



**THE HANDBOOK OF THE
LICENSE APPEAL COMMISSION
OF THE
CITY OF CHICAGO**

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The License Appeal Commission is the immediate forum of appeal for suspensions, revocations, and fines imposed by the Department of Business Affairs and Consumer Protection against a liquor license holder. Additionally, the LAC deals with appeals for denied liquor license applications, denied changes in management/ownership of an existing liquor license, and refusals of liquor license renewals issued by the Department of Business Affairs and Consumer Protection.

FILING APPEALS OF FINES, SUSPENSIONS OR REVOCATION

1. An appeal of a decision by the Department of Business Affairs and Consumer Protection fining, suspending or revoking a liquor license must be filed with the License Appeal Commission within TWENTY (20) days of the date of the issuance of the Department of Business Affairs and Consumer Protection order fining, suspending or revoking the liquor license. A FAILURE TO FILE THE APPEAL WITHIN TWENTY (20) DAYS OF THE DATE OF THE ORDER WILL RESULT IN THE LOSS OF YOUR ABILITY TO APPEAL THE DECISION. (Please Note: The License Appeal Commission follows the schedule of official holidays issued by the City of Chicago's Law Department).
2. In order to appeal the finding of the Department of Business Affairs and Consumer Protection, the licensee must file certain documents with the License Appeal Commission.
 - A) The Licensee must file an original and four copies of a document of appeal (see Notice of Appeal under Documents on our website).
 - B) Copies of the order of Department of Business Affairs and Consumer Protection Order of Disposition with the Findings of Fact, fining, suspending or revoking the license must be attached to the original and each of the four copies of the appeal.
3. Additionally, in order to appeal the Licensee must pay a filing fee of \$125.00 with the Department of Finance. The POS Invoice form is now available on our department's website at www.cityofchicago.org/lac Download the form and pay the fee at any City of Chicago payment center. A receipt showing that the fee has been paid must be presented to the License Appeal Commission. NO APPEAL WILL BE ACCEPTED WITHOUT THIS RECEIPT.
4. The Licensee should also include any case law or statute upon which the Licensee will rely in arguing to reverse the decision of the Department of Business Affairs and Consumer Protection.
5. Once an appeal is filed with the License Appeal Commission, the Licensee must file a Notarized Affidavit stating that the court reported transcripts from the proceedings at the Department of Business Affairs and Consumer Protection have been ordered. The affidavit must be filed with the License Appeal Commission within TEN (10) business days. A FAILURE TO FILE THIS AFFIDAVIT WILL RESULT IN THE DISMISSAL OF THE APPEAL.
6. Any liquor licensee who appeals a revocation order from the Department of Business Affairs and Consumer Protection is required by state law to pay and keep current their liquor license renewal fees during the pendency of the appeal. Any liquor licensee who appeals a revocation order to the License Appeal Commission will be required to show proof that all license renewal fees are paid to date. Liquor licensees must pay their renewal fees at the City of Chicago Department of Finance in Room 107 of City Hall and obtain a receipt. The paid license renewal fee receipt, as well as a receipt showing payment of the filing fee for a new appeal, must be submitted to the License Appeal Commission as a prerequisite to filing an appeal.

FILING APPEALS ON APPLICANT CASES

1. An appeal of a denial of an application for a liquor license (includes any of the following: denial of an application for a new license, change of officers, change of location, change of management/ownership or a refusal to renew) must be filed with the License Appeal Commission within TWENTY (20) days of the date of the letter of denial issued by the Department of Business Affairs and Consumer Protection. A FAILURE TO FILE THE APPEAL WITHIN TWENTY (20) DAYS OF THE DATE OF THE LETTER OF DENIAL WILL RESULT IN THE LOSS OF YOUR ABILITY TO APPEAL THE DENIAL. (Please Note: The License Appeal Commission follows the schedule of official holidays issued by the City of Chicago's Law Department).
2. In order to appeal the denial by the Department of Business Affairs and Consumer Protection of an application for a liquor license, the applicant must file certain documents with the License Appeal Commission.
 - A) The applicant must file an original and four copies of a document of appeal.
 - B) Copies of the letter of denial of the application for a liquor license issued by the Department of Business Affairs and Consumer Protection must be attached to the original and to each of the four copies of the appeal.
3. Additionally, in order to appeal the Applicant must pay a filing fee of \$125.00 with the Department of Finance. The POS Invoice form is now available on our department's website at www.cityofchicago.org/lac Download the form and pay the fee at any City of Chicago payment center. A receipt showing that the fee has been paid must be presented to the License Appeal Commission. NO APPEAL WILL BE ACCEPTED WITHOUT THIS RECEIPT.
4. The Applicant should also include any case law or statute upon which the applicant will rely in arguing to Reverse the decision of the Department of Business Affairs and Consumer Protection.
5. Any liquor licensee who appeals a refusal to renew order from the Local Liquor Control Commission is required by state law to pay and keep current their liquor license renewal fees during the pendency of the appeal. Any liquor licensee who appeals a refusal to renew order with the License Appeal Commission will be required to show proof that all license renewal fees are paid to date. Liquor licensees must pay their renewal fees at the City of Chicago Department of Finance in Room 107 of City Hall and obtain a receipt. The paid license renewal fee receipt, as well as a receipt showing payment of the filing fee for a new appeal, must be submitted to the License Appeal Commission as a prerequisite to filing an appeal.

THE PROCESS

Upon the filing of the appeal, it will be given a case number. The appeal will then be given its first court date. At approximately three week intervals the License Appeal Commission meets at 11:00 a.m. (or a time designated by the License Appeal Commission) in courtroom LL 02 on the lower level of the Daley Center (50 W. Washington) for what is referred to as the 'General Call.' Upon the filing of the appeal, the case will be assigned to one of the 'General Call' dates.

At the General Call, cases will be called according to their case numbers with the oldest case numbers being called first. All corporations must be represented by a licensed attorney. Those licensees who do not hold their license in a corporate entity may represent themselves before the License Appeal Commission. However, we strongly recommend for the appellant's own benefit that they seek legal counsel and representation. The Department of Business Affairs and Consumer Protection is always represented, at our hearings, by attorneys for the City called Assistant Corporation Counsel. If the appealing party is represented by counsel they do not need to personally appear for the General Call but are always welcome if they wish to come and observe. The attorney representing you must, however, appear at the General Call.

When an applicant case is called at the General Call, mutual discovery can be requested and your case will be set for a hearing on the merits of your appeal. Continuances in Applicant cases will be granted for good cause at the discretion of the Commissioners.

For appeals of Fines, Suspensions or Revocations, the transcript of the hearing at the Department of Business Affairs and Consumer Protection must be filed with the License Appeal Commission in a timely fashion. Once an appeal is filed with the License Appeal Commission, the Licensee must file a Notarized Affidavit stating that the court reported transcripts from the proceedings at the Department of Business Affairs and Consumer Protection have been ordered. The affidavit must be filed with the License Appeal Commission within TEN (10) business days. A FAILURE TO FILE THIS AFFIDAVIT WILL RESULT IN THE DISMISSAL OF THE APPEAL. Further, a failure to provide the actual transcripts in a timely fashion may be grounds for a dismissal of an appeal. Once the full transcript(s) of the Department of Business Affairs and Consumer Protection's hearing is filed we will set the appeal for a hearing on the merits. Continuances in Fines, Suspensions or Revocation cases will be granted for good cause only at the discretion of the Commissioners.

HEARINGS

At hearings for Fine, Suspension or Revocation appeals, arguments are presented to the License Appeal Commission by the parties based entirely on the transcripts and record below and on relevant city code, statute or case law. The party that has filed the appeal is the Appellant and the party responding to the appeal is the Appellee. The Appellant has the burden of proof and argues first, followed by the Appellee and then by a brief rebuttal by the Appellant. After argument, the three Commissioners that make up the License Appeal Commission will take the matter under consideration. After deliberation, the Commissioners will issue a written order deciding the case, which will be mailed to the parties of the appeal.

Either party wishing to continue to pursue their appeal after losing at the License Appeal Commission must file with the License Appeal Commission a Petition for Rehearing. A Petition for Rehearing must be filed within TWENTY (20) DAYS, from the date of the License Appeal Commission's order and must submit an original and four copies of the Petition for Rehearing. If the Petition for Rehearing is denied, an appeal of the License Appeal Commission's order can be taken to the Circuit Court of Cook County within THIRTY-FIVE (35) days and by their rule.

Hearings for applicant cases are considered a trial 'de novo.' Both sides are entitled to call witnesses and present evidence for consideration. The basic rules of evidence and case law apply at the hearing. The party that has filed the appeal is the Appellant and the party responding to the appeal is the Appellee. The Appellee has the burden of proof and presents their case first followed by the appellant. After both sides rest on the evidence argument is allowed. After argument, the three Commissioners take the matter under advisement. Subsequently, a written order deciding the case will be mailed to the parties of the appeal.

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MOTION TO VACATE AN ORDER DISMISSING AN APPEAL

If your appeal is Dismissed and you wish to reinstate the appeal you must do the following:

1. File a motion explaining why the dismissal order should be vacated. The motion must be filed within THIRTY (30) days of the order dismissing the appeal.
2. Present a receipt from the City of Chicago Department of Finance showing the \$50.00 filing fee has been paid. The POS Invoice form is now available on our department's website at www.cityofchicago.org/lac
Download the form and pay the fee at any City of Chicago payment center.

If any party has any further questions relating to the License Appeal Commission, please do not hesitate to contact our office at (312) 744-4095.

Dennis Michel Fleming, Chairman
License Appeal Commission