

**CITY OF CHICAGO
DEPARTMENT OF BUSINESS AFFAIRS & CONSUMER PROTECTION
LOCAL LIQUOR CONTROL COMMISSION
121 NORTH LASALLE – CITY HALL – ROOM 805
CHICAGO, ILLINOIS 60602**

IN RE DISCIPLINARY PROCEEDINGS)
REGARDING THE CITY OF CHICAGO)
LIQUOR LICENSE AND ALL)
OTHER CITY OF CHICAGO LICENSES)

Issued to:)
Erie-Franklin Hop Haus, LLC d/b/a Concrete Cowboy)
Jonathan Valz, Member)

18 LR 112

Licensee.)

Located at:)
646 N. Franklin St.)
Chicago, Illinois 60654)

NOTICE OF HEARING

PLEASE TAKE NOTICE that pursuant to 235 ILCS 5/7-5 and § 4-4-280 of the Municipal Code of Chicago, a hearing will be held in **Room 805**, City Hall, 121 N. LaSalle, Chicago, Illinois, on **Tuesday, January 29, 2019, at 9:30 a.m.** in connection with disciplinary proceedings regarding the City of Chicago liquor license and all other licenses issued to you for the premises located at 646 N. Franklin, Chicago, Illinois, upon the following charge(s):

1. That on or about June 25, 2017, the licensee, by and through its agent, committed battery by knowingly without legal justification, causing bodily harm to an individual, in violation of 720 ILCS 5/12-3(a)(1).
2. That on or about June 25, 2017, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).
3. That on or about June 25, 2017, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶ 8, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).

4. That on or about June 25, 2017, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
5. That on or about July 23, 2017, the licensee, by and through its agent, committed battery by knowingly without legal justification, causing bodily harm to an individual, in violation of 720 ILCS 5/12-3(a)(1).
6. That on or about July 23, 2017, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).
7. That on or about July 23, 2017, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶ 8, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
8. That on or about July 23, 2017, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
9. That on or about July 23, 2017, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering and the congregation of people outside the licensed premises, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
10. That on or about July 23, 2017, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to maintain an orderly line of persons wishing to enter the establishment and failed to prevent persons from congregating in front of the licensed establishment or on adjacent property, as required by Rule No. 5 and 6.
11. That on or about December 9, 2017, the licensee, by and through its agent, committed battery by knowingly without legal justification, causing bodily harm to an individual, in violation of 720 ILCS 5/12-3(a)(1).
12. That on or about December 9, 2017, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).

13. That on or about December 9, 2017, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
14. That on or about February 24, 2018, the licensee, by and through its agent, committed battery by knowingly without legal justification, causing bodily harm to an individual, in violation of 720 ILCS 5/12-3(a)(1).
15. That on or about February 24, 2018, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).
16. That on or about February 24, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
17. That on or about February 24, 2018, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering on the sidewalk area, the obstruction of the sidewalk area, and fighting, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
18. That on or about February 24, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to prevent persons from congregating in front of the licensed establishment or on adjacent property, as required by Rule No. 5 and 6.
19. That on or about February 25, 2018, the licensee, by and through its agent, committed battery by knowingly without legal justification, causing bodily harm to an individual, in violation of 720 ILCS 5/12-3(a)(1).
20. That on or about February 25, 2018, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).

21. That on or about February 25, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
22. That on or about February 25, 2018, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering on the sidewalk area, the obstruction of the sidewalk area, and fighting, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
23. That on or about February 25, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to maintain an orderly line of persons wishing to enter the establishment and failed to prevent persons from congregating in front of the licensed establishment or on adjacent property, as required by Rule No. 5 and 6.
24. That on or about March 11, 2018, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).
25. That on or about March 11, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
26. That on or about March 11, 2018, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering on the sidewalk area, the obstruction of the sidewalk area, and fighting, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
27. That on or about March 11, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to maintain an orderly line of persons wishing to enter the establishment and failed to prevent persons from congregating in front of the licensed establishment or on adjacent property, as required by Rule No. 5 and 6.
28. That on or about April 7, 2018, the licensee, by and through its agent, committed battery by knowingly without legal justification, causing bodily harm to an individual, in violation of 720 ILCS 5/12-3(a)(1).

29. That on or about April 7, 2018, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).
30. That on or about April 7, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
31. That on or about May 11, 2018, the licensee, by and through its agent, failed to report promptly to the police department illegal activity reported to or observed by the licensee on or within sight of the licensed premises, in violation of Municipal Code of Chicago § 4-60-141 (b).
32. That on or about May 11, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to promptly notify the police department via 911 of illegal activity, as required by Rule No. 4 and 5.
33. That on or about May 11, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 6, to wit: Licensee failed to promptly notify the police department via 911 of fighting, a disturbance of the peace, unruly behavior or criminal activity, in violation of Municipal Code of Chicago § 4-60-040 (h).
34. That on or about May 27, 2018, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering on and the obstruction of the sidewalk area, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
35. That on or about May 27, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to maintain an orderly line of persons wishing to enter the establishment and failed to prevent persons from congregating in front of the licensed establishment or on adjacent property, as required by Rule No. 5 and 6.
36. That on or about May 27, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 3 (a) and (b)(iii)(vii), to wit: Licensee failed to ensure security personnel were clearly identified as security and failed to ensure pedestrian traffic on the public way was not impeded or obstructed, in violation of Municipal Code of Chicago § 4-60-040 (h).

37. That on or about July 7, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 10, to wit: Licensee failed to close all windows no later than 10 p.m., in violation of Municipal Code of Chicago § 4-60-040 (h).
38. That on or about July 14, 2018, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering on and the obstruction of the sidewalk area, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
39. That on or about July 14, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to maintain an orderly line of persons wishing to enter the establishment and failed to prevent persons from congregating in front of the licensed establishment, as required by Rule No. 5 and 6.
40. That on or about July 14, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 3(a) and (b)(iii)(vii), to wit: Licensee failed to ensure security personnel were clearly identified as security and failed to ensure pedestrian traffic on the public way was not impeded or obstructed, in violation of Municipal Code of Chicago § 4-60-040 (h).
41. That on or about September 7, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 2 (b), to wit: Licensee failed to have staff immediately inside the premises entrance or outside the business entrance, in violation of Municipal Code of Chicago § 4-60-040 (h).
42. That on or about September 7, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 3, to wit: Licensee failed to have security personnel wear distinctive uniforms which clearly identify them as security, in violation of Municipal Code of Chicago § 4-60-040 (h).
43. That on or about September 7, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 3, to wit: Licensee, when having an event that included a DJ, failed to have at least six (6) security staff members whose sole purpose is to perform security, in violation of Municipal Code of Chicago § 4-60-040 (h).
44. That on or about September 7, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 5 (a), to wit: Licensee failed to maintain copies on the premises of current BASSETT certification for all servers, bartenders, security attendants, and managers, in violation of Municipal Code of Chicago § 4-60-040 (h).

45. That on or about November 3, 2018, the licensee, by and through its agent, operated in violation of or failed to adequately implement or failed to adequately maintain its Late Hour Exterior Safety Plan, Section 1 ¶¶ 1 and 4, to wit: Licensee failed to prevent loitering on and the obstruction of the sidewalk area, in violation of Municipal Code of Chicago § 4-60-130 (f) (3).
46. That on or about November 3, 2018, the licensee, by and through its agent, violated the Rules and Regulations for Late Hour Liquor Licenses, promulgated pursuant to Municipal Code of Chicago §2-25-120 and §4-60-130, to wit: Licensee failed to maintain an orderly line of persons wishing to enter the establishment and failed to prevent persons from congregating in front of the licensed establishment or on adjacent property, as required by Rule No. 5 and 6.
47. That on or about November 3, 2018, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 3 (a) and (b)(iii)(vii), to wit: Licensee failed to ensure security personnel were clearly identified as security and failed to ensure pedestrian traffic on the public way was not impeded or obstructed, in violation of Municipal Code of Chicago § 4-60-040 (h).
48. That on or about November 3, 2018, the licensee, by and through its agent, employed a device or instrument which generated sound for the purpose of entertainment, which was louder than average conversational level at a distance of 100 feet or more from the property line of the licensed premises, in violation of Municipal Code of Chicago § 8-32-080.
49. That on or about January 1, 2019, the licensee, by and through its agent, allowed the number of persons in the licensed establishment to exceed the occupancy limit certified by the buildings commissioner, in violation of Municipal Code of Chicago § 13-36-020.
50. That on or about January 1, 2019, the licensee, by and through its agent, failed to adhere to its written Liquor License Plan of Operation, ¶ 11 to wit: Licensee allowed the number of persons in the licensed establishment to exceed the legally permitted occupancy, in violation of Municipal Code of Chicago § 4-60-040 (h).

PLEASE TAKE FURTHER NOTICE that at the hearing you may be represented by counsel and may produce witnesses and introduce evidence on your behalf. IN CASE OF YOUR FAILURE TO APPEAR, A DETERMINATION WILL BE MADE BY DEFAULT.

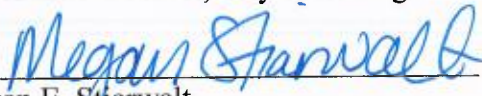
The licensee is further advised that for the limited purpose of assessing the severity of the penalty that could be imposed, when applicable, the City may present evidence of previous acts of misconduct which have resulted in disciplinary action against the licensee, along with any other citizen, police, or governmental agency complaints.

The licensee is further advised that pursuant to 235 ILCS 5/4-5, the licensee or president of licensee corporation is required to appear in person at every hearing regarding these proceedings and may be required to produce for examination books and records of the licensee.

Dated at Chicago, Illinois
January 18, 2019

Respectfully Submitted,

Edward N. Siskel
Corporation Counsel, City of Chicago

By: 
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PROOF OF SERVICE BY MAIL

I, Megan E. Stiarwalt, an attorney, certify that I served a copy of the within Notice of Hearing by mailing it to the licensee at the above addresses and depositing the same in the U.S. mail at 30 N. LaSalle Street, Chicago, Illinois 60602, with proper postage prepaid, on or before 5:00 p.m., on January 18, 2019.


Megan E. Stiarwalt