

STATE OF ILLINOIS
ILLINOIS LIQUOR CONTROL COMMISSION

In the Matter of the Appeal:
ROYAL'S WINE & SPIRITS, INC.

Case No. 26 APP 01

Premises located at:
7801 43rd St.
Lyons, IL 60534

Appellant

v.

LYONS LIQUOR CONTROL
COMMISSIONER

Appellee

ORDER OF DISMISSAL

In response to an appeal filed by Appellant ROYAL'S WINE & SPIRITS, INC. ("Royal's Wine and Spirits"), on March 14, 2026, the Illinois Liquor Control Commission ("State Commission") orders the appeal captioned as 26 APP 01 dismissed with prejudice for lack of jurisdiction.

RELEVANT FACTS AS ALLEGED BY APPELLANT

In this matter, the Appellant, Royal's Wine and Spirits, alleges facts relevant to this decision as follows¹:

1. The Lyons Board of Trustees created a single liquor license in a unique classification, the Class LA Liquor License.
2. The LA Liquor License was issued to Appellant, Royal's Wine and Liquors.
3. Royal's Wine and Spirits was the sole licensee issued an LA liquor license.
4. Royal's Wine and Spirits held the license for four years without any disciplinary action taken against it.
5. After expiration of the most recent license, the Lyons Board of Trustees "voted to amend the local liquor ordinance, reducing the maximum number of licenses in Appellant's classification from one to zero."
6. The Lyons Board of Trustees did not provide written notice, a hearing, or a finding of license non-compliance to Royal's Wine and Spirits.
7. The Lyons Board of Trustees did not revoke the Royal's Wine and Spirits LA License and did not issue an order in the name of the Lyons Liquor Control Commissioner.
8. The Lyons Board of Trustees "passed an ordinance."

¹ APPELLANT'S BRIEF ON JURISDICTIONAL ISSUE: WHETHER THE ILLINOIS LIQUOR CONTROL COMMISSION HAS JURISDICTION TO HEAR THIS APPEAL, p. 2.

LEGAL ARGUMENT

The State Commission may only exercise the authority granted under its enabling statute. The Illinois Liquor Control Act expressly authorizes the State Commission “to hear and determine appeals from *orders of a local commission* in accordance with the provisions of [the Liquor Control] Act. 235 ILCS 5/3-12(a)(6) (*emphasis added*). More specifically, the Liquor Control Act states:

Except as provided in this Section, *any order or action of a local liquor control commissioner* levying a fine or refusing to levy a fine on a licensee, granting or refusing to grant a license, revoking or suspending or refusing to revoke or suspend a license or refusing for more than 30 days to grant a hearing upon a complaint to revoke or suspend a license may, *within 20 days after notice of such order or action, be appealed* by any resident of the political subdivision under the jurisdiction of the local liquor control commissioner or any person interested, *to the State Commission*.

235 ILCS 5/7-9 (*emphasis added*). A plain reading of the Liquor Control Act authorizes the State Commission to hear appeals from “orders of a local commission” and “any order or action of a local liquor control commissioner.”

In contrast, the Liquor Control Act does not grant the State Commission such appellate authority over local or municipal city council actions. This is not an oversight. The Liquor Control Act expressly distinguishes between the role of a city council from the role of a local liquor control commissioner related to liquor licensing. Article IV of the Liquor Control Act states:

[City Councils] shall have the power by general ordinance or resolution to determine *the number, kind and classification of licenses, for sale at retail of alcoholic liquor* not inconsistent with this Act and the amount of the local licensee fees to be paid for the various kinds of licenses to be issued in their political subdivision.

235 ILCS 5/4-1 (*emphasis added*). Once city councils establish the retail liquor licensing structure by general ordinance, local liquor control commissioners are then authorized to regulate individual liquor licenses within the framework established by the city councils. Local liquor control commissioners do not have any authority over creating licenses but have the sole authority over the decisions to grant, deny, suspend, or revoke an individual license. 235 ILCS 5/4-4. Even though the Liquor Control Act clearly outlines the role of a city council in establishing the liquor licensing framework by general ordinance, it is silent in authorizing the State Commission to hear appeals from the acts of city councils.

The silence of the Liquor Control Act in not authorizing State Commission review of city council legislative acts is not by accident. The Illinois courts have regularly held that there is no administrative review of a city council legislative act. In *Hawthorne v. Village of Olympia Fields*, 204 Ill. 2d 243, 247, 253, (2003), the Illinois Supreme Court held that a “[c]ity[c]ouncil’s actions were legislative in nature because they were accomplished by the enactment of an ordinance,” and the “Administrative Review Law does not apply to the legislative acts of legislative bodies.” Moreover, courts have held that “[E]ven where an act would be otherwise administrative . . . , it is legislative and outside the scope of the Administrative Review Law if it is accomplished through the enactment of an ordinance (or if its rejection entails rejecting an ordinance).” *Ashley Libertyville, LLC v. Village of Libertyville*, 378 Ill. App. 3d 661, 664, (2nd Dist. 2008). The State Commission is an administrative agency whose decisions are subject to the Administrative Review law. The courts have definitively ruled that a city council’s legislative act is not subject to administrative review and, thus, such decisions cannot be reviewed by the State Commission.

Specifically related to a liquor license matter, the Illinois Supreme Court held that a city council can reduce the number of liquor licenses even while there is a pending State Commission

review of a local liquor control commissioner's decision to deny a license. In *Oak Park Nat'l Bank v. Broadview*, 27 Ill. 2d 151 (1963), the Court affirmed the dismissal of an injunction of a city council's legislative act to reduce the number of liquor licenses seemingly intended to keep a specific applicant from obtaining a license. The Court dismissal of the injunction against the legislative act lead directly to the State Commission dismissal of a review of the license denial by the local liquor control commissioner as moot. It is important to note, moreover, the Supreme Court, in *Oak Park Nat'l Bank*, affirmed the dismissal of an *injunction* filed to restrain the legislative act of a city council, having nothing to do with an evaluation of a local commissioner or State Commission decision on Administrative Review.

Here, the Appellant Royal's Wine and Spirits does not contest that its appeal filed with the State Commission is an appeal of an action of the Village of Lyons Board of Trustees ("Village Board"), not the Lyons Liquor Control Commissioner. Per the Appellant, the Village Board "voted to amend the local liquor ordinance, reducing the maximum number of licenses in Appellant's classification from one to zero." *Appellant Legal Memorandum*, p. 2. The Appellant also states that the Village Board "passed an ordinance." *Id.* In fact, the Appellant argues the Lyons Liquor Control Commissioner "had a duty to intervene" after the Lyons Board of Trustees reduced the LA license category but the "commissioner did not intervene." *Id.*, at p. 5. Even if the legislative act of the Village Board was administrative in nature or related to a specific alcohol beverage retailer, the appropriate forum for review is through a direct and original action filed in the Illinois Circuit Courts (See *Ashley Libertyville, LLC* cited above.). Therefore, there is no debate that the act which has been appealed to the State Commission is a legislative act of the Village Board, not an act of the Lyons Liquor Control Commissioner. Neither the text of the Liquor Control Act nor the Illinois courts authorize the State Commission to hear this appeal

Contrary to the arguments of the Appellant, the State Commission has not recently reviewed actions of city councils. The inaction of a local liquor control commissioner to renew a liquor license is not the same as an affirmative act of a city council to reduce the number of liquor licenses available for renewal. If a local liquor control commissioner refuses to take any action to renew a liquor license after good faith attempt to renew such a license, then the failure to renew the license is an act of the local liquor commissioner to deny a license renewal. As referenced in the Appellant's argument, a local liquor control commissioner cannot refuse to renew a license constructively denying a license without notice and without a hearing. A city council act to reduce the total number of licenses to zero, however, is not the same act as a local liquor control commissioner refusing to renew a license without a hearing. A local liquor control commissioner taking no action to renew a license that no longer exists because of the reduction action taken by the city council is not an act of the local commissioner but a legislative act of a city council.

The Illinois Liquor Control Act does not authorize the State Commission to consider appeals of legislative acts. Appeals of city council legislative acts fall under the exclusive and original jurisdiction of the Illinois courts. Based on its own statements, the Appellant has filed an appeal with the State Commission of a Lyons Village Board of Trustees legislative act for which the State Commission has no jurisdiction to hear.

ORDER

The State Commission DISMISSES WITH PREJUDICE, the Royal's Wine and Spirits appeal, 26 APP 01.

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.

PROOF OF SERVICE

The undersigned hereby certifies that on May 21, 2026, the foregoing Order was sent via e-mail to:

Royals Wine & Spirits
c/o Sean O'Leary
sean.oleary@olearylpgroup.com

Village of Lyons Liquor Control Commission
c/o Michael J. Hayes
mhayes@omflaw.com

/s/ Richard R. Haymaker
Richard R. Haymaker