment and they appealed. The local Alderman testified in opposition to the 4:00 a.m. liquor license in his community. The prudence of the issuance of a 4:00 a.m. liquor license is best left to the considered opinion of the Local Liquor Control Commission in consultation with the local community. The location of this establishment is in Wrigleyville across from Wrigley Field. While I have approved of the expansion of premises in this neighborhood in the past, an expansion of hours of operation is another thing altogether. Expanded hours of operation until daybreak in an area already troubled by overindulgence would be a mistake. The City is correct that the increased hours of operation would have a deleterious impact on the community. I would have affirmed the City's denial.

IT IS THEREFORE, IT IS HEREBY ORDERED That the said order or action of the Local Liquor Control Commissioner of the City of Chicago be and the same hereby is REVERSED.

Pursuant to Section 154 of the Illinois Liquor Control Act, a Petition for Rehearing may be filed with this Commission within TWENTY (20) days after service of this order. The date of the mailing of this order is deemed to be the date of service. If any party wishes to pursue an administrative review action in the Circuit Court, the Petition for Rehearing must be filed with this Commission within TWENTY (20) days after service of this order, as such petition is a jurisdictional prerequisite to the administrative review.

Dated: April 10, 2007

Anthony J. Calabrese
Chairman

Irving J. Koppel
Commissioner

Don W. Adams
Commissioner – IN DISSENT

