



**WILLIAM J. SCOTT**  
ATTORNEY GENERAL  
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SPRINGFIELD



**November 19, 1976**

**FILE NO. S-1174**

**LIQUORS:  
Prohibited Interests**

**Honorable Kelly D. Long  
State's Attorney  
Montgomery County  
Hillsboro, Illinois 62049**

**Dear Mr. Long:**

This responds to your request for an opinion concerning the fourteenth item in section 2 of article VI of "AN ACT relating to alcoholic liquors" [Liquor Control Act] (Ill. Rev. Stat. 1976 Supp., ch. 43, par. 120) which provides as follows:

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

**\* \* \***

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(14) Any law enforcing public official, including members of local liquor control commissions, 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, except that license may be granted to such official in relation to premises which are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission;

\* \* \*

You specifically asked whether this provision prohibits the chairman of the Montgomery County Board from being a member or officer of a civic or fraternal organization which has a liquor license. You state that the liquor license would be issued by a municipality which is located in the county. You also ask whether this provision prohibits police officers and other public officials from belonging to fraternal and civic organizations which have liquor licenses. I am of the opinion that in general it does not.

The interest to which this prohibition is directed is a pecuniary interest. I am not aware of any case in Illinois which has held that "interest" means other than

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pecuniary interest. I have previously advised that the general rule followed by Illinois courts with regard to conflict of interest is that the interest prohibited by common law and by the Illinois statutes is an interest of a present certain and pecuniary nature. (Panozzo v. City of Rockford, 306 Ill. App. 443.) In Bock v. Long, 3 Ill. App. 3d 691, 693 the court stated with regard to the particular provision under discussion that "We do not read the broad prohibition of the statute to be limited to interests which are proprietary in nature, but perceive the language to include non-proprietary pecuniary interests as well". Although the question was not raised in this case, this clearly supports the proposition that this provision prohibits only a pecuniary interest.

Under section 21 of article VI of the Liquor Control Act (Ill. Rev. Stat. 1975, ch. 43, par. 142) a club may be issued a license only if it complies with section 2.24 of article I (Ill. Rev. Stat. 1975, ch. 43, par. 95.24). This section provides in relevant part as follows:

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"§ 2.24 'Club' means a corporation organized under the laws of this State, not for pecuniary profit, solely for the promotion of some common object other than the sale or consumption of alcoholic liquors, \* \* \* that no member or any officer, agent, or employee of the club is paid, or directly or indirectly receives, in the form of salary or other compensation any profits from the distribution or sale of alcoholic liquor to the club or the members of the club or its guests introduced by members beyond the amount of such salary as may be fixed and voted at any annual meeting by the members or by its board of directors or other governing body out of the general revenue of the club."

This section prohibits the issuance of a license to any club of which any member or officer would have any direct or indirect pecuniary interest in the distribution or sale of liquor to the club or its members other than as salary.

Since members and officers of clubs may only have a pecuniary interest in the sale or distribution of liquors from a salary, I am of the opinion that law enforcing public officials may be members of clubs which hold liquor licenses, but may not draw a salary from such club.

Very truly yours,

A T T O R N E Y   G E N E R A L