

**MINUTES OF THE REGULAR MEETING OPEN SESSION
ILLINOIS LIQUOR CONTROL COMMISSION**

**Richard J. Daley Center
55 W. Washington St.
Chicago, Illinois 60601**

**September 20, 2023
1:00 PM**

Call the Roll:

Chair Berg called the meeting to order at 1:00 p.m.

Present

Melody Spann-Cooper	<i>Commissioner</i>
Thomas Gibbons	<i>Commissioner</i>
Pat Pulido Sanchez	<i>Commissioner</i>
Brian Sullivan	<i>Commissioner</i>
Cynthia Berg	<i>Chair</i>
Steven Powell	<i>Commissioner</i>
Julieta LaMalfa	<i>Commissioner</i>

ILCC Staff Present:

Lisa Gardner	<i>Executive Director</i>
Dana O'Leary	<i>Associate Director</i>
Dusanka Marijan	<i>Licensing Administrator</i>
Faheem Murad	<i>I.T.</i>
Curtis Franklin	<i>Legislative Liaison</i>
Noel Quanbeck	<i>General Counsel</i>
Nicole Sanders	<i>Industry Education</i>
Rick Haymaker	<i>Legal</i>
Dean Argiris	<i>Acting Commission Secretary</i>

II. Approval of Minutes

A motion was made by Commissioner Powell and seconded by Commissioner LaMalfa to approve the amended minutes of the July 19th, 2023, meeting; the motion passed.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes
Steven Powell	Yes	Pat Pulido Sanchez	Yes
Cynthia Berg	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

IV. Executive Director's Report

Fiscal

In August the Agency generated \$1,322,318 in revenue with 96% coming from licensing. Of the 96% that came from licensing, \$479,525 went to the General Revenue Fund and \$783,245 went to the Dram Shop Fund.

Enforcement and Legal generated \$58,000 in revenue for fine, penalties, and violations.

Human Resources

The ILCC's current headcount is at 48 employees. We have three new employees; 2 in our Chicago office and one in our Springfield office. The agency welcomes a new Legislative Liaison, a new Licensing Specialist, and a new Business Analyst in our Springfield office.

The State is undergoing negotiations with the Unions. We have a ratified agreement with AFSCME and a tentative agreement with the IFPE; both unions represent members within the ILCC.

Licensing

There currently are 31,566 active licenses throughout the state 3,149 licenses were issued in the month of August.

We had 149 walk-in appointments and 89 applications submitted electronically for the month of August.

592 Special Event licenses were issued for the previous month.

1,047 retailers were reported delinquent, and 941 delinquencies were cured. This is a rolling total from previous months. We additionally had five (5) bona fide disputes.

Enforcement

Our agency received 51 complaints through our various reporting mediums (email, phone, in-person information, and online submission forms). The most common complaints were:

- 1.) Sale of Alcohol to Minors,
- 2.) Retail to Retail purchasing
- 3.) Happy Hour Violation
- 4.) Operating without a Valid License, and
- 5.) Personnel not BASSET certified.

The ILCC's enforcement division conducted 1,228 inspections, of which 144 were first time inspections. From these inspections, enforcement issued 410 citations and 77 warnings. The most common violations discovered were:

- 1.) Contaminated Liquor
- 2.) Personnel not BASSET certified
- 3.) ILCC License not Displayed
- 4.) IL Sales Tax Certificate Unavailable, and
- 5.) Pregnancy Warning Signs not Displayed

Five (5) underage compliance checks were conducted across the state with a total of 67 establishments checked. We had a 79% compliance rate, and 13 prior offenders were rechecked. Of those rechecks, 4 were repeat failures.

Additionally, the ILCC conducted a bar check at the University of Illinois campus town bars in Champaign. 44 citations were issued: 34 for minors in possession of alcohol, 6 citations for open containers of alcohol in public, and two citations for fake identification. No ILCC licensees were cited, however a follow-up to a sale of alcohol to minor investigation is pending for two (2) establishments.

Enforcement continues to focus on illegal sales of alcohol via the internet. This past month, enforcement found 4 posts on Craigslist, 5 on Facebook Marketplace, and 3 posts from Offer-Up. In those instances, our agents worked to affect their removal from the platforms.

Online sales don't have the proper safeguards to prevent the sale of alcohol to minors.

Legal

Legal has 146 cases pending before the Commission: 16 distributor cases, 56 Sale of Alcohol to Minor cases, and 74 retail cases.

180 cases were closed last month and there are currently 14 Pre-Disciplinary Conferences outstanding, with 9 being conducted in June.

We have 13 appeals cases before the Commission, which do not include other open cases.

The ILCC received 17 FOIA requests and 7 cases are pending Administrative Review, the Attorney General's Office is representing the ILCC in those matters.

Legislation

Our Emergency Rule on cobranded products remains in effect and the permanent rule passed out of the Joint Committee on Administrative Rules (JCARD) passed with no objections.

Industry Education

The ILCC had a great presence at both Illinois State Fairs in Springfield and DuQuoin.

We provided educational materials and promotional items to guests.

Director Gardner wanted to recognize her staff for stepping up and manning the ILCC tables at both state fairs.

The ILCC continues to issue press releases. We've issued press releases on Boating under the Influence, National Sober Day, as well as the press release on cobranded products. This helps to get our message out to a wider audience.

Industry Education created some new educational materials, and our website is going through an update to be more intuitive and user friendly.

IV. Partner Presentations

Eric Davidson from Eastern Illinois University provided the presentation on underage drinking trends and services provided to curb the habit.

Commissioner Sullivan asked if the Campus has seen any transition from alcohol use to cannabis use in recent years.

Mr. Davidson indicated that the numbers for alcohol consumption have gone down significantly, while marijuana usage has increased primarily due to the different ways in which marijuana can be used and can be hidden by students.

V. Public Comment

No public comment was given.

VI. Status Call on 1-396-846-336 - American Drug Stores, LLC and Jewel Food Stores, Inc.

General Counsel Noel Quanbeck and Counsel for the Respondent, Bill O’Donaguhe provided a update on the pending case before the ILCC related to Jewel-Osco.

The agency continues to search for an Administrative Law Judge to handle the case, but with no Human Resources Director or assistants, the hiring process has been hindered. General Counsel Quanbeck asked the Commission for a continuance on this matter.

Chair Berg asked if the 18th of October would be sufficient time, it was settled on November 15th.

Mr. O’Donoghue expressed his client’s frustrations with the process.

VII. Executive Session

Commissioner Spann-Cooper made a motion to move the ILCC into Executive Session at 1:30 p.m. Commissioner Powell seconded the motion.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Brian Sullivan	Yes	Pat Pulido Sanchez	Yes
Cynthia Berg	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

VIII. Regular Session

The Commission moved back into regular session at 2:45 p.m.

Present

Melody Spann-Cooper	<i>Commissioner</i>
Thomas Gibbons	<i>Commissioner</i>
Pat Pulido Sanchez	<i>Commissioner</i>
Brian Sullivan	<i>Commissioner</i>
Cynthia Berg	<i>Chair</i>
Steven Powell	<i>Commissioner</i>
Julieta LaMalfa	<i>Commissioner</i>

IX. Appeals

In the matter on 22 APP 13 (*Dirt Cheap v. Cumberland Liquor Control Commission*), Commissioner Gibbons made a motion to AFFIRM THE LOCAL’S DECISION to Deny to Renew. Commissioner Spann Cooper seconded the motion.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Brian Sullivan	Yes	Pat Pulido Sanchez	Yes
Cynthia Berg	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

For 23 APP 15 (*Playmakers v. Rock Island Liquor Control Commission*), Commissioner Pulido Sanchez made a MOTION TO AFFIRM THE LOCAL'S DECISION to Revoke the License. The motion was seconded by Commissioner Sullivan.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Brian Sullivan	Yes	Pat Pulido Sanchez	Yes
Cynthia Berg	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

Commissioner Powell made a motion to DENY a PETITION FOR REHARDING related to 23 APP 05 (*Ike's Liquors v. Worth Liquor Control Commission*). The motion was seconded by Commissioner Sullivan.

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Brian Sullivan	Yes	Pat Pulido Sanchez	Yes
Cynthia Berg	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

XII. Comments from the Board

Commissioner Pulido Sanchez asked the Legal Division why the Commission couldn't reach out to legal mediators to fill the Administrative Law Judge position.

General Counsel Quanbeck indicated the Commission would need to be briefed by the Director and any future Human Resource representative due to the specificity of the information being asked.

XIII. Adjournment

Commissioner Powell made a motion to adjourn and was seconded by Commissioner LaMalfa

Thomas Gibbons	Yes	Melody Spann-Cooper	Yes.
Brian Sullivan	Yes	Pat Pulido Sanchez	Yes
Cynthia Berg	Yes	Julieta LaMalfa	Yes
Brian Sullivan	Yes		

The meeting adjourned at 2:55 p.m. CST.

ATTEST:

/S/ Dean Argiris, Acting Commission Secretary
