

STATE OF ILLINOIS
LIQUOR CONTROL COMMISSION

IVY ULTRA LOUNGE, LLC
905 SAINT LOUIS AVENUE
EAST ST. LOUIS, IL 62201-1731

Appellant/Respondent,

vs.

EAST ST. LOUIS LIQUOR CONTROL
COMMISSIONER

Appellee/Petitioner

Case No.: 22 APP 12

FINAL ORDER

ORDER

This cause coming to be heard before the Illinois Liquor Control Commission (“State Commission”) on the January 25, 2023, motion of Appellee/Petitioner, East St. Louis Liquor Control Commission (“East St. Louis Commission”) to dismiss a liquor license appeal filed by Appellant/Respondent, Ivy Ultra Lounge, LLC (“Ivy Ultra Lounge”) pursuant to the Illinois Liquor Control Act. *235 ILCS 5/7-9 (Section 7-9)*.

1. Ivy Ultra Lounge filed an appeal with the State Commission to a local suspension order on September 9, 2022 (Case Number 22 APP 12).
2. The East St. Louis Commission filed a certified copy of the record with the State Commission on September 27, 2022.
3. The State Commission held a status call on the appeal with both parties on October 7, 2022, attended by all parties. At the status call, the State Commission indicated to all parties that it would hold an “on the record” appeal hearing on the matter on January 25,

2023.

4. The State Commission sent a Notice of Hearing to both parties on December 13, 2022.
5. On January 25, 2023, at 10:45 a.m. CST, the date and time of the appeal hearing, no representative of the Appellant/Respondent appeared at the hearing.
6. At 10:53 a.m. CST on January 25, 2023, the State Commission emailed attorney Darius Mosely requesting if there would be a person representing Appellant/Respondent at the hearing via WebEx Conference Call.
7. At 10:57 a.m. CST on January 25, 2023, Darius Mosely responded via email that he would not appear at the hearing on behalf of Ivy Ultra Lounge but that Quinton Mosely would appear. Darius Mosely copied Quinton Mosely at qlmosely@gmail.com on his response.
8. Quinton Mosely did not respond to Darius Mosely's reply to the State Commission email about attendance at the State Commission hearing.
9. The State Commission sent a separate email to Quinton Mosely on February 16, 2023, at qlmosely@gmail.com to determine if he would still pursue the appeal for Ivy Ultra Lounge. The State Commission has not received a response from Quinton Mosely as of the date of this order.

IT IS HEREBY ORDERED:

The East St. Louis Commission's Motion to Dismiss the appeal in the above-captioned matter is GRANTED. The appeal captioned as 22 APP 12 is hereby dismissed without prejudice.

THIS IS A FINAL ORDER

Pursuant to 235 ILCS 5/7-10 of the Illinois Liquor Control Act, a Petition for Rehearing may be filed with this Commission within twenty (20) days from the service of this Order. The date of mailing is deemed to be the date of service. If the parties wish to pursue an Administrative Review action in the Circuit Court, the Petition for Rehearing must be filed within twenty (20) days after service of this Order as such Petition is a jurisdictional prerequisite to the Administrative Review.

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UNDER PENALTY OF PERJURY, as provided by law, section 1-109 of the Illinois Code of Civil Procedure, the undersigned certifies that I caused copies of the foregoing ORDER by certified mail and by email to representatives of licensee be e-mailed prior to 5:00 p.m. on the following date: February 23, 2023.

/s/ Richard Haymaker

Richard Haymaker

To: Licensee via e-mail:
For Appellant/Respondent
c/o Quinton Mosely
qlmosely@gmail.com

For Appellee/Petitioner
c/o Alvin Paulson
alvin@chathamlaw.org