

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

Raven’s Place, LLC)
d/b/a Universal Entertainment Center)
Applicant (COP-IA))
for the premises located at)
11901 South Loomis Street) Case No. 16 LA 15
)
v.)
)
Department of Business Affairs and Consumer Protection)
Local Liquor Control Commission)
Shannon Trotter, Commissioner)

FINAL ORDER

**DECISION OF CHAIRMAN FLEMING JOINED BY COMMISSIONER O'CONNELL AND
COMMISSIONER CAHILL**

The Respondent applied for a Consumption on Premises-Incidental Activity license for the premises located at 11901 South Loomis Street, Chicago, Illinois. This application was denied by then Local Liquor Control Commissioner Gregory Steadman on August 10, 2016. The basis of this denial was a finding by the Investigations Unit of the Department of Business Affairs and Consumer Protection that this business was located within 100 feet of the Johnnie Colemon Elementary Academy at 1441 West 119th Street, Chicago, Illinois. Pursuant to Section 5/6-11(a) of the State of Illinois Liquor Control Act, no liquor license shall be issued for the sale at retail of any alcoholic liquor within 100 feet of a school.

The Respondent filed a timely appeal with the License Appeal Commission of the City of Chicago. This matter proceeded to hearing on January 11, 2017. Assistant Corporation Counsel

Gabrielle Parker-Okojie represented the City and attorney Mark Vanecko represented the Applicant.

Based on stipulations in the record that the applicant's premises were within 100 feet of the Johnnie Colemon Elementary Academy and that a legislative exception was pending before the Illinois Legislature, this Commission entered an Interim Decision that was not final or appealable affirming that the decision of the Local Liquor Control Commissioner was affirmed but delaying a final decision until June 7, 2017, pending approval of the legislative exception.

On June 7, 2017, this matter was continued to September 13, 2017, and then set for hearing on November 1, 2017. The parties agreed that a bill that would have created a legislative exception was passed by the general assembly and signed by Governor Rauner. Unfortunately, a careful review of this legislation showed that the language enabling an exception for the premises contained an inaccurate description of the premises. Continuances were granted to allow amendments to this scrivener's error during the 2017 fall veto session and to see if the parties could reach an agreement on issuing the license.

At the hearing on November 1, 2017, the License Appeal Commission was advised that no amendment had been filed during the fall veto session. This Commission was also advised that the parties could not reach an agreement on issuing the license with the scrivener's error.

Based on the stipulations specifically referenced on the June 23, 2017, decision of the License Appeal Commission and the fact there is no legislation currently pending to enact a

legislative exception to the 100 foot restriction, it is the Decision of the License Appeal Commission to Affirm the denial of the issuance of this license on the sole ground that the premises are located within 100 feet of the Johnnie Colemon Elementary Academy in violation of Section 5/6-11(a) of the Illinois Liquor Control Act.

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 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: November 30, 2017

Dennis M. Fleming
Chairman

Donald O'Connell
Member

Cynthia Cronin Cahill
Member