

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

J.N.P., Inc.)	
Richard P. Ruff, President)	
Licensee/Revocation)	
for the premises located at)	
4754 West Fullerton)	Case No. 08 LA 23
)	
v.)	
)	
Department of Business Affairs & Licensing)	
Local Liquor Control Commission)	
Mary Lou Eisenhauer, Acting Director)	
)	

ORDER

OPINION OF CHAIRMAN FLEMING JOINED BY COMMISSIONER KOPPEL

On or about May 30, 2007, the licensee was served with a Notice of Hearing in connection with liquor license disciplinary proceedings alleging nine charges. An Amended Notice of Hearing was filed by the City without objection at the October 18, 2007, hearing and a Second Amended Notice of Hearing was filed adding two additional charges at the December 13, 2007, hearing. There was also no objection to the Second Amended Notice of Hearing. Deputy Hearing Commissioner Raymond J. Prosser was by Mayor Richard M. Daley on April 16, 2007, to conduct these disciplinary proceedings. Hearings were held on August 9, 2007, October 18, 2007, November 8, 2007, December 13, 2007, December 20, 2007, February 21, 2008 and March 6, 2008. Deputy Hearing Commissioner prepared Findings of Fact sustaining all charges but 8. Based on the licensee's past history and the facts of the sustained charges he found revocation to be appropriate. After consulting with Mr. Prosser, Mary Lou Eisenhauer the

Acting Director of Business Affairs & Licensing, adopted each of his findings as those of the Department of Business Affairs & Licensing. An Order of Revocation was issued on March 25, 2008, and a timely notice of appeal was filed by the licensee. This matter then proceeded to oral argument before the License Appeal Commission.

In cases in which revocation has been determined to be the appropriate discipline this Commission is limited to review on these 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 light of the whole record.

In this case the Local Liquor Control Commissioner did proceed in the manner provided by law and the order of revocation is supported by the findings.

This Commission further finds that the City did meet its burden since there is no substantial evidence in light of the whole record to support the findings of Deputy Hearing Commissioner Prosser. The revocation of the liquor license of J.N.P., Inc., is affirmed.

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: September 18, 2008

Dennis M. Fleming
Chairman

Irving J. Koppel
Member

Note: Commissioner Schnorf did not participate in decision