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Illinois Liquor Control Commission
COVID-19 Related Action
Guidance on Thirty (30) Day Credit Law Reporting – Retailer Delinquencies
Bona Fide Dispute Process

Delinquency List

Every Thursday at approximately 3 pm, wine and spirits distributors report or cause to report to the Illinois Liquor Control Commission a written list of names and addresses of retail licensees who have not paid the distributor the full invoiced amount of a wine and spirits purchase thirty (30) days after delivery to the retailer. Before the close of business on Thursday, the Illinois Liquor Control Commission (“State Commission”) posts a list of delinquent retailers as reported by the distributors. This is the Delinquency List. The Delinquency List applies to retailers who sell wine and spirits for both on and off of the licensed premises. If a retailer is reported delinquent, no wine and spirits distributor (not just the creditor distributor) may sell wine and spirits to the delinquent retailer while they remain on the Delinquency List.

Bona Fide Disputes

If, however, a retailer is placed on the Delinquency List, the Illinois Liquor Control Act (“Act”) authorizes the retailer to file a **“bona fide dispute”** with the State Commission. Once the bona fide dispute is filed with the Commission, the Act and State Commission Rules require **the removal of the retailer from the Delinquency List** while Chairman or Executive Director of the State Commission makes a “[d]etermination[] of delinquency or non-delinquency.” 11 Ill. Admin. Code 100.90 (d). **Upon removal from the List, distributors may choose to sell wine spirits to the retailer.**

Bona Fide Dispute Process

Because of the hardship placed on bars and restaurants due to the suspension of on-premises sales, the State Commission has established a process by which a retailer may file a bona fide dispute. The steps are as follows:

1. Retailer shall review the Delinquency List posted on the State Commission website by 5 pm on Thursdays.
2. If placed on the List, retailer may choose to send an email to ILCC@illinois.gov.
3. Email shall include:
 - a. “Bona Fide Dispute” in email Subject Line
 - b. Name of retailer in body of email
 - c. Address of retailer in body of email
 - d. State liquor license number in body of email

- e. Name of distributor/s placing retailer on the List (if known)
 - f. A statement that the retailer usually sells wine and spirits primarily for “on-premises consumption” or primarily for “off-premises consumption.” (E.g. “Prior to the suspension of on-premises sales, my bar sold wine and spirits primarily for on-premises consumption.”)
 - g. Retailer contact name and email address
4. State Commission will send email response to distributor and retailer that the retailer has been removed from the Delinquency List while the State Commission determines the circumstances surrounding the delinquency.
 5. The State Commission strongly encourages retailer and distributor to settle the matter without a determination made by the State Commission. Should the delinquency be settled, retailer and distributor shall notify the State Commission that the matter has been settled and the retailer shall remain off of the List.
 6. The State Commission determination of a delinquency is solely for the enforcement of the thirty-day credit law. The State Commission determination of delinquency shall have no impact on the rights of a distributor or retailer in any collection action.

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