

LICENSE APPEAL COMMISSION

CITY OF CHICAGO

Simon's Tavern, Inc.)
Scott T. Martin, President)
Licensee/Suspension)
for the premises located at)
5210 North Clark Street) Case No. 07 LA 26
)
)
v.)
)
Department of Business Affairs & Licensing)
Local Liquor Control Commission)
Scott V. Bruner, Director)
)
)

ORDER

The Commission having considered the appeal of SIMON'S TAVERN, INC., SCOTT T. MARTIN, PRESIDENT, from the order of a five-day Suspension of the Mayor, as Local Liquor Control Commissioner of the City of Chicago, entered and taken JUNE 4, 2007 and the Commission having reviewed the said appeal and the transcript of proceedings taken before the Mayor, as Local Liquor Control Commissioner, and the parties having made oral argument and the Commission now fully advised in the premises DOTH FIND:

- A) That the Mayor, as Local Liquor Control Commissioner has proceeded in the manner provided by law.
- B) That the finding of the Local Liquor Control Commissioner that the licensee failed to maintain liquor license liability (dram shop) insurance for the licensed premises from November 18, 2005 through December 15, 2005, is not supported by substantial evidence in light of the whole record. This Commission further finds as a matter of law that the City failed to prove that the licensee failed to maintain liquor liability (dram shop) insurance for the licensed premises from November 18, 2005 through December 18, 2005, in violation of the Municipal Code, Title 4, Chapter 60, 040 (c) (2).

It should also be noted that the provision of the Municipal Code alleged to have been violated by the licensee and found to have been violated by the licensee by the Hearing Officer is Title 4, Chapter 60, Section 040 (c) (1). That section of the Municipal Code does not address the issue of liability (dram shop) insurance.

- C) That the order of a five-day suspension is not supported by the findings of the Local Liquor Control

Commission.

IT IS HEREBY ORDERED AND ADJUDGED That the order suspending the liquor license of the appellant for FIVE (5) Days 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: September 18, 2007

Dennis M. Fleming
Chairman

Irving J. Koppel
Commissioner

Stephen B. Schnorf
Commissioner