

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

1000 Liquors, Inc.)	
John Plewa, President)	
Licensee/Suspension)	
for the premises located at)	Case No. 07 LA 12
1000-1012 West Belmont Avenue)	
)	
v.)	
)	
Local Liquor Control Commission)	
Department of Business Affairs & Licensing)	
Scott V. Bruner, Director)	
)	

ORDER ON REHEARING

This matter coming to be heard on a Petition for Rehearing filed by the Department of Business Affairs and Licensing/Local Liquor Control Commission, Scott V. Bruner, Director, the parties having submitted a written petition and response, the issues having been orally argued before this Commission it is hereby found as follows:

OPINION OF COMMISSIONER KOPPEL: Commissioner Koppel adopts the opinion set out in the order dated January 11, 2008, in its entirety. The 21-day suspension should be reversed.

OPINION OF COMMISSIONER SCHNORF: Commissioner Schnorf adopts his opinion set out in the order dated January 11, 2008, reversing the Local Liquor Control Commission solely on the basis that a 21-day suspension in this particular case on these particular facts was so arbitrary, capricious and unreasonable that it cannot stand and should be reversed.

OPINION OF CHAIRMAN FLEMING: Chairman Fleming adopts his opinion set out in the

order dated January 11, 2008, but notes that the last sentence on Page 9 of the order should read:

With the facts as a basis for the 21-day suspension, it was not (emphasis added) unreasonable, arbitrary, capricious and was related to regulation of liquor establishments. I would affirm the 21-day suspension.

A typographical omission did not include the word "not".

This Commissioner would again repeat that he would not have imposed such a suspension.

While I did not find the penalty arbitrary, I would respectfully suggest the findings of fact from the Hearing Commissioner provide a rationale for the recommended penalty, be it suspension or revocation. The finding in this case recites the past disciplinary history which I feel is proper but gives a guideline as to how the 21-day closing recommended as an appropriate penalty was reached. Such an explanation might have led to a different opinion from Commissioners Koppel and Schnorf.

Dennis M. Fleming
Chairman

IT IS HEREBY ORDERED AND ADJUDGED That the order suspending the

liquor license of the appellant for TWENTY-ONE (21) days is hereby 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: July 17, 2008

Irving J. Koppel
Commissioner

Stephen B. Schnorf
Commissioner