

**JOURNAL OF THE PROCEEDING OF THE
SPECIAL CITY COUNCIL MEETING
JANUARY 24, 2023**

1) **Call to Order**

The Regular Meeting of the City Council of the City of Blue Island was called to order by Mayor Bilotto at 6:30 p.m. on January 24, 2023.

2) **Pledge of Allegiance**

3) **Roll Call**

Roll Call indicates the following:

Present:	6	Johnson, Fahrenwald, Montoya, McGee, Carr, Roll
Absent:	1	Rita
Present Also:		Raeann Cantelo-Zylman, City Clerk

4) **Public Comment**

None.

5) **Raven's Place, LLC Business License Appeal Hearing**

Below is a summary of the hearing relating to this business licensure revocation, not a verbatim transcription of the same. The hearing was video-recorded and can be located on YouTube.

Mayor:

Aldermen, has everyone had an opportunity to review the record of proceedings from the hearing relating to Raven's Place LLC that happened on 1/6/23, my findings, decisions, and orders entered after that hearing, the City Code relating to business licensure revocation appeal procedures, and the Licensee's Appeal Statement, all which were distributed to you on 1/19/23?

Aldermen:

Yes

Mayor:

At this time, is there anything additional Mr. Thomas or Ms. Ryan, Raven's Place's attorney, would like to say to the City Council in regard to this appeal? If so, I ask that you keep your argument to ten minutes, given the lengthy appeal statement already provided to and reviewed by the Aldermen. If needed, you can also have 5 minutes for rebuttal argument.

Ms. Heather Ryan:

Mr. Raymond Thomas would like to read a statement first.

Mr. Raymond Thomas:

Good evening. Ravens Place has been operating in Blue Island since 2011. Since that time multiple administrations have come and gone and Raven's has had a good relationship with the City. There were no issues with Raven's Place until COVID. In 2013, we purchased the building. In 2019, we purchased the remainder of the block.

We are left wondering where our relationship with the City went south and how we got here. We have supported the community and current administration with fundraising and donations to maintain our friendly and open relationship.

In May 2021, when this administration took office there was an initial agreement signed when an incident occurred. At that time, I told Mayor Bilotto, City Administrator Tom Wogan, and Chief Farr how the Agreement was unfair and restricting my business in a negative way. A year and six months went by with no incidents at my business in Blue Island.

On September 17th 2022 there was an incident that occurred in a municipal lot. The administration wanted to place additional restrictions on Raven's Place that would cripple the business. In the same year, there were multiple shootings in venues within Blue Island where people were injured and killed, yet our agreement contained much harsher and restrictive penalties than the agreements with those the other establishments. We questioned the good will and relationship with the City and decided not to enter into another agreement with the current administration.

The Liquor Commissioner revoked our liquor license for an incident that did not happen on our property and was not provoked by anything that happened inside of our venue. As a matter of fact, the Vault was closed when this incident occurred. This incident occurred on municipal property and our security detail tried to defend the patrons that were on the sidewalk parallel to Raven's Place as gunfire was being fired back at Raven's Place. This incident was very unfortunate, and I wish it never happened.

We as an organization decided to appeal the Local Liquor Commissioner's findings with the State Liquor Commission. We were allowed to reopen during the appeal. Fast forward to Friday, December 30, 2022 at 5:54 pm, we received a letter from the Assistant City

Administrator that stated our liquor license was being rejected due to us not providing documents and the current information on our liquor license. The letter stated we need to close our business at 11:59 on December 30th.

To our surprise, there was an incident that occurred again on a municipal lot at 12:02 am on January 1st. There was a person that allegedly left our business and fired a weapon in the air on the municipal parking lot behind the double bar. No one came out to investigate. We found out on January 3rd that our business license was potentially being revoked and our liquor license was being revoked again.

The complete lack of transparency, unwillingness to communicate and tactics used to closed the business shows the administration does not value our relationship that was built over the decades. We ask the City Council to reverse the revocation of the business license and allow the State Liquor Commission to make a decision regarding the liquor license revocation.

Ms. Heather Ryan:

We are requesting a review of the Mayor's decision. We had a hearing on January 6th and both oral and documentary evidence was presented. Detective Bailey testified, Chief Farr testified, Deputy City Administrator Mark Patoska testified and so did Ray Thomas. At the end of all the evidence, the Mayor issued a decision revoking the business and liquor licenses of Raven's Place.

We are here to appeal to because you are the appellate body – you are the checks and balances of government for the overreaching of the Mayor in this circumstance. The Mayor has overreached in this case. The law is clear that you must overturn revocation when the facts do not support the findings. If you find that the evidence does not support the findings in the order of revocation in the manifest weight of the evidence, the order can not be upheld. Why should it be reversed? There are three main categories and the law requires that the evidence support the findings. In this circumstance, the findings were against the manifest weight of the evidence. Further, the mitigating evidence does not support a revocation. Finally, the City denied licensee the right to due process in various ways and the law requires due process.

How did the evidence not support the order? Much of what was presented was hearsay evidence and the law requires that hearsay evidence be excluded if it is not warranted or is not relied upon in the regular course of business. Much of the evidence that was presented was evidence based on hearsay testimony from an arrestee that evening that shot her weapon. Much of the evidence was given based on the arrestee information and knowledge of ages. That is unreliable hearsay evidence that can not be considered.

Specifically, the City failed to prove that Raven's Place was a commercial establishment located within the City that impacted the physical and economic well being of the City and necessitates services from the City in the form of fire, health, and other services.

The evidence City presented indicates a person shot her gun into the air at 12:02 am in a municipal parking lot located behind Double Play Saloon. There was no evidence that any criminal act occurred on the licensee's premises or parking lot. There was zero evidence that Ravens created or failed to abate any conduct that impacted the social or physical well being of the City. There is no evidence the licensee requested City assistance. Just because the police responded to this incident, must not be attributed to the licensee.

There was no investigation into any of the establishments that the arrestee visited that evening. The City relies on a police interrogation, again a hearsay video, where arrestee reports to have been at the Vault that evening. However, there was no independent corroboration that the arrestee was at the Vault that evening. There is surveillance video, id scanners, and things that could have been pulled to corroborate this; but it was not. The licensee can not be required to follow every patron out to their vehicles when they leave the establishment to ensure there are no firearms in their vehicles. The arrestee did have a FOID card and was exercising her constitutional rights that evening, albeit stupidly discharging it, which is not the Vault of the licensee. Nothing unlawful occurred at the Vault or Raven's Place or its parking lot.

The City is inappropriately shifting the burden of policing on the licensee. The City failed to prove the conduct of the licensee constituted a nuisance as defined in Chapter 95 and Chapter 110 of the City Code. There is no evidence that the licensee operated as a nuisance property and the City wants to unfairly place blame on the licensee for unfortunate events that occurred on municipal property.

There is no evidence that the licensee conducted or operated his business in such a manner to be dangerous to the life of residents or detrimental to the health of the public. In fact, quite the opposite. There has been much mitigation on behalf of Raven's Place that should be considered. The licensee on the evening of 12.31.22 employed no less than 15 security guards for the roughly 600 people that visited their establishments that evening. That number of security proves why there were no issues on Raven's premises that evening. The Mayor failed to consider that the licensee was in full compliance with the May 2021 security agreement in the early morning hours of 12.1.23. There is no evidence of a violation of state local or federal law. All the evidence the City relied upon was hearsay evidence from an arrestee who claims she came from the Vault and was with an individual under the age of 25. This was never independently corroborated. The 21-year-old wasn't asked for her id.

Further the May 2021 Agreement indicates that licensee is committed to working with the community to make sure the community remains safe. Based on Licensee's actions, the revocation order is overly harsh and must be overturned. The City's over-zealous prosecution of this matter is non-sensical and raises serious questions regarding over-reach. There is no dispute that the patrons of Ravens are predominately black citizens. The City appears to have selectively targeted the licensee and repeatedly fails to hold other establishments accountable even though those establishments are located adjacent to this municipal parking lot.

Further, licensee's due process rights were violated because there was not a fair and impartial hearing and there is evidence in the transcripts of the same. The City Council should reverse the revocation on the independent ground that there was an impartial hearing officer. The Mayor continually blurted out information on the record without licensee having an opportunity to cross-examine him on his statements. This violates Administrative Rule Code Section 1040 under rules of evidence. The Mayor injected himself as a witness and provided testimony on the record. Asking the Mayor to judge the City's employees, witnesses, and evidence and then make a ruling independent of the desires of the City, belies the basic principles of the constitution and the right to due process. The Illinois State Bar Association stated, "no man who has a personal interest in the subject matter of the decision can sit in judgment of the case." But that is exactly what happened here, which is why we are appealing to City Council.

We also ask you to take into consideration the discipline and unfair treatment of the licensee when comparing it to other incidents at Harry's Long Bar and Burr Oak Bowl. The agreements with those bars were much different. Licensee employs armed security guards who patrol licensee and adjacent properties and installed Flock cameras. It is a safe environment because of the strict standards and safety protocols that Mr. Thomas adheres to. So for the reasons stated we ask that the decision of the Mayor be overturned because the evidence did not match the findings of facts, the order failed to consider mitigating evidence, and the City denied Mr. Thomas a fair and impartial hearing.

Mayor:

Alderman, do you have any questions for Raven's Place or their attorney?

Aldermen:

No questions.

Mayor:

Ms. Blake is there anything the City prosecution would like to say to City Council?

Ms. Blake:

Yes. Good evening. The law cited by Ms. Ryan is not entirely correct. The law you are being asked to follow is based on City Code, Chapter 110. One instance of Ms. Ryan being incorrect relates to hearsay evidence. Pursuant to City Code, which has never been held invalid by the Supreme Court, and are very similar to other municipal procedures – hearsay evidence is admissible in administrative hearings. Chapter 110 states that specifically. So I am asking that you do not take everything Ms. Ryan stated was the law as true and instead to review the City Code.

Pursuant to Section 110.5 of the City Code, the order of the Mayor in relation to Ravens business license shall not be reversed by the City Council unless it was demonstrated by

clear and convincing evidence that the previous ruling by the Mayor was invalid because it was made on unreasonable grounds or was unsupported by the evidence.

The lengthy record of the proceedings that was provided to you for review speaks for itself. There is nothing stated in Raven's appeal statement nor stated today by Ms. Ryan or Mr. Thomas that indicates that the Mayor's decision to revoke the business license was insufficient or unreasonable or unsupported by the evidence. There was plenty of evidence provided during that lengthy proceeding for the Mayor to have ruled in the manner he did – which was to revoke this business license.

There has been no selective prosecution, no discrimination, and Ravens was provided with a fair hearing and awarded all the due process that was required to be given to them based on the City Code.

The Mayor made the decision to revoke the business licensure as he stated in his findings and decisions, which were also reviewed by you. He found based on the evidence presented during the hearing, that the business is a nuisance to the City. There was also evidence that the business was a clear and present danger to the public safety of the residents of Blue Island. There was also evidence that the business violated its safety plan on more than one occasion. Based on that evidence, the business repeatedly failed to comply with City ordinances. All of these reasons and every additional reasons stated in the Mayor's findings, decision, and order was supported by the evidence and does provide reasonable grounds for the Mayor to have revoked the business licensure.

Therefore, the City Council should deny the appeal and uphold the Mayor's decision to revoke Raven's business licensure.

Mayor:

Ms. Ryan, rebuttal.

Ms. Ryan:

I know you all have the appeal and the case I cited, *Cochrans of Champaign v. State Liquor Control Commission* regarding the law relating to hearsay. In this case, the administrative hearing dealt with ages of the people who were under 21 and that case was overturned at the local level because the local level allowed inadmissible hearsay evidence. Id ask that you review that case, which I attached as an exhibit, so you can see my statements are accurate.

It is very easy for the City to come here and say he violated the law and violated the agreements; but they never say how. I come back to the fact that the violence never occurred on Raven's property. It happens on municipal lots. It is unfortunate. Mr. Thomas has had no problems until 2020. As you see in the news, the climate has been violent since 2020 and unfortunately it is a real thing in your City too. But that is a police issue. You cannot expect Mr. Thomas to follow each and every alleged patron of the establishment to

their vehicles to make sure that someone doesn't make a stupid mistake. How far does Mr. Thomas have to follow a patron out of the City to not be blamed for gunfire incidents or any other unlawful incidents? Does he have to follow them up to the gas station to make sure that nothing happens? Because the way that the City is blaming Mr. Thomas and Ravens seems to be that way. If you happen to be a black individual with a gun that is discharged within City confines and they happen to mention at any point in time that they were at Ravens the Licensee will be punished for that and that is not fair. He is required to keep his premises and parking lot safe, and he does that. You will not find any incidents of gunfire on Raven's premises. I ask that you consider that, the mitigating circumstances and all the safety protocols in place when making your decision, and that you reverse the order of revocation.

6. Executive Session

Adjourn to Executive Session pursuant to 5 ILCS 120/2(c)(11) to discuss litigation that has been filed and is pending before a court or an administrative tribunal and actions of probable or imminent litigation and 5 ILCS 120/2(c)(4) to discuss evidence presented in open hearing to a quasi-adjudicative body, as defined in the Act.

Motion by Alderman Roll, second by Alderman Fahrenwald to go into Executive Session.

Ayes:	6	Johnson, Fahrenwald, Montoya, McGee, Carr, Roll
Nays:	0	
Absent:	1	Rita
Abstention:	0	

There being six (6) Affirmative Votes, the Mayor declared the motion carried.

7. Motion to Reconvene Regular Session

Motion by Alderman Roll, second by Alderman Fahrenwald to resume regular meeting.

Ayes:	6	Johnson, Fahrenwald, Montoya, McGee, Carr, Roll
Nays:	0	
Absent:	1	Rita
Abstention:	0	

There being six (6) Affirmative Votes, the Mayor declared the motion carried.

8. **Motion for City Council Decision on Raven's Place, LLC Business License Appeal.**

Motion by Alderman Fahrenwald, second by Alderman Roll to deny the appeal and affirm the Mayor's decision to revoke the business licensure.

Ayes: 6 Johnson, Fahrenwald, Montoya, McGee, Carr, Roll

Nays: 0

Absent: 1 Rita

Abstention: 0

There being six (6) Affirmative Votes, the Mayor declared the motion carried

9. **Motion for Adjournment.**

Motion by Alderman Fahrenwald, second by Alderman Roll to adjourn the regular meeting.

Ayes: 6 Johnson, Fahrenwald, Montoya, McGee, Carr, Roll

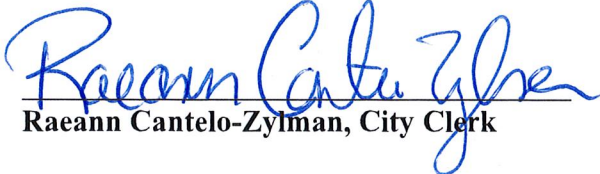
Nays: 0

Absent: 1 Rita

Abstention: 0

There being six (6) Affirmative Votes, the Mayor declared the motion carried.

The next regular meeting of the City Council is scheduled January 24, 2023 at 7:00 pm.


Raeann Cantelo-Zylman, City Clerk

**APPROVED BY ME THIS
14TH DAY OF MARCH 2023**



Fred Bilotto, Mayor