

STATE OF ILLINOIS
LIQUOR CONTROL COMMISSION

ANJANI CAL CITY LIQUORS & FOODS,
INC.
1076 SIBLEY AVENUE
CALUMET CITY, IL 60409-2413

Case No.: 22 APP 14

ORDER

Appellant,

vs.

CALUMET CITY LIQUOR CONTROL
COMMISSIONER

Appellee.

ORDER

This cause coming to be heard before the Illinois Liquor Control Commission (“State Commission”) on the November 3, 2022, motion of Appellee, Calumet City Liquor Control Commission (“Calumet City Commission”) to dismiss a liquor license appeal filed by Appellant, Anjani Cal City Liquors & Foods Inc. (“Anjani”) pursuant to the Illinois Liquor Control Act. 235 *ILCS 5/7-9 (Section 7-9)*.

Section 7-9 authorizes the State Commission to hear appeals of actions of a local liquor control commission to deny the renewal of a retail liquor license if the appeal is filed within twenty days of the action. Per Section 7-9,

...any order or action of a local liquor control commissioner ...granting or refusing to grant a license... may, within 20 days after notice of such order or action, be appealed by ... any per interested person, to the State Commission.

235 *ILCS 5/7-9*. Therefore, the State Commission has jurisdiction to hear appeals of license

renewal denials if such an appeal is filed with the State Commission within twenty days of the action by the local liquor control commission to deny a license renewal.

In this case, evidence in the Calumet City Commission's Motion to Dismiss demonstrates that the Calumet City Commission denied a license renewal to Anjani on April 14, 2022. Anjani has not claimed that it did not receive notice of the denial. Anjani, however, did not file an appeal with the State Commission until September 20, 2022, more than five months after the notice of the denial. Therefore, because Anjani has filed its notice of appeal of the denial of license renewal after the twenty-day deadline established in Section 7-9, the State Commission does not have subject matter jurisdiction to hear the appeal. (See *One Eleven Food & Liquor, Inc. v. City of Chicago*, 2021 IL App (1st) 200802-U stating that if "a party seeks to invoke this special statutory jurisdiction" it has to strictly comply with the statutory procedures).

IT IS HEREBY ORDERED:

The Calumet City Commission's Motion to Dismiss the appeal in the above-captioned matter is GRANTED.

ENTERED before the Illinois Liquor Control Commission at Chicago, Illinois on December 14, 2022.



Cynthia Berg, Chairman



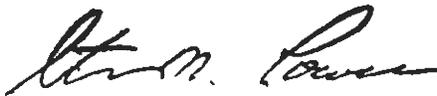
Melody Spann Cooper, Commissioner



Julieta LaMalfa, Commissioner



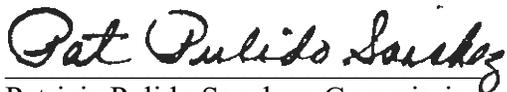
Thomas Gibbons, Commissioner



Steven Powell, Commissioner



Brian Sullivan, Commissioner



Patricia Pulido Sanchez, Commissioner

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: 12/27/2022

/s/ Richard Haymaker

Richard Haymaker

To: Licensee via e-mail:

For Appellant
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For Appellee
c/o Patrick Walsh
patrick@pwalsh.com