

§ 177.07 LICENSE SUSPENSION OR REVOCATION.

(A) License suspension. ~~A Every~~ license issued under this chapter is subject to suspension for 30 days ~~or revocation~~ should the licensee, directly or indirectly through its employee or agent, permit the sale of a tobacco product, electronic cigarette, or alternative nicotine product to persons under 21 years of age, ~~or to~~ permit the display for sale of any tobacco product, electronic cigarette, or alternative nicotine product contrary to the provisions of this chapter. Upon determining that one or more grounds for suspension ~~or revocation~~ exist, ~~the license may be suspended for 30 days or revoked by the~~ Health Officer, shall provide after written notice to the licensee at the address set forth in the licensee's application, ~~which notice shall specify~~ing the ordinance violation(s) with which the licensee is charged, and stating the intent to suspend the license for 30 days. If the licensee does not request a hearing before the Board of Health Hearings Committee in accordance with §§ 176.15 through 176.17 and this section within 10 business days of the date of the notice, the suspension will be considered final and the Health Officer shall provide written instructions to the licensee for complying with the suspension. ~~if after a hearing the licensee is found to have committed, directly or indirectly, the offense.~~

(B) License revocation. ~~A license is subject to revocation for receiving more than one suspension for violating this chapter within a two-year period. Upon determining that grounds for revocation exist, the Health Officer shall provide written notice to the licensee at the address set forth in the licensee's application, specifying the ordinance violation(s) with which the licensee is charged and stating the reasons for the revocation and the intent to revoke the license. If the licensee does not request a hearing before the Board of Health Hearings Committee in accordance with §§ 176.15 through 176.17 and this section within 10 business days of the date of the notice, the revocation will be considered final and the Health Officer shall provide written instructions to the licensee for complying with the revocation. Any licensee who is subject of a revocation shall be ineligible to apply for or obtain a tobacco retailer's license for a period of one year from the date of license revocation.~~

~~The hearing shall be conducted before the Health Officer. The licensee and his or her attorney may present and submit evidence to his or her defense and any other persons may submit evidence to sustain such grounds. Within 15 days after the close of the hearing, the Health Officer shall, having considered the record made at the hearing, render a decision in writing, setting forth the reasons for the decision. The action taken by the Health Officer shall be final and shall be subject to judicial review. Any licensee who is subject of a revocation shall be ineligible to apply for or obtain a tobacco retailer's license for a period of one year from the date of license revocation.~~

(C) Board of Health hearing request. ~~When a licensee receives notice from the Health Officer of the intent to~~ is suspended or revoked ~~by the Health Officer their license~~, ~~that person whose license was suspended or revoked licensee~~ may make a written request to the Health Officer for a hearing before the Board of Health Hearings Committee. The request for a hearing shall be made in accordance with §§ [176.15](#) through [176.17](#).

(1) Conduct of hearing. The hearing shall be conducted before the Board of Health Hearings Committee. Evidence to support the grounds for suspension or revocation may be presented or submitted by the Lake County Sheriff's Office or any person with knowledge of facts relating to the identified ordinance violation(s). The licensee or their attorney shall be provided the opportunity to present or submit evidence in their defense. Within 15 business days after the close of the hearing, the Board of Health Hearings Committee, having considered the record made at the hearing, shall render a decision in writing, setting forth the reasons for the decision. The action taken by the Board of Health Hearings Committee shall be final and shall be subject to judicial review. A court reporter shall be present to create a record and transcript of the hearing.

(42) Fees. A fee for a hearing request shall be in accordance with the current fee schedule adopted by the County Board as codified in § [178.01](#)-, and shall be submitted by the licensee with the request for hearing. If a judicial review is sought, licensee shall pay for the cost of the transcript.

(1977 Code, § 2:1-18) (Ord. [Bd of Health Ord., Art. XVIII] passed 11-14-2000; Res. passed 2-10-2015; Ord. 17-0891, passed 9-12-2017; Ord. 20-0312, passed 3-10-2020)