

LICENSE APPEAL COMMISSION CITY OF CHICAGO

Adam’s Food/Liquor Inc.)
Ahmad Keshta (President))
Licensee/Revocation)
For the premises located at)
215-219 S. Western,)
Chicago, Illinois 60612)
v.)
Department of Business Affairs and Consumer Protection)
Local Liquor Control Commission)
Shannon Trotter, Commissioner)

Case No. 20 LA 09
19-LR-0027

ORDER

DECISION of Commission Chair PARRY with
Commissioner GIBBONS CONCURRING, and
Commissioner BERG CONCURRING

An of Order of Revocation was issued by the Department of Business Affairs/Local
Liquor License Control Commission of the City of Chicago (“Local Liquor Control
Commission” or “LLCC”) on July 16th, 2020, revoking the City of Chicago Retail Liquor
License and all other City of Chicago licenses issued to Adam’s Food/Liquor Inc., Ahmad
Keshta (President) for the premises located at 215-219 S. Western, City of Chicago, County of
Cook, State of Illinois (“Licensee” or “Adam’s”) upon the Local Liquor Control Commissioner
sustaining the Findings made by the Hearing Commissioner after a public hearing on the charges
set forth below. For the reasons stated herein, the Order of Revocation is SUSTAINED.

JURISDICTION

This appeal was heard pursuant to the authority granted to the License Appeal Commission of the City of Chicago (“License Appeal Commission” or “LAC”) by the State of Illinois under (235 ILCS 5/) Liquor Control Act of 1934 (“Liquor Control Act”). The appeal was timely and properly filed by the Licensee. Licensee seeks review of an Order of Revocation issued subsequent to a public hearing before the Department of Business Affairs and Consumer Protection/Local Liquor Control Commission of the City of Chicago pursuant to 235 ILCS 5/7-5 and Title 4, Chapter 4, Section 280 of the Municipal Code of Chicago (“MCC”).

BASES FOR REVOCATION

The Local Liquor Commissioner sustained recommendations of revocation made by the hearing commissioner on four charges and entered an Order on July 16th, 2020, revoking the City of Chicago Retail Liquor License and all other City licenses heretofore issued to Licensee.

The findings made by the hearing commissioner on the four charges were, in summary:

1. That on February 6, 2019, by and through its agent, Licensee was selling fortified wine and special brews, in violation of §1 of the agreed Plan of Operation and MCC 4-60-040(h).
2. That on February 6, 2019, by and through its agent, Licensee failed to have a sales clerk that was either BASSET¹ or TIPS² certified, in violation of §5 of the agreed Plan of Operation and MCC 4-60-040(h).
3. That on February 6, 2019, by and through its agent, Licensee failed to have security on the premises, in violation of §9 of the agreed Plan of Operation and MCC 4-60-040(h).
4. That on February 6, 2019, by and through its agent, Licensee failed to post the Plan of Operation next to the business license certificates in a conspicuous place at the business, in violation of the agreed Plan of Operation and MCC 4-60-040(h).

¹ Beverage Alcohol Sellers and Servers Education and Training

² Training for Intervention Procedures

Additionally, the Hearing Commissioner found the testimony of witness Investigator Gabrielle A. Thomas credible and the testimony of witness Jigneshkumar Patel, store manager, not credible. The Hearing Commissioner also found Licensee had four previous violations involving the agreed Plan of Operation. The Hearing Commissioner noted that the findings and revocation were based on a totality of circumstances.

REVIEW OF RECORD OF PROCEEDINGS

The hearing was conducted over three dates.

October 16, 2019

At the October 16, 2019 hearing, the statement of charges was admitted as City Exhibit 1.

Testimony of Investigator Gabrielle A. Thomas

City of Chicago Department of Business Affairs and Consumer Protection (“City”) presented Investigator Thomas who testified that she entered Licensee’s store at approximately 3:50 p.m., on February 6, 2019 as part of a project checking stores to make sure they were not selling flavored tobacco in violation of a ban on such products. On cross examination the investigator testified that Licensee was not selling flavored tobacco, but that when she is sent to a business, she does a full compliance check. She described the premises as a convenience store that sells alcohol, shelf staples, food items and tobacco. She also identified Licensee to have licenses for retail tobacco, retail food and packaged goods liquor. The investigator testified that as she walked in, there was a register adjacent to the door and that she identified herself as an investigator to the clerk, Shaileshkumar Dasharathlal Patel (“S.” Patel), who was behind the counter. He cooperated and allowed the investigator behind the counter to review the board where the licenses were posted. On cross examination the investigator said he spoke English

well enough for her to understand him. During parts of the investigation there were customers in the store. The investigator testified there was no Plan of Operation posted there, which she confirmed on cross examination. She knew there was one because she checked the City online records before she entered the store. She continued the inspection behind the counter and on the sales floor and never found the Plan of Operation, which she testified was a three-to-four-page document. She indicated that she asked the clerk about it, but he did not know where it was. The investigator testified that during the course of the inspection she found violations of the Plan of Operation with respect to prohibited types of alcohol for sale that she found on the floor, shelves and in the cooler area, specifically fortified wines and malt liquor. The investigator testified on cross examination that she did not recall there being an “office” area, nor did she ask the salesclerk to check “the office.”

The investigator also testified that there was also a violation because the salesclerk was not BASSET or TIPS certified, as the clerk confirmed to her. On cross examination, the investigator testified that after the salesclerk could not find the Plan of Operation, he made a phone call. When the manager (identified as Jigneshkumar Patel) came into the store about 20 minutes later, the investigator testified, the manager said that he himself was certified, but, she said, he was unable to show any documentation to that effect on the premises or on his phone. Nor was the manager able to produce the Plan of Operation. The investigator testified on cross examination that she did not check any databases to see whether the individuals were state certified, but iterated that the certificates needed to be on the premises and they were not.

The investigator testified that the Plan of Operation also called for security, and that because it did not state the hours, it was assumed that security was to be present when the store was open. She testified there was no security inside or outside of the store while she was there.

On both direct and cross examinations the investigator testified that the manager told her they did not employ security personnel. The Plan of Operation was admitted as City Exhibit 3. The investigator identified City Exhibit 4a-z, which was admitted into evidence, as photos of the store she took during the investigation. Some of the photos were of brands of fortified wines and malt liquor found at the store. There were photos of the interior of the store, showing no security present. There were photos of the two exterior doors taken from the interior, also to show the layout of the store and that there was a sign posted warning patrons to leave quietly and not cause, which is part of a Plan of Operation. Another photo showed the cooler area. There was a photo of the board where the city and state registrations, state liquor license and liquor liability insurance were posted. There were photos of the City identification card for the salesclerk and state identification for the manager. There were photos of the exterior, showing the entry doors and sidewalk in front of the store. There was a photo of a sales receipt to show that the store had properly put the name, address, date and time of transaction and itemized tax.

On cross examination, the investigator testified she had been an investigator for about a year-and-a-half at the time of the investigation and that she typically did four-to-five investigations in a day, and that she was not there specifically to respond to a complaint about the Licensee on the date of the investigation, but stated that there could have been complaints made that she did not know about. The entire investigation lasted about 35-40 minutes. Also on cross, the investigator testified that she did not check the south parking lot of the building.

After the witness was excused, the case was continued upon motion of Licensee, to give Licensee a chance to have its President testify. The President could not be present for medical reasons.

November 27, 2019

Licensee represented that the President had been in and out of the hospital and could not be present that day, but that Licensee's manager would testify.

Testimony of Jigneshkumar Patel ("J. Patel")

Licensee presented testimony of witness Jigneshkumar Patel ("J. Patel"), who identified himself as manager of the Licensee at the licensed premises on the date of inspection, and at the time of hearing, had been the manager for about two years (he testified on cross examination that it was either April, May or July of 2018). He testified that the store hours are Sunday through Thursday, 10:00 a.m. to 10:00 p.m., and Friday and Saturday 10:00 a.m. to midnight, and that he is there on those days (on cross examination he testified that he is there three days a week). He described his duties to include handling inventory, purchasing, stocking and monitoring store operations, including managing paperwork, accounting, bookkeeping and the like.

Witness J. Patel testified he was familiar with the City Exhibit 3, the Plan of Operation³. In response to questioning on whether it was on the premises during the inspection, the witness testified as follows:

"A. She did not find it. I thought it was there, but she didn't find it."

Q. Did you have one in the office of the business at the same address?

A. The office at the owner's home.

Q. So was there a copy of the Nuisance Abatement Agreement anywhere on the premises on February 6, 2019.

A. To me, yes; but we couldn't find it." (*Hearing Transcript* at 44).

He said the Investigator asked him for the Plan of Operation when he arrived, which he testified to on cross examination was about 4:00 p.m. He said he could not find it and that he asked her where he could find it, and in response the investigator gave him a website which he accessed but did not find the Plan of Operation. He testified that he asked the owner where it

³ Referred to in questioning by Licensee counsel as "Nuisance Abatement Agreement"

was and that the investigator left after that. He testified that “since she left” the Plan of Operation is posted with all the other licenses and certificates. The manager testified that he is familiar with the provisions of the agreement and that he is adhering to every provision contained therein, and that he has trained and instructed the other employees so that they understand what products can be sold. He testified that right after the inspector left, they took all prohibited items off the shelves.

As to security, the manager testified that he is familiar with the requirements and makes sure the other employees are familiar with it as well. As to security on the date of inspection, the witness testified as follows:

Q. On February 6, 2019, did you have anyone working as security personnel at Adam’s Food & Liquor?

A. I always have two people from 2:00 o’clock until closing time. (*Hearing Transcript* at 46).

He further testified that one employee is to take care of the register and the other is to stay outside and do such things as make sure no one is creating a nuisance or if there is an intoxicated individual, that individual is removed from the store. He said every day, one employee starts at 10:00 a.m. and the other at 2:00 p.m, so that there are two people there from 2:00 p.m. til closing; that there are functioning cameras inside and out; there is a log kept for calls made to 311 and 911; that he and other employees participate in local police meetings; that the premises are clean inside and out; and that security personnel do not allow loitering inside or outside on the premises. When asked further whether security was present on the date of the inspection, the manager testified “he was outside” (*Hearing Transcript* at 48), and that he, himself, did not get to the premises until 20 minutes after the inspector arrived, but that there was one employee inside and one outside (which he iterated on cross examination). He explained on

cross examination that he saw Vipul Patel (“V. Patel”) outside by the coolers (which he clarified to mean outside the register area but still inside the store). On cross examination, the witness testified that V. Patel was supposed to stay in the area outside the register by the coolers for security purposes, and that the investigator never asked him about security that day. When told the investigator said there was no security, the manager testified as follows:

Q. So, she testified that you said there was no security on site that day; do you remember that?

A. I did not know that was supposed to be – the Plan of Operation was supposed to be two persons, one as security and one as cashier. (*Hearing Transcript* at 55).

The manager testified that he had not seen the Plan of Operation prior to the Inspector showing it to him, but that it would have been there (on premises), but he hadn’t seen it.

As to certifications, the manager testified there were two other employees working in February of 2019. The witness identified them as Shailesh Patel and Vipul Patel, neither of who had a BASSET certificate on the date of the inspection. There was also at time of hearing another employee, Robert Lancy Moras. The witness identified Licensee Exhibit 1 as his “Learn2Serve” (BASSET) certificate issued February 9, 2016. He testified that he had his BASSET certificate in his email and on his phone prior to the date of the inspection. The witness testified that the inspector, who he identified at hearing as witness Thomas, asked him for a hard copy of the certificate on the day of the inspection, and that while he did not have a hard copy on the premises, he always has it with him in his email because he manages other stores, and he tried to show her the email on his phone “but she wasn’t interested.” On cross he also testified he was aware he had to have a copy of the certificate on the premises. He testified that she also pointed out things they could not sell and took some photos. Since the time of the inspection, he testified that he has placed a hard copy at the premises, and it was in good standing at the time of testimony. During his testimony the witness identified Licensee Exhibits

2 and 3 as BASSET certificates issued to Vipul Patel and Robert Lancy Moras, respectively. The certificates were issued after the date of inspection, and they were in good standing as of hearing. The witness testified that Licensee Exhibit 4 was the BASSET certificate for Shailesh Patel, issued July 18, 2019 and in effect as of the date of hearing. He said that both S. Patel and V. Patel were employed by and working at the premises of Licensee on the date of the inspection (February 6, 2019) and that before he arrived the investigator had already introduced herself to S. Patel and that she took a photo of his identification. Licensee Exhibits 1-4 were admitted over objection. During portions of his testimony on direct examination, objections were sustained as to the leading nature of questions.

The manager also testified on cross examination that in the time he'd worked there (presumably before the investigation) he had never seen the Plan of Operation and had always sold the prohibited alcoholic beverages because he did not know they were prohibited. He again testified that once he saw the Plan of Operation subsequent to the investigation those items were removed from the shelves.

At the conclusion of his testimony, the case was once again continued for Licensee 's president to appear.

January 15, 2020

Judicial notice⁴ was taken of the death of Licensee's president. The City was permitted to re-open its case for the admission of City Exhibit 5, prior Orders of Disposition as evidence in aggravation, if the charges were sustained after hearing.

Closing Arguments **City**

⁴ Also known as "official notice" in administrative hearings

City argued that when the investigator visited the Licensee's store, the Plan of Operation was not posted, security personnel were not on the premises, and the salesclerk S. Patel was not BASSET certified. City argued that the manager was not as familiar with the Plan of Operation as he initially said he was – that he didn't know the many alcohol items the Licensee had for sale that were prohibited by the Plan of Operation.

Licensee

Licensee argued that the manager was employed only since April or May of 2018, three days a week and was not familiar with whether there was a Plan of Operation in place or what the particular terms of the agreement were on the date of the inspection but that it was subsequently located and posted, and that he removed from sale all prohibited alcohol.⁵ Licensee argued that it was important to note that the employees there on the date of inspection were hired over five years later than the Plan of Operation was implemented. It was argued that the owner's illness and hospitalization in the months prior to his death led to some failure to communicate the standards under which the new manager should operate the business.

It was argued that the salesclerk was in the process of going through classes and obtaining certification at the time of inspection⁶ and obtained his certificate subsequent to the investigation. The fact that there were no security personnel on site during the inspection was not contested.

Licensee argued that a fine, rather than revocation, would be more in keeping with the business' history of operation.

⁵ Counsel also referenced testimony from Shareshkumar Patel as manager and his actions and knowledge. There is no such testimony in the Report of Proceedings, and counsel later said that he may have confused the names.

⁶ This evidence was not in the record.

ARGUMENTS ON APPEAL

Licensee Argument on Appeal

In summary, Licensee asserted that there was a gap in operation due to the death of Licensee's president on January 6, 2020; that a new manager was running the business who was not familiar with all of the details of the Plan of Operation, and that the Plan of Operation was posted and the products with higher alcohol content were removed immediately after the investigator issued the violations, and that the salesclerk subsequently received proper training and certification and security was obtained⁷. As to revocation, Licensee argued that the prior violations dated back to 2012 and 2016. And although similar, violations of the Plan of Operation in 2016, were not the same as the violations in this case, and that those prior violations, too, were remedied. It was argued that violations were not ongoing monthly or annually, and that there was "significant compliance" for almost five years. It argued revocation was overly harsh based on the findings of fact, and that fines or a period of closure were more suitable than revocation.

City Argument on Appeal

City first clarified the manager was employed by the Licensee in 2018 and argued that it was well before the owner died. City noted the applicable standard of review.

It argued that LLCC proceeded in the manner provided by law in that there was a timely hearing in which Licensee was represented by counsel and allowed to examine and present witnesses, offer evidence and receive rulings.

City argued that the revocation was supported by the findings and that the findings were supported by substantial evidence in light of the whole record in that it was shown Licensee (1)

⁷ There is nothing in the record indicating security was obtained.

was selling fortified wine and other special brews that were specifically prohibited in the Plan of Operation; (2) the salesclerk at the time of the investigation was not BASSET-certified, and that no one working there produced a BASSET certification; (3) that during the entire time of the investigation, some 35-to-40 minutes, the Inspector never saw any security personnel, nor did she see V. Patel who the manager referenced at hearing as having been there for security purposes, noting that even if he had been present he was not BASSET-certified either; and (4) the Plan of Operation was not posted or found anywhere on the premises, and that as part of his testimony, the manager admitted that he had not seen the plan prior to the investigation.

City argued that reviewing bodies give deference to administrative agency's expertise and experience in determining appropriate sanctions to protect the public interest. It asserted that Licensee violated the Plan of Operation previous to this investigation on March 1, 2016; May 24, 2016; October 7, 2016; and October 11th, 2016. It argued that after so many violations Licensee should know that a plan exists and what it requires.

Upon Questioning of Commissioners

It was not known whether a change of ownership had occurred since the death of the owner, and that it was not an issue in this case. The owner's medical issues were not made known to the City prior to the first hearing date.

Licensee Rebuttal

Licensee noted that the owner's estate was attempting to transfer the license and that there were things that needed to be settled through probate. Licensee iterated the previous violations referenced by City were all in one year and that violations were far and few between. It argued that the issue wasn't whether there were violations, because there were, but rather the issue is whether the revocation was appropriate under the circumstances. Licensee argued

mitigating circumstances of the prolonged illness of the owner and his eventual death which resulted in the business being run by employees who didn't know of the Plan of Operation, and that even though things fell through the cracks it was being run reasonably well, also noting CoVid closures in 2020 and that it was one of multiple establishments being operated by the company. It reiterated that a fine or a period of closure would be more appropriate sanctions.

Upon Further Questioning by Commissioners

The death of the owner or subsequent correction of the violations did not change the City's position as to revocation. City noted that Licensee is a corporation. It further noted that appropriateness of discipline is not the issue, but rather whether the LLCC abused its discretion – whether the discipline was unreasonable, arbitrary or unrelated to the needs of the local liquor control commission under the totality of circumstances.

Licensee described steps that have been taken and that are still needed to be followed through probate – which was delayed by court closures during CoVid – and the City to transfer the license.

Parties were afforded the opportunity to submit case law in support or in opposition to the proposition that deference should be given to an agency's decision as to the type of discipline.

ANALYSIS

Standard of Review for Appeals of Revocation Orders

In considering an appeal of an Order of Revocation issued by the Local Liquor License Commissioner, the License Appeal Commission shall determine the appeal by a review of the record of proceedings leading to the Order, and shall be limited to considering:

- 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 the light of the whole record. (235 ILCS 5/7-9)

Proceeding in the Manner Provided by the Law

The Liquor Control Act gives authority to local liquor control commissioners to discipline a Licensee if it is determined that the licensee violated any provisions of the Liquor Control Act or an valid ordinance or resolution enacted by the particular city council, president, or board of trustees or county board or any applicable rule or regulations established by the local liquor control commissioner or state commission which is not inconsistent with law, provided that the licensee be given three days written notice and an opportunity to appear and defend in a hearing open to the public and for which all evidence is reduced to writing and official record of the proceeding maintained. (235 ILCS 5/7-5). That is all that is required to find that the LLCC proceeded in the manner provided by law. There is no dispute in this appeal as to this issue. As summarized herein, Licensee was given notice of charges and a hearing; the evidence was reduced to writing; and an official record was maintained.

Having fully considered Arguments on Appeal summarized above and based upon the law and a review of the record, the License Appeal Commission finds that the local liquor control commissioner has proceeded in the manner provided by law.

Findings Supporting the Order

As provided by the Municipal Code of Chicago (“MCC”) and Illinois Compiled Statutes (“ILCS”) a liquor license control commissioner may promulgate rules and regulations to control liquor (MCC 4-60-205; 235 ILCS 5/4-1) and revoke a license for violations of state law, municipal ordinance or local rules established to control liquor (MCC 4-4-280; 235 ILCS 5/4-4; 235 ILCS 5/7-5).

The Liquor Control Act “shall be liberally construed to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted by sound and careful control and regulation of the manufacture, sale, and distribution of alcoholic liquors” (235 ILCS 5/1-2). It authorizes local commissioners to “revoke for cause all local licenses issued to persons for premises within his jurisdiction” (235 ILCS 4/4-4(1)). The courts have described “for cause” as vesting local authorities “with broad discretionary power to be exercised reasonably.” (*Spiros Lounge, Inc. v. Illinois Liquor Control Com.*, 98 Ill. App. 3d 280, 287 (1st Dist. 1981)).

The Local Liquor Control Commissioner revoked Licensee’s license after reviewing and sustaining the findings of the Hearing Commissioner for the charges at issue in this appeal. The Hearing Commissioner found violations of the agreed Plan of Operation under municipal ordinance as cited within each charge after considering and weighing the evidence, assessing the credibility of witnesses, and making findings of fact and credibility.

Having fully considered Arguments on Appeal as summarized above, and based upon the law and a review of the record, the License Appeal Commission finds that the Order of Revocation is supported by the Findings.

Findings Supported by Evidence

The “findings of the local commissioner are presumed to be prima facie true and correct and may only be disturbed where they are against the manifest weight of the evidence and an opposite conclusion is clearly evident” (*Byrne v. Stern*, 103 Ill.App.3d 601, 605 (1st Dist. 1981)). The facts in the record as summarized above in the Review of Record of Proceedings were not in dispute on appeal: (1) there was no Plan of Operation on the premises as required; (2) the only individual the investigator saw working inside the store when she arrived was not BASSET

certified, and even if there was a second individual working at that time (V. Patel)⁸, that individual was not certified; (3) there was no security personnel present⁹; and (4) there were fortified wines and malt liquor in a variety of brand names for sale that were types of alcohol prohibited by the agreed Plan of Operation entered into in 2013.

There is uncontroverted evidence that the investigator observed on the date of the inspection that there was no Plan of Operation posted and there was no Plan of Operation found anywhere on the Premises.

There was no evidence that the salesclerk had BASSET certification. There was evidence that witness J. Patel, the manager, was certified on the date of the investigation, however, the evidence showed he did not arrive until after the salesclerk made a phone call, both witnesses testifying that he appeared some 20 minutes after the investigator had arrived. Further, there was no evidence that he had a certificate on the premises. The investigator testified that the manager could not find it on his phone, while the manager testified that he had it on his phone but the investigator “wasn’t interested” in looking at it. Deference is to be given to findings of fact and credibility of witnesses (*Daley v. Jack’s Tivoli Liquor Lounge, Inc.*, 118 Ill.App.2d 264 (1st Dist. 1969)). The Hearing Commissioner found that the investigator was credible as to her testimony and the manager was not. There was no credible evidence that any employee had a BASSET certificate on the premises during the investigation.

As to prohibited items for sale, the evidence in the record consisted of multiple photos of multiple brands and kinds of fortified wines and malt liquors¹⁰. Testimony was presented

⁸ At hearing, witness J. Patel testified he saw V. Patel by the cooler area when he arrived 20 minutes after the investigator, however the Hearing Commissioner did not find the witness to be credible.

⁹ Licensee conceded its Closing Argument and did not raise it in the Argument on Appeal.

¹⁰ The Plan of Operation classifies malt liquors under “special brews”

describing the same. The evidence was uncontroverted that those fortified wines and malt liquors were for sale by Licensee on the premises on the date of the investigation.

Evidence presented at hearing and summarized above as to the absence of security personnel was the testimony of the investigator who said that the only employee she saw in front of or inside the store when she arrived was the salesclerk. She further testified that the other employee she saw during the investigation was the manager who arrived about 20 minutes after the investigator. She testified there were customers that were there for times during the investigation, but there were no security personnel present. The testimony from the manager was that there was a third employee present. He testified that the employee was outside of the area where the cash register was, in the cooler area, and alluded to him being there for security. As stated above, the Hearing Commissioner did not find him credible, and the lack of security was conceded in Licensee's closing argument. The evidence showed there were no security personnel present.

Having fully considered Arguments on Appeal summarized above, and based upon the law and a review of the record, the findings of the local liquor control commissioner are prima facie true and correct, are not against the manifest weight of the evidence and an opposite conclusion is not clearly evident. The License Appeal Commission finds that the local liquor control commissioner sustained Hearing Commissioner findings that were supported by the evidence.

Discipline of Revocation

The Liquor Control Act requires a municipality with a population over 500,000 to establish a license appeal commission (235 ILCS 5/7-8). It limits the authority of that license appeal commission to either sustain or reverse a decision to discipline made by the local liquor

control commissioner. (235 ILCS 5/7-5). “The plain language of section 7-5 draws a clear distinction in the appellate powers bestowed on the License Appeal Commission and the state commission. The License Appeal Commission may sustain or reverse a decision, whereas the state commission may sustain, reverse or modify a decision. *Benchwarmers, Inc. v. Daley*, 294 Ill.App.3d 385, 390 (1st Dist. 1997).

The City also cites several cases to support its position that deference is to be afforded to local liquor control commissioners in determining the type of discipline imposed. Illinois statute and case law gives local liquor control commissioners wide discretion in deciding when revocation may be imposed (*933-935 North State Corp. v. Daley*, 115 Ill.App.2d 263 (1st Dist. 1969); *Weinstein v. Daley*, 85 Ill.App.2d 470 (1st Dist. 1967)). City also references *Roach Enterprises, Inc. v. License Appeal Comm’n*, 277 Ill.App.3d 523 (1st Dist. 1996) for the proposition that it is not a basis to reverse the decision to revoke just because a less severe form of discipline is available. “However, ‘the mere fact [that a reviewing court] considers a different sanction more appropriate does not render a decision arbitrary.’” *Id.* at 530 (citing *Yeksigian v. City of Chicago*, 231 Ill.App.3d 307, 312 (1st Dist. 1992)).

As to any argument regarding past violations or the lack thereof, City also references the *Roach* case in which the court opined, “The law does not require that a licensee accumulate numerous violations before a liquor license revocation may be sustained.” *Id.*

As discussed above, the scope of review for the License Appeal Commission is defined by law to be limited to whether (1) the local liquor control commissioner proceeded in a manner provide by law; (2) the order is supported by the findings; and (3) the findings are supported by substantial evidence in the light of the whole record. It is not within the scope of review for the

License Appeal Commission to modify the type of discipline issued or otherwise substitute its assessment of what discipline is appropriate.

CONCLUSION

Having fully considered Arguments on Appeal summarized above, based upon the law and a review of the record, and for the reasons stated herein, the License Appeal Commission finds that the local liquor control commissioner proceeded in a manner provided by law; the Order of Revocation is supported by the findings; and the findings are supported by substantial evidence in the light of the whole record.

IT IS THEREFORE DECIDED AND ORDERED that the JULY 16TH 2020 Order of Revocation of the liquor license issued to Adam's Food/Liquor Inc., Ahmad Keshta (President) for the premises located at 215-219 S. Western, City of Chicago, County of Cook, State of Illinois is SUSTAINED.

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: February 2, 2021



Laura Parry
Chair



Thomas W. Gibbons
Member



Cynthia A. Berg
Member