

LICENSE APPEAL COMMISSION  
CITY OF CHICAGO

S & B Food & Liquor )  
Applicant (Change of Officers) )  
for the premises located at )  
11900 South Michigan Avenue ) Case No. 17 LA 12  
 )  
v. )  
 )  
Department of Business Affairs and Consumer Protection )  
Local Liquor Control Commission )  
Shannon Trotter, Commissioner )

**ORDER**

**DECISION OF CHAIRMAN FLEMING JOINED BY COMMISSIONERS O’CONNELL**

**AND CAHILL**

On June 6, 2016, S & B Food & Liquor, Inc. filed a Change of Officers/Owners application with the Department of Business Affairs and Consumer Protection. Since there was a moratorium at the address on transferring ownership of this business, the Applicant was required pursuant to 4-60-024(e) of the Municipal Code, to obtain “the written consent of at least 51% of the legal voters registered within the 500-foot area” of the business address. The Applicant was provided a list of qualified voters located within 500-feet of the business location.

On June 7, 2017, Local Liquor Control Commissioner Shannon Trotter mailed a letter to Mohammed Salem, S & B Food & Liquor at 7258 W. Haystack Lane, Frankfort, Illinois 60423, advising Mr. Salem that the Change of Officers application for S & B Food & Liquor at 11900 South Michigan Avenue had been denied. An electronic copy of this denial was sent to the Applicant’s representative, John Mraibie, at [john@mraibelaw.com](mailto:john@mraibelaw.com) on June 7, 2017.

Commissioner Trotter cited Section 4-60-024(e) of the Municipal Code which required “the written consent of at least 51% of the legal voters registered within the 500-foot area” of the business address in order to transfer ownership of the business within the corresponding moratorium.

It was then noted by Commissioner Trotter that “the Local Liquor Control Commission, the Law Department, and the Department of Business Affairs and Consumer Protection reviewed and analyzed the petition and discovered the Applicant failed to obtain the required number of the signatures.” The application was denied because of this result.

The Applicant filed a timely Notice of Appeal with this Commission.

Since this is an appeal of a denial of a license, the License Appeal Commission is to determine de novo the propriety of that decision.

A summary of the proceedings is beneficial to understand this decision.

Bryan Knipper has been a Business Consultant Supervisor with the Department of Business Affairs and Consumer Protection for nine and a half years. He oversees the hospitality licensing group which reviews all liquor licenses. He reviews the documents to ensure they are correct before presenting them to the Commission for a final ruling. He makes a recommendation of applications including change of officer applications. He is aware that on June 2, 2016, S & B

Food & Liquor filed an application for a Change of Officers at 11900 South Michigan Avenue. There was a moratorium for a transfer of packaged goods licenses at that address.

Mr. Knipper explained the process for obtaining a liquor license transfer in a moratorium area. Once such an application is filed, one of the business consultants generates a voter list that tells how many registered voters are within a 500-foot radius of the business. The list is generated by computer to draw a 500-foot radius around the business address and the list of registered voters is generated from the Board of Elections. The applicant is given a packet with the voter information advising of a series of steps needed to happen. They must alert the Alderman, send out certified mail to the registered voters and then obtain the signatures of 51% of the registered voters to show support for the business and the change of officers application. That is required by 4-60-024 of the Municipal Code.

Mr. Knipper identified City's Exhibit 4, in evidence, as the City of Chicago Moratorium Module with the notation of the moratorium in effect for 11900 S. Michigan. The exhibit then contains the list of 387 registered voters that was given to the Applicant. City's Exhibit 5A, in evidence, was described by the witness as a Petition Analysis Form which is a guide to determine if the applicant obtained the proper number of signatures. It also narrows the number of signatures required because the applicant is allowed to provide a listing of people they believe have moved or are deceased.

The witness explained this is a two-step process. The department first defines the total list of universe of possible voters who could sign the petition. They take into account listed voters who

have moved or are deceased as well as any duplicate names. The second portion would then be the actual analysis of the signatures provided by the applicant.

Included in the exhibit are the moratorium petitions filed in support of the Change of Officers application and supporting the overcoming of the moratorium. After these petition forms and mailing steps are received by the department, the business consultant will ensure all the mailings were sent out and will then start going through the signatures. They use different color markers to indicate which are valid and invalid signatures. This analysis is done based on whether the name and signatures match. In this case, a secondary analysis was done at the Board of Elections by Charles Lee.

City's Exhibit 3, in evidence, was identified as the actual application for liquor license and the accompanying documents.

Affidavits the Applicant believed had moved or were deceased were filed in this case. The department would then normally check 10% of the names listed on the affidavits. These affidavits are included in City's Exhibit 4. The exhibit also contains what is entitled as S & B Food & Liquor, Inc., signature analysis. It starts with the 387 voters on the list provided to the Applicant and 82 duplicate names were removed which reduced the number of possible signatures to 305 voters. A total of 184 total names were submitted on the deceased and moved list; 177 on the move list and 7 on the deceased. The procedures used to verify this type of list is for an investigator to go door to door to verify the names on the list. The witness assumed such an investigation was done in this case. The department also looks at the affidavits themselves for

any inconsistencies or duplicates. Two people were found not to have moved, one person listed as deceased was also counted as moved, five people actually signed who were on the move list, and 23 people were listed twice on the affidavit. After striking these names from the moved and deceased list, there were 152 voters eligible to sign and the Applicant needed 77 to meet the moratorium. There were 114 signatures on the petition forms. The witness testified that Charles Lee was then sent to the Board of Elections to further investigate the signatures.

Mr. Knipper identified City's Exhibit 5B as the Summary Sheet for this application that was prepared by the business consultant on the case and given to the witness and the Commissioner. The business consultant signed it as "approved" on September 26, 2016, which was before the analysis by Charles Lee at the Board of Elections and without the business consultant going to the Board of Elections to look at the actual signatures. Based on the review by Charles Lee, it was determined that the Applicant was short signatures and the application was denied on May 24, 2017. City's Exhibit 2 was identified as the Denial Letter signed by the Local Liquor Control Commissioner Shannon Trotter and sent to the Applicant and the Applicant's representative John Mraibie on June 17, 2017.

On cross-examination, Mr. Knipper repeated that the voter registration list, City's Exhibit 4, was generated by the City of Chicago with the addresses pulled and created through the Iris module. He acknowledged that the addresses listed do not state if it is a street or a place. Mr. Knipper did not know for certain who prepared the analysis report in City's Exhibit 4. He explained that Aldermen are not notified of changes as part of the application process but agreed that City's

Exhibit 5B notes an objection from Alderman Beale. The Applicant is required to send notice to the Alderman as part of the moratorium process. Alderman Beale did contact BACP.

Mr. Knipper has been in his job for nine and a half years and deals with change of officer applications and moratoriums. He could not give an average time for a change of officers application because it depends on the complexity and if there is a moratorium. The staff is shorthanded and priority is probably given to the new issues where there is a time limit.

The application was paid on June 6, 2016, and business consultant Robert Griggs signed an approval on September 26, 2016. The witness inputted a denial May 4, 2017. During that time period, Mr. Griggs was asked to review his analysis to ensure his numbers were correct. There was also the investigation into the move/deceased list and the analysis at the Board of Elections by Charles Lee. City's Exhibit 6 was identified by Mr. Knipper as two letters sent to BACP by Alderman Beale on June 22, 2016, and June 29, 2016, expressing his opposition to the change of owners and expressing his opinion as to the validity of the signatures on the petitions. The witness did not know if those documents were included in Mr. Griggs' analysis. The analysis in City's Exhibit 4 reflects that Alderman Beale claimed there were 73 forged signatures but only 25 of those were not previously stricken. Mr. Knipper agreed it was not normal to note on an analysis the Alderman's claims of forged signatures. The summary in City's Exhibit 5B was prepared by Mr. Griggs and it contains the fact the Alderman had an objection. The witness agreed the box for approval was marked and it was dated on September 26, 2016.

The witness did not specifically know when the ten percent check of the moved/deceased list was done but he had no reason to believe it was not done. He did not know when the signature check was conducted by Charles Lee but believes it would be around the time the application was denied. He does not know how often the voter list is updated but it has been known to contain an inaccurate and duplicate date. The witness did not know who prepared the petition analysis form dated September 26, 2016, which is part of City's Exhibit 7. That exhibit listed 62 as the number of required voters and the box indicating ten percent approved signatures verified was marked *yes*. He spoke with people in his office about the application including Christy George.

On redirect, Mr. Knipper identified the last two pages of City's Exhibit 4 as an email sent to counsel for the City which summarizes the result of the verification of petition signators done on August 31, 2016, and November 17, 2016.

The City verified 30% of the signatures on the petitions.

Charles Lee is currently Supervisor of the Tax and Licensing Compliance with the Department of Business Affairs and Consumer Protection. Prior to March 1, 2017, he was a Revenue Investigator for ten years. In that role, he conducted investigations into checking signatures. He is aware that on June 6, 2016, S & B Food & Liquor filed an application for a Change of Officers for the premises located at 11900 S. Michigan. He was asked to do an analysis of signatures on this petition at the Board of Elections. He identified City's Exhibit 5A, as an excel spreadsheet of four pages summarizing the result of his analysis at the Board of Elections which was done in

the fall of 2016. After the spreadsheet is a Petition Analysis Form and copies of the petitions. There are markings on these documents which he did not make. Other than those markings, these petition forms are true and accurate copies of the forms he used in his investigation. His involvement in this application was limited to re-analyzing signatures at the Board of Elections. When you go to the Board of Elections you need to power off your cell phone or put it in a basket. You cannot take pictures and the Board does not provide copies of anything he reviewed.

This excel sheet was created based on the notes he took as he analyzed each signature. The spreadsheet, with one exception-- the first name of Nakia Spears, is listed in the order the names appear on the petitions. If he came upon a signature he considered questionable, he erred on the side of caution and counted it as a valid signature. He looked for major differences between the two signatures and looked at spellings.

With respect to the excel sheet in City's Exhibit 5A, the column marked invalid means a clear mismatch with discrepancies and the column marked valid was a signature he accepted. There is a counted column because each line is for a unique signature. Some signatures appeared twice and were signed twice, but the second valid signature was not counted because it was a duplicate. He found 11 duplicate signatures, 75 valid signatures, and 39 invalids but after deducting the 11 duplicates, the final number of signatures counted was 64. The witness could not remember the specific reason for each invalid signature but recalled an instance; the name Terri Miller is on the petition but the written name of the voter is Terry.



On cross, the witness stated he had no formal training in handwriting analysis. He was asked to do this analysis in the fall of 2016. He went to the Board of Elections one time in this case. This was the first and only time he went to the Board of Elections to do an analysis. He could not specifically recall why he marked DeShaun Davis as an invalid signature but generally, the signature did not match when he compared it. There was no legal way to get a copy of the signature from the Board of Elections. He could not specifically say why he found Mr. Bradley to be invalid. He has no documents or notes to identify why the signature was invalid and only has the spreadsheet produced from his notes. Except for a couple of signatures that stood out like Terri Miller, he could not tell specifically why each signature was ruled invalid. DeShaun Davis and Lujuanda Galloway were invalid because of the signatures. If there was one valid signature and one invalid signature, the valid one was kept in and if there were two valid signatures only one was kept in. He did not disqualify any signatures because of a wrong address, failing to list a phone number or because the signature was not dated.

Julius Childs lives at 22 East 119<sup>th</sup> Place, Chicago, Illinois 60608, Apartment 1. He was registered to vote in the city of Chicago as of April 7, 2016. On or about May 21, 2016, the owner of S & B Food & Liquor obtained his signature. Mr. Childs was shown City's Exhibit 5A, page 17, line 11 of the petitions and he stated that was his signature. The only thing changed was his phone number. It matched his signature on his voter's registration card and his signature was meant to signify his approval for the Change of Officers application for S & B.

On cross-examination, Mr. Childs stated he works next door at Block 37 and S & B asked him to come to court. No one paid for his expenses since he was already here. No one has promised to

compensate him for testifying. He is not connected to S & B Food & Liquor or Mohammed Salem. He identified City's Exhibit 9 as a driver's license issued by the State of Indiana with an address in Hammond, Indiana. The witness agreed his signature on his driver's license did not match the signature on the petition. He added he has always had bad penmanship. Mr. Childs no longer has the Indiana driver's license and uses a State ID from Chicago.

On redirect, Mr. Childs testified the signature on the Indiana ID on page 17, line 11 are both his signatures.

Patricia Jones previously lived at 21 East 119<sup>th</sup> Place, Chicago, Illinois where she was then and still is registered to vote. She was registered at that address on April 7, 2016. The witness looked at the signatures on page 7, line 9 and page 18, line 26, and identified both as her signatures that she personally signed both on May 22, 2016.

Ms. Jones said she signed twice because she was asked to sign twice. She was told the petition was about the liquor store on the corner. Her mother is 81 and she walks to Sam's on 119<sup>th</sup> Street and she is comfortable with that liquor store. She did not think it was improper to sign twice. She drove to the hearing and no one compensated her or promised compensation for testifying. She has no connection to S & B Food & Liquor and came because her mother asked her to do so.

Lily Grey was registered to vote from 25 East 118<sup>th</sup> Place Chicago, IL 60628 as of April 7, 2016. She reviewed Petition page 3, line 4 and identified the signature on that page as hers.

On cross, Ms. Grey said someone asked her to testify and a relative drove her here to identify her signature. No one paid her expenses or promised to compensate her for testifying about her signature. Her only connection to S & B Food & Liquor or Mohammed Salem is shopping there sometimes.

Quinton Williams was a registered voter at 16 East 118<sup>th</sup> Street, Chicago, IL 60628 on April 17, 2016. He identified Petition page 13, line 4 as his signature in the change of officers petition in support of the Change of Officers application for S & B Food & Liquor.

Mr. Williams was asked to come down because the owners said something did not clear with his signature. He drove and no one paid his expenses and no one has promised to compensate him for his testimony. He knows Mr. Salem just in passing back and forth to the liquor store. Mr. Williams agreed the signature on his driver's license, City's Exhibit 10, and the signature on the petition do not match. He explained he uses two signatures and the signature on the petition was used for something he did quickly. He signed the petition when he walked into the liquor store. No one promised him anything in exchange for signing the petition.

Chester Stewart was a registered voter at 129 East 118<sup>th</sup> Place on April 7, 2016. He acknowledged that the signature on page 2, line 30 is his signature and it was his signature when he signed it on May 18, 2016. He included that signature was in support of the change of officers.

On cross, Mr. Stewart stated he came down because he knows Mike, the store owner. He knows him by going to the store to get \$5 or \$10 of change every day for his Christmas bank. He drove down and no one paid him or promised him compensation for testifying and his time.

Eddie Shearrill's mother, Colleen Balsley, testified her son was autistic and may have difficulty understanding what was said. She stated he prefers to be called Itchy. His mother stated she signed his signature because she has guardianship papers. She had authority pursuant to his guardianship papers to sign her son's name.

On cross, the witness repeated she signed the petition because her son was not at home. She spoke to her son about signing his name after she did it. Her son actually signed the record with the Board of Elections when he registered to vote.

On redirect, Ms. Balsley stated she has guardianship of her son since 2007 and has the ability to execute his signature on documents.

Darius Baker was registered to vote as of April 7, 2016, at 22 East 118<sup>th</sup> Chicago, IL. The witness identified the name next to petition page 6, line 20 as his signature on May 20, 2016, in support of the change of ownership.

On cross-examination, Mr. Baker said someone approached him at 118<sup>th</sup> and Michigan and asked him to sign the petition. They explained what the petition was for but did not offer to compensate him in any way. Some people in the neighborhood and the block told him about this

hearing. No one from the liquor store told him about a hearing. No one offered him anything to testify. His connection to S & B Food & Liquor is shopping at the store. He took the CTA bus to get to court and paid with his Ventra card. No one compensated him.

Elnora Harrison has lived at 11906 South Michigan Avenue, Unit 2 for four years. Something in the mail came about a change of officers for the liquor store. She identified her signature on petition page 6, line 30.

On cross, Ms. Harrison stated she received in the mail information about a petition for a court hearing for the liquor store. Two days later, a mail person asked her to sign the petition. She agreed the signature on the petition page 16, line 30 does not match the signature on her driver's license, City's Exhibit 11. The signature on the driver's license is a scribble while the petition is a couple of scribbles. She was not offered any compensation for coming down to testify. She came down because she received a letter to do so.

On redirect, the witness said the signature on petition page 16, line 30 was not hers.

Carmella Johnson has lived at 16 East 118<sup>th</sup> Place, Second Floor, for six or seven years and was a registered voter at that location in April 2016. She reviewed a signature on petition page 26, line 23, and affirmed that she signed that petition on May 12, in support of the Change of Officers application for S & B Food & Liquor.

On cross, Ms. Johnson said she caught the bus to get here and paid with her own bus card. No one offered to pay for her expenses coming to the hearing. She came to support the store. It does not just have liquor, it has food and it is convenient. She was barbecuing and people were walking around with a petition to support the store. Ms. Johnson reviewed the signature on City's Exhibit 12, her state identification card, and the signature on City's Exhibit 5, page 26. She agreed she was signing sloppy but it is her signature signed backward. She usually signs her name backward on petitions.

On redirect, Ms. Johnson reaffirmed it was her signature on the petition.

Richard Burrell currently lives at 11935 S. State and lived at that address in May 2016. He looked at City's Exhibit 5A page 21, line 1 and identified it as his signature. He signed the petition in favor of the Change of Officers application for S & B Food & Liquor located at 11900 South Michigan Avenue.

On cross, Mr. Burrell stated he came to the hearing to testify on behalf of the owner of S & B Food & Liquor. Mr. Salem called him and asked if he would come to court. Mr. Burrell said yes but he did not know why he was going to be testifying. He came to court by bus. No one paid for the bus fare and no one promised to compensate him for his bus fare. No one promised to compensate him prior to or after his testimony.

Mr. Burrell reviewed his card from the Board of Elections that he filled out. He filled this document out to keep the store open. He signed this document in 1989.

On redirect, the witness stated he is Richard Burrell, Sr. The signature is for a junior. Mr. Burrell stated his date of birth is October 27, 1946. He signed the voter registration card in 1989, almost 30 years ago. Mr. Burrell reaffirmed that it is his signature on page 21, line 1 of the petition.

Roy Billups currently lives at 134 E. 119<sup>th</sup> Street and lived there in May 2016. He identified a signature on line 27 as his signature that he signed in support of the Change of Officers application. He signed on page 22, line 27 and page 25, line 3 on the petitions. Mr. Billups said both were his signatures because all his signatures look different.

On cross, Mr. Billups said he came to the hearing at the request of Mr. Mohammed Salem. He came to the hearing by bus. No one compensated him or promised him compensation for coming down. He has no connection with the licensee S & B Food & Liquor or Mohammed Salem.

Mr. Billups agreed that on page 22, line 27 he wrote his last name first and then his first name. He did so because he was in a rush and he signed it to get it over. He signed it at his house. He also signed the petition on page 25, the same way with his last name first. He thought it was odd he was asked to sign the petition twice but he just wanted them to stop knocking on his door. He does not know if he signed the petitions twice on the same day or on different days.

Mr. Billups identified his signature from the Board of Elections records which was dated 1992. He signed it first name and then last name. Mr. Billups agreed none of his signatures match.

On redirect, Mr. Billups reasserted all three signatures are his signatures.

Mohammed Saleh is the Applicant for a Change of Officers application for S & B Food & Liquor located at 11900 South Michigan. He identified City's Exhibit 1, pages 1-26, as a copy of the petition that he circulated. His signature is on the pages twice. He circulated these petitions and he witnessed each resident sign the petition.

On cross, the witness stated he had no experience with getting petition signatures. He repeated he would knock on the door, ask for ID and then ask for a signature. He never collected signatures at the store. He never stopped people on the street or on the sidewalk and asked them to sign. All the people that signed had an ID. Some people signed twice.

Charles Lee was recalled as a witness for the city. When he first testified in this case, Joint Exhibit 1, from the Board of Elections was not available for the witness or the members of the License Appeal Commission. Mr. Lee explained when he went to the Board of Elections in 2016, he was able to review electronic signatures on an online database. He did not have paper copies of the Board of Election records. He proceeded to review the signatures that the department rejected and did not count as valid.

Nakia Spears signed on page 1, line 4 and page 14, line 25, of the petition form. Mr. Lee rejected these signatures because they looked different from the Board of Election documents. The K is noticeably different and the letters are leaning more toward the right.



On cross, Mr. Lee agreed he did not know when the signature card was filed with the Board of Elections. The date of April 15, 2010, on the voter registration card for Ms. Spears, could have been the date she signed the voter card. Mr. Lee did not know when the signatures were done on the petitions but the petition process was in 2016. Mr. Lee agreed he did not know the conditions under which Ms. Spears signed the petitions and agreed those conditions could have had an effect on her signature. The fact the voter registration was filed in 2010 and the petition was filed in 2016, could also have an effect on her signature. Mr. Lee repeated his opinion the petition signature did not match the voter registration card. He feels the P in Spears on the petition does not match the voter registration. His opinion without formal training is that the signatures do not match.

Mr. Lee was referred to the signature of Deshawn Davis on page 1, line 10 of the petition. He explained he did not count that signature because they appeared different. The petition signature is just Davis while the Board signature includes the first name. He said not having the first name on a petition was not an immediate disqualifier. In this case, he compared the last names and they did not match.

On cross, Mr. Lee stated the voter registration card was executed on October 5, 2004, and the petition was dated May 30, 2016. Mr. Lee opined that Mr. Davis' signature could have changed in those twelve years. Letters are generally constructed in the same manner with people not tending to go from print to cursive. On the voter registration card, the first letters are separated from the rest and are in cursive. The signature on the petition has a printed D and the rest is

cursive. Mr. Lee explained in his determination of whether it is a cursive or printed letter, 75% is based on whether the letters are connected and 25% is the appearance of the letter.

On redirect, Mr. Lee explained determining if a signature is cursive is not the only thing he looked at analyzing signatures in this case. He looks at the size and shape of the letters, the size of the capital letters to lower letters and the likely manner in which the letter was formed.

On recross, Mr. Lee stated he had no other sample signatures and that he viewed the signatures from the Board electronically on a computer screen. He did not overlay the signatures onto the screen and did not look at any signature to determine where it started. He admitted there was no way for him to know where the starting point was for the signatures and he made assumptions as to where those starting points began. He agreed the assumptions on the starting of the letters.

The next signatures Mr. Lee was questioned about were those of Regdreal Pierre Bradley on pages 2 and 18 on the petition list. He discounted the signature on page 2 because it did not appear to match the Board of Elections signature. He felt there were discrepancies in the R in Regdreal as well as other matters. He did count the signature on page 18 as valid. There were discrepancies between this signature and the Board of Elections signature but the witness still counted it as valid.

The next signatures Mr. Lee testified about were for Darlene Billups who signed on pages 2 and 25 of the petition. When he compared the signature on page 2 of the petition with the record

from the Board of Elections, Mr. Lee found differences in the capital D's and found the I's are looped in the Board of Elections signature and just vertical lines on the petition.

With respect to Mr. Billups' signature on page 25, he again described the difference in whether the I's were looped. He did count this signature as valid.

Mr. Lee did not count the signature of Irving Scott on page 2, line 29 of the petition because they do not match. On the petition, the I and R are clearly printed but the Board of Election signature is in cursive. The T's in Scott on the Board signature are curved at the bottom while the T's on the petition are straight.

On cross, Mr. Lee stated the voter signature is dated October 7, 1986, and the petition was signed some 30 years later on or about June 2, 2016. Mr. Lee admitted there is a hook on the S's on both signatures and that there is a cursive S, C and O on both examples.

Mr. Lee reviewed the signature of Chester Stewart on page 2 of the petition form with that from the Board of Elections. The signature on the petition was not accepted because on the petition the name Chester stops at the T which looks like an H. On the board's signature card, the name Chester is spelled out. The A's in Stewart are also different.

On cross, Mr. Lee identified the date of signature on the voter registration card as September 16, 1988, and the date on the petition being May 18, 2016. He stated the cursive S looks like a P on

the Board of Elections signature but looks like an S on the petition. He did agree the C in Chester on the petition and the voter registration are almost identical.

The next signature reviewed by Mr. Lee was that of Lily Grey on petition page 3, line 14. After giving his reasons why he did not count this signature, Mr. Lee agreed that as of the date of his testimony, he would count Ms. Grey's signature as valid.

The next signature not counted as valid by Mr. Lee was that of Lajuanda Galloway on petition page 4, line 25. He felt the L on the Board of Elections card is a large cursive L while it is very narrow on the petition. The J on the Board registration goes down below the other letters while the J on the petition barely goes below the other letters. The G's in Galloway are totally different.

On cross, Mr. Lee stated the voter registration card was signed on September 30, 2004, and the petition was on May 28, 2016. The person was 44 in 2004. That does not change his opinion because the differences in dates are not relatively that big a discrepancy and she was not that old when she signed the petition.

Mr. Lee then addressed why he did not count the signature of Jovan Garmon on petition 4, line 26. Mr. Lee explained the J on the registration is a large cursive loop while the J on the petition is a horizontal line at the top. The G in Garmon from the Board looks like a cursive S while on the petition it looks like a cursive D.

Mr. Lee noted that Mr. Garmon also signed on page 14, line 24 of the petition. That signature was also not counted for differences between the voter registration card and the petition.

On cross, Mr. Lee asserted he did not believe the letter O on page 24 of the petition looks like the A in the Jovan signature. The voter registration card was signed on November 21, 2008, with a date of birth of March 6, 1978.

Mr. Lee also did not count as a valid signature that of Caroline May Branch on petition 5, line 11. The C on the Board of Elections registration is a large cursive C larger than the other letters in the name and the name itself is legible. That is not the case on the petition where the C in Caroline is small and seems to end in a Y. The B on the petition has three loops which the B on the registration card has no loop to the left.

On cross, Mr. Lee stated the date of birth on the voter registration card was November 30, 1960, and the signature was submitted to the Board of Elections on August 1, 2007. Mr. Lee did agree the letter R on the registration signature is similar to the letter R on Branch in the petition. That did not change his position.

Irma Hamilton signed the petition on page 5, line 12 and page 26, line 24. Mr. Lee did not count either signature as valid. He explained the I in Irma on the Board registration has a tall and narrow I with a narrow loop. The I on the petition has a left loop on the left side and a bottom loop connecting to the R. The Board signature contains the middle initial D which is not on the petition. The H on the registration is a printed H and is legible while the petition H is a cursive

H. The petition signature on page 27, line 24 contains an I with a large upper loop and the signature is not legible. Mr. Lee opined these two separate signatures on the petitions do not match each other.

On cross, Mr. Lee stated he sued the signature for Irma D. Hamilton which is set out under paragraph 9 which says, "If you cannot sign your name, ask the person who helped you fill out this form to print their name, address and phone number." He believed that to be Irma D. Hamilton's signature even if the signature was not placed in the specific box for signature. The date of the voter registration card was March 6, 1999, and Ms. Hamilton's date of birth was August 11, 1999.

The next signature rejected by Mr. Lee was that of Gwendolyn Thompson on petition page 5, line 15. He noted the differences between the Board of Election registration signature and that on the petition. The G on the petition looks like it printed G while on the Board registration it is a cursive G.

On cross, Mr. Lee stated the signature was submitted to the Board of Elections on February 7, 1994, with a date of birth of June 2, 1966. The signature is very distinct and each letter is identified. The Gwendolyn on the petition is not legible for the most part.

Mr. Lee then addressed the signature of Darius Baker on petition 6, line 24. This signature was not counted because the Board signature was a cursive D with a large front loop and another rear

loop. The S is large and drops below the rest of the name and the B has two upper loops and a lower loop that turns into the A. Those are not present in the petition signature.

On cross, Mr. Lee agreed that the R's on the registration and the petition are very similar. He denied that the letter S in Darius were similar on the Board of Elections registration card and the petition signature.

Yakendra Brittany Humphrey signed the petition twice. They are on petition page 9, line 1 and page 23, line 16. Mr. Lee did not count either as valid. The Board of Elections signature starts with a large cursive Y but the petition signature looks like a J. There is nothing resembling a letter K on the petitions and the first name ends with a Y. The Board of Elections signature is spelled out legibly.

It was noted this signator was on the moved list but signed the petition. She was not counted on the moved list.

With respect to Terry Miller's signature on petition page 11, line 1, Mr. Lee stated this signature had been removed because of the spelling on the petition of Terri. He did review the signature records from the Board of Elections and it was spelled Terri as opposed to Terry. The address was 11911 S. State.

It was then noted that the signature of Terri Miller on the voter registration record has been redacted. At this point, the witness has testified what he saw at the Board of Elections was a

signature with a Y but there are no documents that corroborate what Mr. Lee saw at the Board of Elections.

Ashley Billups signed the petition on petition page 11, line 14 and page 15, line 6. Mr. Lee described differences in the letter B on the petitions which have a loop and the B on the Board's signature which does not have a loop. The Board's signature has large cursive L's which are not on the petition signatures. The A's in Ashley do not match.

On cross, Mr. Lee acknowledged there is a right slant on petition page 15, line 5 and on the voter registration card. The letters on the petition are clearly spelled out. The voter registration card was stamped November 2, 2010.

The City acknowledged that it accepted the signature of Rosa Ingram on petition page 12, line 24.

Mr. Lee did not count the signature of Quinton Williams on petition page 13, line 4. The first name on the petition is just a squiggly line while the Board of Elections signature has distinguishable letters.

On cross, Mr. Lee said his opinion would not change if the signature on the petition had the name Williams first followed by the letter Q.



The next signature at issue was that of Elnora Jeanette Harrison on petition page 16, line 30. Mr. Lee explained the signature on the voter registration has a capital E, then space and cursive letters. There is also a cursive H broken into two parts. These facts do not appear on the petition signature.

On cross, Mr. Lee agreed that LNORA on the voter registration signature connects all the letters as does the signature on the petition.

The next signature reviewed by Mr. Lee was that of Dupree Clark on submitted petition page 17, line 2. He did not count the signature since the signature on the voter registration was spelled out in very legible, clear cursive.

The petition has no first name spelled out and the letters are not legible.

On cross, Mr. Lee stated the date of the voter registration card was June 26, 1998, and the date of birth was April 6, 1980.

The signatures of Patricia Jones on petition page 17, line 9 and petition page 18, line 26, were not counted by Mr. Lee because of differences in the capital letters P and J.

On cross, Mr. Lee stated the voter registration signature was filed on October 4, 2008, and Ms. Jones' date of birth was January 1966. He did admit some similarities between the signatures on the petitions and that on the voter registration card.

Mr. Lee did not validate the signature of Julius Childs on petition page 17, line 11 because the signature from the Board of Elections has distinguishable letters that do not overlay while the signature on the petition starts with a circle that encompasses some other letters.

The signature of Cortez Williams at petition page 18, line 28 was not counted as valid by Mr. Lee because the signature on the voter registration is cursive while the signature on the petition was printed. The petition contains a middle initial S while the voter registration signature has no such initial.

With respect to Jenny Dale, Mr. Lee stated that person signed the petition twice and he accepted the second signature on petition page 25, line 8.

Mr. Lee then reviewed the signature of Richard Burrell and explained why he did not count this signature. The R in Richard on the voter registration card leans to the right and has a loop and the H in Richard goes up and to the right. The B in Burrell has a narrow loop on the spine and no other loop. The petition has vertical letters with not much slant and the R contains no loop. The H in Richard is short. He stated the B in Burrell contains three similar loops like the signature from the Board of Elections.

On cross, Mr. Lee stated the date on the voter registration card was July 26, 1989, and Mr. Burrell's date of birth was October 27, 1946.

Mr. Lee did not count as valid the signature of Munira J. Sweis on petition page 22, line 19. The signature was not counted because on the voter registration card the signature is printed while the signature on the petition is non-legible cursive.

Angela Billups signed the petition on page 15, line 5 and page 21, line 21. The signature on page 15, line 5 was accepted and counted by Mr. Lee.

Roy Billups signed petition page 22, line 27 and page 25, line 3. Mr. Lee did not count either of these signatures. Mr. Lee pointed out discrepancies between the signatures on the petition with the voter registration signature and noted the last name appears first.

On cross, Mr. Lee stated the date of the signature on the voter registration was October 15, 1992, and that Mr. Billups' date of birth was October 13, 1977.

Mack Harris signed the petition twice. The signature on petition page 21, line 17 was counted by Mr. Lee.

Carmella Johnson signed petition page 26, line 23. Mr. Lee did not count this signature as valid. The last name appears first on the petition. The letters on the voter registration are rounded and the full name Carmella and Johnson are spelled out clearly.

There was no cross-examination.

Mr. Lee stated that he discovered an error in his original analysis in relation to the signatures of Lila DL Hall. There were two signatures from Ms. Hall on the petitions and he counted both as valid. Ms. Hall was not removed as a duplicate because he misspelled her name as Hull on the excel sheet. That total number of valid signatures of 75 should have been reduced by 12 duplicates.

This Commissioner has read the testimony and cross-examination of Mr. Lee in detail. His testimony was considered only as that of a lay witness giving a lay opinion on his comparison of signatures. The decision of this Commissioner was made after reading Mr. Lee's testimony but was based on this Commissioner's review of the signatures on the petition and the documents from the Board of Elections.

### **RULING**

The City has based its case on the testimony of Charles Lee with respect to his review of signatures on the submitted petitions and the signatures at the Chicago Board of Elections. Mr. Lee has admitted he has no training as an expert witness in handwriting analysis and counsel for the City has stated the City was not presenting Mr. Lee's testimony as testimony from an expert witness.

As stated earlier in this opinion, the issue before this Commission is to determine de novo the propriety of the decision of the Local Liquor Control Commissioner denying the Change of Officers application due to an inadequate number of valid signatures on the submitted petitions. De novo means a hearing from the start based only on the evidence presented at this hearing.

There is no inference or presumption that the denial of the Change of Officers application was valid because it was made by the Local Liquor Control Commission.

Based on his comparison of the signatures from the Board of Elections and those on the submitted petitions, Mr. Lee's opinions were that these signatures were not the same and would not be counted as valid. They are as follows:

- Nakia Spears
- Deshawn Davis
- Irving Scott
- Chester Stewart
- Lillie Grey
- Lujuanda Galloway
- Jovan Garmon
- Carolyn Mae Branch
- Irma D. Hamilton
- Gwendolyn Thompson
- Darrius Baker
- Yakendra Brittany Humphrey
- Terri Miller
- Ashley Billups
- Quinton Williams
- Elnora Jeanette Harrison

- Dupree Clark
- Patricia Jones
- Julius Childs
- Cortez Williams
- Richard Burrell
- Munira Sweis
- Roy Billups

At the hearing, Mr. Lee stated he would have counted Lillie Grey. He also then stated he made a scrivener's error when compiling his excel sheet. He listed a Lula Hull and a Lula Hill as two good signatures. In reality, they are the same signator and should only be counted as one valid signature.

At the hearing, the City called the following witnesses who testified to the fact that they had signed the petition forms submitted by the Applicant. In some instances, they testified he or she signed the petitions more than one time. All of the witnesses testified that no one had given them anything in return for their testimony or had promised to give them something in exchange for their testimony in the future. Each indicated they had come to the hearing on their own with many testifying they took the bus. While some of the witnesses agreed the signature on the petition differed in some aspects from the signature on the Board of Election documents with one exception, they maintained the signature on the petition was theirs and that they signed the petition.

These witnesses directly and credibly testified that the signature on the petition was their signature:

- Julius Childs
- Patricia Jones
- Quinton Williams
- Chester Stewart
- Darius Baker
- Carmella Johnson
- Yakendra B. Humphrey
- Deshawn Davis
- Nakia Spears
- Richard Burrell
- Roy Billups

Since the testimony of these witnesses under oath in person was credible and not impeached the eleven signatures were valid signatures and should be counted as valid.

Elnora Harrison's testimony was not credible as to when she signed a petition or if she signed a petition. She initially did testify she signed the petition but later said it was not her signature on the petition. Collen Balsley testified she is the mother of and guardian of Eddie Shearrill. She signed her son's name on the petition in her role as his guardian. He did not sign the petition.

Irving Scott signed the submitted petition page, line 29. He did not testify at the hearing. From the review of the signatures, this Commissioner feels the signatures are different enough so as to not count Mr. Scott as a good signature.

There is a signature for Lajuanda Galloway on submitted petition page 4, line 25. She did not testify at the hearing. A review of the signature on the petition with the signature from the Board of Elections show sufficient differences so as to justify not counting this signature as valid.

There is a signature for Carolyn Mae Branch on submitted petition page 5, line 11. She did not testify at the hearing. A review of the signature on the petition with the signature on the document from the Board of Elections shows sufficient differences so as to justify not counting the signature as valid.

The signature of a Gwendolyn Thompson is on submitted petition page 5, line 15. She did not testify at the hearing. A review of the petition signature with the signature from the Board of Elections shows sufficient differences to justify not counting this signature as valid.

The next signature to be analyzed is that of Terry Miller on submitted petition page 11, line 1. The Board of Elections noted in its response to the subpoena issued by this Commissioner that it did not have records for a Terri Miller at 11911 South State. It did produce records for a Terri Miller at 1140 S. Church with a previous address of 11911 S. State and a current address of 11405 S. Church. It also produced a registration for a Terri Miller at 2115 N. Damen. The petition spells the first name as Terry while the registration card with a previous address spells it,



Terri. That registration redacted the signature of the name on the registration card but the printed first name is clearly spelled, Terri. This difference is sufficient to justify not counting this signature as valid.

Ashley Billups' signature is on petition page 11, line 14, and page 15, line 6. She did not testify at the hearing. A comparison of those signatures with the signature from the records from the Board of Elections shows sufficient differences to justify not counting either of these as valid signatures.

The next signature to analyze is that of Elnora Jeanette Harrison on petition page 16, line 30. A comparison of the signatures shows sufficient differences so as to justify not counting this as a valid signature.

A signature for a Dupree Clark in on petition page 17, line 2. A comparison of the signature on the petition with the signatures from the Board of Elections shows sufficient differences to justify not counting this signature as a valid signature.

The signature of a Patricia Jones is on submitted petition page 17, line 9 and page 18, line 26. Neither signature was counted as valid and Ms. Jones did not testify. A comparison of the signatures on the petitions and the signature from the Board of Elections shows sufficient differences to justify not counting either of these signatures as valid.

A signature for Cortez Williams is on submitted petition page 18, line 28. Mr. Williams did not testify at the hearing. The differences between the printed signature on the petition and the signature on the document from the Board of Elections are sufficient to justify not counting this signature as valid.

A signature for Munira Sweiss appears on petition page 22, line 19. A review of the signature on the petition with the printed name on the Board of Elections registration shows differences sufficient to justify not counting this signature as a valid signature.

A signature for Carmella Johnson is on page 26, line 23 of the submitted petition. She did not testify at the hearing. A comparison of the signature on the petition with the signature from the registration from the Board of Elections show sufficient differences to uphold not counting this signature as a valid signature.

The signatures of Irma Hamilton are located on submitted petition page 5, line 12 and on page 26, line 24. She did not testify at the hearing. The Board of Elections registration card received by this Commission in response to this subpoena has a box for the person registering to vote to sign his or her name. That box is not filled out on Ms. Hamilton's registration card. There is a signature of Irma D. Hamilton in another area which was to be used if the person registering could not sign his or her name. That signature may very well have been Ms. Hamilton's signature on March 6, 1999, but it also could have been the signature of the person who helped Ms. Hamilton fill out this form. There is no signature from the Board of Elections on which to compare the signature on the petition. Without such evidence and taking into consideration that

Ms. Hamilton's date of birth was August 11, 1929, and she would have been about 87 on the date of the petition on May 30, 2016, there is insufficient evidence to uphold the finding this signature was not valid. It is to be counted.

Counsel for the Applicant raised issues relative to the signatures of Irving Scott and Dupree Clark. The death certificate of Irving Scott with a date of date of August 2, 2017, was entered into evidence. Counsel for the Applicant argues that if the manner had proceeded in a timely manner, Mr. Scott might have been available to testify at the hearing and verify his signature.

Over the City's objection, an affidavit from Dupree Clark was allowed in evidence. In the affidavit, he affirmed the signature of Dupree Clark on the submitted petition was his.

With respect to Mr. Scott, This Commissioner reaffirms his earlier ruling that there were sufficient discrepancies between the signature on the submitted petition and the signature card from the Board of Elections to affirm not counting Mr. Scott's signature as valid.

With respect to Mr. Clark, this Commissioner has compared the signature on the affidavit with the signature from the Board of Elections. They look the same. Comparing both signatures with Dupree Clark's signature on the submitted petition leads this Commissioner to reaffirm his earlier ruling not to count Dupree Clark's signature as valid.

The parties stipulated that the City found 64 signatures valid and that 77 valid signatures were needed. The eleven signatures from the signators who came in to testify are valid which leads to

a total number of valid signatures as 75. Adding Irma D. Hamilton's signature as a valid signator leads to 76 valid signatures which results in one signature short.

Counsel for Applicant has raised certain issues relative to the procedure followed by the Local Liquor Control Commission and/or the Department of Business Affairs and Consumer Protection in the processing of this application. These issues include the length of time it took to get a decision and the decision to send Mr. Lee to the Board of Elections to do a signature comparison. This Commissioner feels that such issues are constitutional procedural due process issues that this Commission does not have the jurisdiction to address. They and any other such arguments in the record are preserved for appeal to the Circuit Court of Cook County.

Based on the fact that the Applicant failed to obtain the required number of valid signatures on the petitions, the decision of the Local Liquor Control Commission denying the Change of Officers application is Affirmed.

**CONCURRING OPINION OF COMMISSIONERS O'CONNELL AND CRONIN**

**CAHILL**

We concur with Chairman Fleming based on his evaluations but reserve the right to review all signatures if questions are raised in a Petition for Rehearing.

THEREFORE, IT IS HEREBY ORDERED That the said order or action of the Local Liquor Control Commissioner of the City of Chicago be and the same hereby is AFFIRMED.

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: May 11, 2018

Dennis M. Fleming  
Chairman

Donald O'Connell  
Member

Cynthia Cronin Cahill  
Member