



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

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FILE NO. S-621

LIQUOR:

Eligibility of county board member
to hold such office while engaged
in distribution of liquor

Honorable A. Randolph Comba
State's Attorney
Bureau County
Courthouse
Princeton, Illinois

Dear Mr. Comba:

I have your recent letter wherein you state:

"As State's Attorney of Bureau County, I am
requesting an official opinion from you as
Attorney General of the State of Illinois,
on the following:

A member of the County Board in my county
is an employee of a corporation engaged in
distributing beer and wines. The question
has arisen as to whether or not Section 120
of the Dram Shop Act, entitled 'Persons

ineligible to license', Paragraphs 10 and 14 therein, proscribe and prohibit an employee of a beer and wine distributing corporation from holding such a position, or does this section only apply to determine what individuals, both actual and legal, in the case of a corporation, shall be issued licenses by the State Liquor Commission or the Local Liquor Commission?"

Subsection (14) of section 2 of Article VI of "An Act relating to alcoholic liquors," (Ill. Rev. Stat. 1971, ch. 43, par. 120) provides:

"No license of any kind issued by the State Commission or any local commission shall be issued to:

* * * *

(14) Any law enforcing public official, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;

* * * *

In Stiska v. City of Chicago, 405 Ill. 374 it was held that the plain meaning of the language used by the General Assembly is the safest guide to follow in construing

a statute. Likewise, in People v. Shader, 326 Ill. 145 the court said that statutes should be read according to the natural import of language, without resort to subtle or forced constructions.

The language of the foregoing statute is clear. The first portion of the subsection in question describes certain officials who are not eligible for a liquor license. The latter portion of the subsection does not describe officials ineligible for a liquor license but rather prohibits such officials from being directly or indirectly interested in the manufacture, sale, or distribution of alcoholic liquor. It thus prohibits a member of the county board from also being an employee of a corporation engaged in distributing beer and wines. Since the thrust of this subsection is directed against the officials mentioned therein, and since there is no statutory language prohibiting liquor licensees from employing these officials, action would most properly be taken against the member of the county board employed by the liquor licensee rather than against the liquor licensee. That such action can be taken was made clear in Bock v. Long, 3 Ill. App. 3d 691, a case which also construed the subsection

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in question herein. In that case, the Appellate Court affirmed the decision of the Board of Fire and Police Commissioners of the City of Hickory Hills to discharge a police captain whose wife was a licensed dramshop proprietor, and said at page 694 in reference to the section construed herein:

"The prohibitions of that section would be rendered virtually meaningless if the courts failed to recognize as evidence of the prohibited interest a marriage relationship between a dramshop licensee and a person described in that section."

In conclusion, I am of the opinion that an employee of a liquor distributing company would be either directly or indirectly interested in the sale or distribution of alcoholic liquor and could not, therefore, hold a position on the county board at the same time. The same conclusion was reached in an analogous case by my predecessor in Opinion No. UP-598 which was issued on February 9, 1961.

Very truly yours,

A T T O R N E Y G E N E R A L