

LICENSE APPEAL COMMISSION
CITY OF CHICAGO

Victor's Tap, Inc.)
Tomo Jokanovic, President)
Applicant (Change of Officers))
for the premises located at)
3049 North Cicero Avenue)
) Case No. 07 LA 15
v.)
)
Department of Business Affairs & Licensing)
Local Liquor Control Commission)
Mary Lou Eisenhauer, Acting Director)
)

ORDER

OPINION OF CHAIRMAN FLEMING JOINED BY COMMISSIONERS KOPPEL AND SCHNORF

Victor's Tap, Inc. filed an application for a Change of Officers which was originally denied on April 11, 2007, for failure to satisfy the moratorium requirements of Section 4-60-024 (e) of the City of Chicago Municipal Code. That section requires an applicant to notify all registered voters within 500 feet of the business by certified mail 60 days prior to the submission of the application. This investigation revealed a total of 213 voters resided within 500 feet which required the applicant to obtain 109 signatures. The applicant submitted 160 signatures of which only 89 were valid.

An amended notice of denial was issued on March 11, 2008. After the initial denial, the Local Liquor Control Commission agreed to review a voter registration list provided by the Chicago Board of Elections. This investigation revealed 321 voters within 500 feet of the applicant's premises. The applicant needed 109 signatures, it submitted 160 signatures of which

only 89 were judged valid.

Monika Krolak, testified she is a Senior Business Consultant with the Department of Business Affairs and Licensing. She discussed the general procedures on moratorium petitions. She identified City's Exhibit 1, in evidence, as the City of Chicago Voter Registration Module for this case. City's Exhibit 2, in evidence, is the affidavit filed by the applicant Tomo Jokanovic, setting out voters no longer residing within 500 feet as Exhibit A and duplicate voters as Exhibit B. This affidavit was submitted on January 4, 2007, and indicated a total number of voters as 214. City's Exhibit 3, in evidence, was the Liquor Moratorium Petition filed by the applicant on or about January 4, 2007. Police officer Ethel Sheer, reviewed the original petition. Using the information on City Exhibits 1, 2, and 3 she determined there were 213 adjusted voters within 500 feet and 109 signatures were needed. Of the 160 petitions submitted, 89 were valid. On May 8, 2007, a supplemental petition was filed, City's Exhibit 10, in evidence. Of the 25 additional signatures, 7 were deemed valid and 18 invalid. This meant there were now 96 signatures valid out of the 109 needed. A third petition was filed on August 13, 2007, with 17 signatures. Five were considered valid. There were now 101 of the needed 109 signatures. The petitions were also reviewed against a poll sheet, in evidence, as City's Exhibit 8, supplied by the applicant. The poll sheet revealed 321 total voters which would have required 163 valid signatures and 81 signatures were valid.

The applicant testified that he had tried to go out and obtain more signatures. He related problems due to people moving in and out that made obtaining valid signatures difficult.

Counsel for the applicant argued that it is an extremely difficult burden to obtain signatures of 51% of the voters within 500 feet of a business since that number can change each day. One cannot be given due process if one cannot know exactly the number of signatures needed. This argument is one dealing with constitutional issues and this Commission does not have the authority to rule on such matters.

The City in this case seems to have tried to accommodate the applicant in every possible way. It allowed additional petitions and even used the poll sheet approach to determine the needed number of signatures. Unfortunately the applicant was still unsuccessful on meeting the moratorium requirements. This has been proven by a preponderance of the evidence.

The decision of the Local Liquor Control Commission denying the Change of Officers application for Victor's Tap, Inc. is upheld.

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: December 9, 2008

Dennis M. Fleming
Chairman

Irving J. Koppel
Member

Stephen B. Schnorf
Member