2026 IL App (1st) 262241-U

No. 1-26-2241

Order filed November 17, 2026

NOTICE: This order was filed under Illinois Supreme Court Rule 23(b) and is not precedential except in the limited circumstances allowed under Rule 23(e)(1).

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT, SIXTH DIVISION

PABLO'S CAFÉ AND BAR LLC, Plaintiff-Appellant,

v.

THE VILLAGE OF DOLTON, Defendant-Appellee

Appeal from the Circuit Court of Cook County.
Honorable Lynn Weaver Boyd, Judge, Presiding.
No. 26 CH 10047

JUSTICE EVANS delivered the judgment of the court.
Presiding Justice Gamrath and Justice Hyman concurred in the judgment.

ORDER

¶ 1 *Held*: The circuit court did not abuse its discretion in denying plaintiff's request for a stay to continue operating its business pending judicial review of an administrative decision upholding police chief's summary closure order.

¶ 2 Pablo's Café and Bar LLC (Pablo's) appeals the circuit court's denial of its "Emergency Motion to Stay Administrative Decision and Summary Closure Pending Judicial Review" (Emergency Motion). For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 Pablo's operates a restaurant and bar located in the Village of Dolton, Illinois (the Village) under a Village-issued liquor license.

¶ 5 Dolton Police Chief Jeffrey Chapman drove to Pablo's after receiving a report from an officer that he was writing citations for illegally parked vehicles around 1 a.m. on August 22, 2026. Upon arrival, Chief Chapman found a crowd of over 50 people congregating in the parking lot. Many were drinking alcohol or smoking marijuana. A barbecue grill was being operated from a trailer. Several vehicles were parked in the fire lane, or other unmarked areas, preventing passage.

¶ 6 Chief Chapman sought Pablo's proprietor, George Mseeh, but was inhibited by a bottleneck at the entrance. A line of people awaited entry, while the security guards allowed about 30 people to exit. Once Chief Chapman entered, he gestured to Mseeh to come outside where they could speak away from the loud music inside.

¶ 7 Chief Chapman explained that the activity was a nuisance and advised him to close for the night. He then placed a sticker on the door stating the business was closed by order of the Chief of Police.

¶ 8 On August 27, Chief Chapman issued a letter notifying Pablo's that its business license was suspended. The letter stated that the Chief determined suspension was necessary to protect public safety based on a documented history of incidents. These included numerous calls for police responses, ordinance violations, and Pablo's failure to take adequate corrective actions. Pablo's was ordered to cease business operations.

¶ 9 Chief Chapman issued a second letter on September 2, captioned Notice of Summary Closure, citing authority to order such a closure under section 110.032 of the Village of Dolton, Illinois Code of Ordinances (Dolton Code) (amended May 4, 2026).[1] The letter asserted that a public safety threat related to Pablo's existed. That is, within the preceding six months, violent offenses occurred at Pablo's during operating hours, which involved acts of employees or patrons,

[1]See Dolton, Illinois Code of Ordinances at https://codelibrary.amlegal.com/codes/doltonil/latest/dolton_il/0-0-0-5 (last visited November 13, 2026).

and that the Chief had determined continued operation presents a danger to the public. The letter also notified Pablo's of its right to request a probable cause hearing under section 110.034 of the Dolton Code to determine whether a public safety threat occurred and the closure should remain in effect.

¶ 10 Pablo's requested a probable cause hearing, which took place on September 24. Chief Chapman testified to the events of August 22 leading to his decision to order a summary closure. He also testified about his review of police reports related to Pablo's over the prior 13 months. From that review, he compiled a list of incidents, which he grouped by the categories of: (1) firearm incidents, (2) threats, (3) aggression, (4) fights, (5) batteries, (6) crowd dynamics, (7) property damage, (8) altercations, and (9) disturbances.

¶ 11 Among those incidents, Dolton police officers responded to a call on February 18, 2026, when they discovered a person bleeding from the face who reported that he was shot while smoking just outside of Pablo's.

¶ 12 In an April 26, 2026, incident, a person reported that Pablo's security guards fired gunshots at them.

¶ 13 In a February 28, 2026, incident, patrons inside Pablo's got into a physical altercation resulting in multiple batteries.

¶ 14 Chief Chapman explained that he determined Pablo's to be a public safety threat and decided to issue the summary closure based on the numerous public safety related incidents.

¶ 15 Following the hearing, the hearing officer issued a written "Statement Regarding Summary Suspension" on October 13. The hearing officer found that "the documented public safety concerns, including crowd control, traffic congestion, and security issues, support the Village's

decision to impose a summary suspension of Pablo's." For those reasons, the hearing officer found the suspension should remain in effect.

¶ 16 Pablo's filed a complaint in the circuit court seeking a common-law writ of *certiorari* to challenge the hearing officer's administrative decision. Thereafter, Pablo's filed its Emergency Motion, requesting the circuit court to stay the administrative decision and summary closure. To support its Emergency Motion, Pablo's asserted arguments in accordance with the elements required for a temporary restraining order (TRO) or preliminary injunction. The Village filed a response opposing the Emergency Motion and Pablo's filed a reply.

¶ 17 The circuit court denied the Emergency Motion by written order, finding Pablo's had failed to make the requisite showings of likelihood of success on the merits, irreparable harm, lack of adequate remedies at law, or that the balance of equities was in its favor. The circuit court also found that the summary closure began on August 22.

¶ 18 Two days later, Pablo's filed a brief in this court challenging the circuit court's decision, along with a supporting record and notice of interlocutory appeal. On our own motion, we deemed Pablo's brief a timely Petition for Interlocutory Appeal under Illinois Supreme Court Rule 307(d) (eff. Nov. 1, 2017). The Village filed an opposing brief.

¶ 19 II. ANALYSIS

¶ 20 A pleading seeking to stay an administrative order is injunctive in nature and the circuit court's decision is appealable under Illinois Supreme Court Rule 307 (eff. Nov. 1, 2017). *Marsh v. Illinois Racing Board*, 179 Ill. 2d 488, 496-97 (1997); *Cholipski v. Bovis Lend Lease, Inc.*, 2014 IL App (1st) 132842, ¶ 31.

¶ 21 The party seeking the stay of an administrative order bears the burden of proving adequate justification for the relief sought. *Parikh v. Division of Professional Regulation of Department of*

Financial & Professional Regulation, 2012 IL App (1st) 121226, ¶ 24. Our review of the circuit court's decision to grant or deny the stay is highly deferential. *Id*. We will reverse only upon the finding an abuse of discretion. *Id*.

¶ 22 It is unclear whether a party seeking to stay an administrative order must satisfy the elements required for a TRO or preliminary injunction. Nevertheless, Pablo's framed its motion in accordance with those elements, the Village responded likewise, and the circuit court issued its decision in such terms.

¶ 23 The party seeking such relief must demonstrate (1) a clearly ascertained right in need of protection, (2) irreparable injury in the absence of an injunction, (3) no adequate remedy at law exists, and (4) likelihood of success on the merits of the case. *Mohanty v. St. John Heart Clinic, S.C.*, 225 Ill. 2d 52, 62 (2006). The plaintiff must raise a " 'fair question' " that each of these elements is satisfied. *Makindu v. Illinois High School Ass'n*, 2015 IL App (2d) 141201, ¶ 31.

¶ 24 Regarding the merits of the case, Pablo's primary contention is that the Village failed to allege and prove that a public safety threat occurred as required for a summary closure under the Dolton Code. We disagree.

¶ 25 Under the Dolton Code, a public safety threat is:

> "The occurrence of all of the following:
>
> (1) A violent offense occurs at an establishment during the establishment's operating hours [violent offense element];
>
> (2) The violent offense involves acts of the licensee/owner, or its employees, agents or patrons, or otherwise involves circumstances having a nexus to the operation of the establishment [nexus element]; and

(3) The Chief of Police reasonably determines, based on data or information in the Chief of Police's possession, that continued operation of the establishment presents a danger to the public [determination element]." Dolton Code § 110.030.

"Violent offense" means: "The illegal discharge of a firearm; the killing of a human being by another; aggravated assault or aggravated battery; criminal sexual assault; or any other conduct that causes a person to suffer unconsciousness, severe bruising, severe bleeding, disability or disfigurement." *Id*. For purposes of a public safety threat, an "establishment" includes both is premises and "adjacent property." *Id.*

¶ 26 At a probable cause hearing, the formal or technical rules of evidence do not apply. *Id*. § 110.036. Rather, the hearing officer may consider "any evidence on which a reasonably prudent person would rely." *Id*. Such evidence may include relevant "written official reports, affidavits and other business records submitted by police officers or other authorized village officials or village employees." *Id*. Ultimately, the hearing officer determines, by a preponderance of evidence, whether a public safety threat occurred. *Id*. § 110.034.

¶ 27 Based on the Dolton Code and the record before us, we find that Pablo's has not raised a fair question as to its likelihood of success on the merits. For the hearing officer to find that a public safety threat occurred, the Village had to show by a preponderance of evidence the three elements defining a "public safety threat" under the Dolton Code. The Village elicited competent evidence of at least three violent offenses with a nexus to Pablo's at the hearing: the February 18 shooting of a patron smoking just outside of Pablo's, the April 26 report of Pablo's security guards firing shots at people, and the February 28 fight resulting in batteries to multiple people.

¶ 28 The February 18 shooting constitutes an aggravated battery under Illinois law, as it involved the discharge of a firearm causing injury to another person. 720 ILCS 5/12-3.05(e)(1)

(West 2024)). The April 26 shooting by Pablo's security guards constitutes an aggravated assault, as firearms were discharged, which placed another in reasonable apprehension of receiving a battery. 720 ILCS 5/12-1(a) (West 2024); 720 ILCS 5/12-2(c)(2) (West 2024). And the February 28 batteries constituted aggravated batteries, as they occurred in a public place of accommodation or amusement. 720 ILCS 5/12-2(a) (West 2024); *People v. Whitehead*, 2023 IL 128051, ¶ 21 ("a 'public place of accommodation or amusement' is a place for the use of the general public that is supplied for convenience, to satisfy a need, or to provide pleasure or entertainment.").

¶ 29 So, contrary to Pablo's contention, the Village made a sufficient showing of a violent offense having occurred with a nexus to Pablo's. This is all the Dolton Code requires for a hearing officer to order that an establishment remain closed. While Chief Chapman's notices and the hearing officer's decision did not specify a particular violent offense, the Dolton Code does not require that notices or decisions do so.

¶ 30 Pablo's further complains that the failure to specify a violent offense renders the circuit court's designation of August 22 as the commencement of the summary closure arbitrary. We disagree.

¶ 31 A summary closure may remain in effect for six months from the date on which a public safety threat occurred. Dolton Code § 110.032(A). As the term is defined, the occurrence of a public safety threat does not necessarily coincide with the occurrence of a violent offense. Rather, a public safety threat occurs upon *all* three elements: a violent offense, a nexus to the establishment, and the Chief of Police's reasonable determination that "continued operation of the establishment presents a danger to the public." *Id*. § 110.030. Because Chief Chapman placed a sticker on Pablo's door stating the business was closed on August 22, the circuit court reasonably

found August 22 to be the date on which Chief Chapman made his determination and thus, the date on which the public safety threat occurred.

¶ 32 After briefing, the Village filed a motion, citing the duty to take remedial measures for offering materially false evidence under Rule 3.3(a)(3) of the Illinois Rules of Professional Conduct (2010) (eff. Jan. 1, 2010). The motion indicated the Village would submit video evidence concerning an August 15 incident that was discussed at the administrative hearing. The Village, however, disclaims that (1) any false testimony was given, (2) the video contradicts any testimony, and (3) the video is material to the probable cause hearing.

¶ 33 We find the Village's motion highly unusual and self-contradicting. Instead of taking remedial measures to disclose that materially false evidence was offered, the Village's disclaimers suggest it did not occur and such measures are not necessary. Further confounding the matter, the Village failed to offer specifics, leaving us to guess about the significance of the video.

¶ 34 The Village requested that we make a finding that it complied with Rule 3.3(a)(3). We decline to make such a finding due to the Village's insufficient explanation. We deemed the motion a request to supplement the record with the video.

¶ 35 Pablo's objects to our consideration of the video, as it was not before the hearing officer. As of the date of this order, we have not received the video evidence. Accordingly, our consideration of this matter excluded all evidence of the August 15 incident. Should this matter be relevant to the proceedings, it may be raised before the circuit court.

¶ 36 In sum, we find that Pablo's failed to raise a fair question as to its likelihood of success on the merits. Because the party seeking a TRO or preliminary injunction bears the burden on all elements, we need not consider the parties' contentions as to the other elements.

¶ 37 III. CONCLUSION

¶ 38 Based on the foregoing, we find the circuit court did not abuse its discretion in denying Pablo's Emergency Motion seeking a stay of the administrative order and affirm.

¶ 39 Affirmed.