

**LICENSE APPEAL COMMISSION
CITY OF CHICAGO**

Alimar II, Inc.)	
Diane Calleros, President)	
Licensee/Revocation)	
for the premises located at)	Case No. 07 LA 27
10548-50 South Torrence Avenue)	
)	
vs.)	
)	
Department of Business Affairs & Licensing)	
Local Liquor Control Commission)	
Scott V. Bruner, Director)	
)	

ORDER

OPINION OF CHAIRMAN FLEMING JOINED BY COMMISSIONER SCHNORF

This Commission having had considered the appeal of ALIMAR II, INC., DIANE CALLEROS, PRESIDENT, from the order of revocation of the Mayor, as Local Liquor Control Commissioner of the City of Chicago entered and taken May 31, 2007, and the Commission having reviewed the said appeal and the transcript of proceedings taken before the Mayor, as Local Liquor Control Commissioner, and now being fully advised of the premises, DOTH FIND:

- A) That the Mayor as Local Liquor Control Commissioner has proceeded in the manner provided by law.
- B) That the findings of the Local Liquor Control Commission as set forth in the order of revocation are supported by substantial evidence in light of the whole record.
- C) That the order of revocation is supported by the findings of the Local Liquor Control Commission.

We specifically agree that the mitigation testimony of Diane Calleros to be credible and the

Licensee's situation unfortunate in light of her present condition. She is the sole support of herself and her husband. Her husband is sick for almost four years and has lost three toes and is losing his eyesight. She works the store from 9:00 a.m. until 1:00 p.m. seven days a week by herself with only occasional relief from her son and daughter. She has operated this store since 1986 and is three years away from being eligible for social security.

In the time she has operated this store she has four previous sales to minors since August of 1995. The last such sale was on October 25, 2001. While we may not have imposed revocation for this violation, the fact remains that this is the fifth sale to a minor and the order of revocation is supported by the findings of the Local Liquor Control Commission.

The decision of the Local Liquor Control Commission is affirmed.

OPINION OF COMMISSIONER KOPPEL IN DISSENT

The facts in this case are as follows - the licensee has been in business for 30 years. This is her sole source of income. The simple facts are that she walked away from the bar for a few minutes and her son who was there sold liquor to a minor. The decision of the Mayor's License Commission was predicated upon the fact that the history of this place showed that there were several violations against the licensee.

In the 30 years this licensee accrued four violations:

10/25/01	Sale to Minor	30 Day Closing
5/20/00	Sale to Minor	14 Day Closing
01/16/96	Sale to Minor	7 Day Closing
08/03/95	Sale to Minor	\$1,000 Fine

The violation (sale to a minor) took place November 9, 2006. This is 5 years since the last violation.

The law is quite clear (Municipal Code Handbook) Sec. 4-60-181 (d) - the revocation is for sale of alcohol to a minor and the licensee was disciplined for 3 or more similar sales, occurring in separate incidents, within the prior three years.

In this case the licensee was free and clear of violations for over a 5 year period. The licensee is being unduly punished. She has been in business for 30 years and this is her only source of income. Deprivation of the license is harsh and pursuant to the Municipal Code previously stated inappropriate. The City should have been reversed.

Irving J. Koppel
Commissioner

IT IS THEREFORE ORDERED AND ADJUDGED That the order revoking the liquor license of the APPELLANT is AFFIRMED.

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: October 4, 2007

Dennis Michael Fleming
Chairman

Steven B. Schnorf
Commissioner