

VILLAGE OF OAK PARK, COOK COUNTY, ILLINOIS

In re:)
)
AUSTIN PANTRY,) No. 2017-09
)
)
Respondent.)

**ORDER OF CLOSURE OF BUSINESS, SUSPENSION OF BUSINESS LICENSE
AND SETTING OF HEARING**

NOW COMES the Village of Oak Park, by Village Manager Cara Pavlicek, pursuant to Section 8-1-14(A) of the Oak Park Village Code, and enters an ORDER OF CLOSURE OF THE BUSINESS upon Austin Pantry ("Respondent"), located at 1 Chicago Avenue, Oak Park, Illinois ("Premises") effective August 31, 2017 at 5:00 p.m. Pursuant to Section 8-1-14(A), the Village Manager makes the following findings and Order:

1. A Village business license is necessary for the Respondent to operate a convenience store business at the Premises pursuant to Section 8-1-1 of the Oak Park Village Code.

2. A Village business license was issued to the Respondent to operate a business at the Premises on June 12, 2017 pursuant to Village license number 201701960.

3. Section 8-1-14(A) of the Village Code provides as follows:

8-1-14: SUSPENSION AND REVOCATION OF LICENSE:

When the conduct or operation of any business or establishment, whether or not licensed, shall constitute a nuisance or a clear and present danger to the public health, safety or general welfare, the Village Manger shall have the authority to summarily order the cessation of business and the closing of the premises, and the suspension of any valid license or permit for a period not to exceed ten (10) days.

4. On August 30, 2017, Respondent's manager and employee, Edgar Lucas, was arrested by the Oak Park Police Department on seventeen (17) felony counts from the Illinois Controlled Substances Act, 720 ILCS 570/401, 720 ILCS 570/402 and 720 ILCS 570/407. Said counts are as follows:

1. Unlawful Delivery of a Controlled Substance (heroin) on July 11, 2017;

2. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a Church on July 11, 2017;
3. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a School on July 11, 2017;
4. Unlawful Delivery of a Controlled Substance (heroin) on August 7, 2017;
5. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a Church on August 7, 2017;
6. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a School on August 7, 2017;
7. Unlawful Delivery of a Controlled Substance (heroin) on August 17, 2017;
8. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a Church on August 17, 2017;
9. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a School on August 17, 2017;
10. Unlawful Delivery of a Controlled Substance (heroin) on August 22, 2017;
11. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a Church on August 22, 2017;
12. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a School on August 22, 2017;
13. Unlawful Delivery of a Controlled Substance (heroin) on August 29, 2017;
14. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a Church on August 29, 2017;
15. Unlawful Delivery of a Controlled Substance (heroin) within 1000 Feet of a School on August 29, 2017;
16. Unlawful Possession of a Controlled Substance (heroin) with Intent to Deliver on August 30, 2017; and

17. Unlawful Possession of a Controlled Substance (heroin) on August 30, 2017.

5. Pursuant to said counts as set forth in Section 4 above, Respondent's manager and employee, Edgar Lucas, sold illegal narcotics (heroin) on said dates at the Premises.

6. Section 16-1-1 of the Village Code provides as follows:

16-1-1: NUISANCE DEFINED:

It shall constitute a nuisance to commit any offence which is in fact a nuisance or which is a nuisance according to the common law, or which is made such by any ordinance of the Village or the Statutes of this State, and shall include any act, occupation or use of property or premises or equipment, or structure of any kind which:

A. Shall annoy, injure or endanger the safety or health of the public.

* * * *

7. Section 16-1-6 of the Village Code provides as follows:

16-1-6: REPEATED VIOLATIONS OF THE LAW:

The repeated violation of any of the provisions of the ordinances of the Village of Oak Park, the statutes of the state of Illinois or the United States Code or regulations adopted thereunder, is declared a nuisance and subject to abatement as provided herein.

8. Section 406.1 of the Illinois Controlled Substances Act provides as follows:

(a) Any person who controls any building and who performs the following act commits the offense of permitting unlawful use of a building:

Knowingly grants, permits or makes the building available for use for the purpose of unlawfully manufacturing or delivering a controlled substance other than methamphetamine.

(b) Permitting unlawful use of a building is Class 4 felony.

720 ILCS 570/406.1

9. Section 8-1-14(C) of the Village Code provides as follows:

8-1-14: SUSPENSION AND REVOCATION OF LICENSE:

Licenses issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village Manager after notice and hearing as provided in subsections 8-1-14(D) and (E) of this section for any of the following causes:

* * * *

C. Licenses issued under the ordinances of the Village, unless otherwise provided, may be revoked by the Village Manager after notice and hearing as provided in subsections 8-1-14D and E of this section for any of the following causes:

* * * *

2. Any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permits, or the premises occupied.

* * * *

10. Respondent's continued operation as a business in the Village constitutes a nuisance and a clear and present danger to the public health, safety and general welfare pursuant to Sections 8-1-14(A) and (C), 16-1-1 and 16-1-6 of the Village Code and Section 406.1(a), 720 ILCS 570/406.1(a), of the Illinois Controlled Substances Act, as the Respondent's manager and employee was engaged in the sale and distribution of illegal narcotics (heroin) at the Premises.

11. Further, there have been repeated violations of the law pursuant to Section 16-1-16 of the Village Code at the Premises and therefore, the Premises are a nuisance and a clear and present danger to the public health, safety and general welfare.

THEREFORE, pursuant to said findings, it is hereby ordered as follows:

1. Respondent's Premises at 1 Chicago Avenue, Oak Park, Illinois is ORDERED closed on August 31, 2017 at 5:00 p.m., and any person acting as an employee of the business is ORDERED to cease doing any business at the Premises.
2. Village business license number 201701960 issued to Respondent is hereby suspended for ten (10) days through September 10, 2017 at 11:59 p.m.

3. A hearing for the purposes of determining whether the business license shall be permanently revoked is set on September 7, 2017 at 11:00 a.m. before Village Manager Cara Pavlicek Room 124 at Oak Park Village Hall, 123 Madison Street, Oak Park, Illinois.
4. The Village of Oak Park Police Department is hereby authorized to enforce all provisions of this Order, including, but not limited to the posting of a sign at the Premises which provides, "POLICE ORDER BUSINESS CLOSED."



Cara Pavlicek, Village Manager

Order Entered on August 31, 2017

Order prepared by: Paul L. Stephanides, Village Attorney, Village of Oak Park, 123 Madison Street Oak Park, Illinois 60302 (708) 358-5660