

## Administrative Adjudication Hearing Process

### Frequently Asked Questions

#### **What is the Administrative Hearing Process?**

The Village's Administrative Hearing Process is a quasi-judicial tribunal for the expedient, independent and impartial adjudication of Village Code violations. The Administrative Hearing Process hears cases involving Building Code and Fire Code violations, unlicensed vehicles, businesses, health and sanitation concerns, parking tickets, animal and other Village Code violations. An administrative hearing is a civil, not a criminal, proceeding. Cases are punishable by fines and a variety of other penalties, but not by jail time.

The Administrative Hearing process is more streamlined than a judicial court and typically is more time and cost effective for all parties involved. Strict and often complex rules of evidence and procedure are not applicable. The hearings follow a basic structure to ensure fairness and due process of law.

Cases are heard by an Administrative Hearing Officer who is an experienced attorney and has completed state-mandated training to impartially render decisions in a professional, courteous, and fair manner. The Hearing Officer is not a Village employee and his/her compensation is not dependent on the outcome of any hearing.

#### **How is the Administrative Hearing Process Initiated?**

When the Village determines that a Code violation has occurred, it will serve the party responsible for the alleged violation ("the Defendant") with a Citation. The Citation will include a description of the alleged violation(s); the date, time and place the alleged violation(s) occurred; if a fine has been established, the amount of the fine and payment options; whether the Defendant must attend a Hearing; how to contest the citation without a Hearing; how to request a hearing; and the date, time and place of the hearing, if one has already been scheduled.

#### **Where/How are Hearings Conducted?**

Hearings are held on the first floor of Village Hall, 6101 Capulina Ave., Morton Grove, Illinois. Parties should be prepared to present their cases on the first scheduled hearing date as continuances are only granted for "good cause". Lack of preparation is not a basis for a continuance. It is recommended that you arrive in the hearing room a few minutes early. Once you enter the hearing room, please sit down until your case is called. , Reading newspapers or magazines, chewing gum, eating and drinking are prohibited in the hearing room. Proper conduct must be maintained at all times. Use of cell phones, audio and video equipment is not allowed unless approved by the Hearing Officer. Disruptive persons will be removed from the hearing room and risk having their cases heard without them.

#### **What is the Hearing process?**

- ✦ The Judge will begin by giving her remarks which outline the hearing process.
- ✦ The Village's attorney presents its case first. While the law allows the Village to present its case solely by introducing the signed Citation, the Village may also call witnesses and offer other

evidence such as photographs or other records. The Defendant may ask questions of any person who testifies for the Village.

- ✚ The Defendant then presents his/her case. The Defendant may represent himself/herself, or may authorize an attorney or a non-attorney such as a family member or employee to present his/her case. If the case will be presented by someone other than the Defendant, or if the Defendant is an organization such as a corporation or LLC, the person presenting the case must file an appearance signed by both the person presenting the case and the Defendant. If the Defendant is an organization it may be required to provide sufficient proof that the person presenting the case has the authority to do so. Appearance forms are available at Village Hall or at [www.XXXXXXX](http://www.XXXXXXX).
- ✚ The Defendant may testify, call witnesses, present photos, records, or other documents. The Village may ask questions of any person who testifies for the Defendant.
- ✚ After the Village and the Defendants present their cases, if the Hearing Officer finds it is “more likely than not” that a Code violation has occurred, it will rule in favor of the Village, otherwise it will rule in favor of the Defendant.
- ✚ If the Hearing Officer finds for the Village, or if the Defendant admits that a violation has occurred, both the Village and the Defendant may present evidence or arguments why the fine should be increased or reduced.
- ✚ The Hearing Officer will issue a written order stating his/her findings and the fine or other penalties. A copy of the Order will be given to the Defendant in Court or mailed to him/her.

#### **What if the Hearing Officer Rules for the Defendant?**

If the Hearing Officer finds that no Code violation occurred, the citation will be dismissed and no fines, fees or penalties will be due.

#### **What if the Hearing Officer Rules for the Village?**

If the Hearing Officer finds that the Defendant is liable for the Code violation, the Hearing Officer will issue a written Order stating her findings and may require the Defendant to:

- ✚ Undertake corrective action to bring the Defendant in compliance with Village ordinances;
- ✚ Complete a program of community service;
- ✚ Pay a fine or penalty authorized or required by Village ordinances;
- ✚ Suspend or revoke a license or permit issued by the Village to the Defendant;
- ✚ Require the Defendant to pay an administrative fee of \$50.00 for each time a hearing was conducted on the Citation or continued at the request of the Defendant;
- ✚ In some cases, require the Defendant to reimburse the Village for its staff time and other expenditures incurred because of the proceedings;
- ✚ In some cases, require the Defendant to post a compliance bond to ensure the corrective actions are taken.

#### **What if Either Side Disagrees with the Hearing Officer’s Decision?**

Either side may appeal the Hearing Officer’s Decision to the Circuit Court of Cook County within 35 days of the date of the Order by filing a civil lawsuit for administrative review pursuant to the Illinois Administrative Review Act.

#### **What if the Defendant Misses the Hearing Date?**

If the Defendant does not attend the Hearing, a Default Order can be entered against him/her. The Defendant may file a *Motion to Set Aside the Default Order and Rehear the Citation*. Motion forms are available at Village Hall or at [adjudication@mortongroveil.org](mailto:adjudication@mortongroveil.org). The motion must be received or

postmarked no later than twenty-one (21) days from the later of: (1) the date of the Default Order, or (2) the Date the Defendant became aware of the Default Order if the Citation was not properly served upon the Defendant. Upon receipt of the motion, the Adjudication Hearing Administrator shall enter and continue the motion to the next available hearing date. **The Defendant or his/her representative must attend the new hearing or his/her motion will be denied.** If the motion is granted, the Defendant should be prepared to have the Citation reheard immediately.

### **Can A Defendant Contest the Citation without a Formal Hearing?**

Morton Grove Village Code Section 3-3A-8 provides the option for a Defendant to waive his/her right to a formal hearing and have the Citation adjudicated by the Hearing Officer based solely on evidence submitted in writing. Defendants electing this option should complete and sign a Request Form available at Village Hall or at [www.XXXXXXX](http://www.XXXXXXX). The Request Form, a copy of the Citation and all evidence the Defendant wishes to be considered, such as photographs, witness statements, vehicle registration, and/or proof of payment, must be sent to the Village at least five (5) business days before the scheduled date of the hearing.

### **What can Happen if the Defendant does not Pay the Fine?**

Fines unpaid after 30 days bear interest at the rate of nine percent (9%) per annum, are a debt due and owing the Village and may be collected in the same manner as a judgment entered by a court. Fines may be recorded as a lien against any property owned by the Defendant and/or against the property which was the subject matter of the Citation, and must be paid before the Village grants any license, permit, refund, transfer stamp, or other privilege to the Defendant. Property owners are responsible for fines assessed against tenants or occupants for property related violations, provided they have been given notice of the proceedings.

### **How/Where can fines be Paid?**

Fines can be paid by mail or in person to Village of Morton Grove Finance Department 6101 Capulina Ave. Morton Grove, IL. Include the Citation number on your check. Fines can also be paid online at [www.XXXX](http://www.XXXX).

### **Special Rules for Red Light Camera Violations**

The process for red light camera hearings follow the same procedure as outlined above with the exception of the following:

2. The violation has been captured by video and is available for viewing at [www.XXXXXXX](http://www.XXXXXXX)
3. The Hearing Officer will view the video evidence of each alleged violation.
4. If found liable, payment can be made by check or credit card directly to XXXXX, the managing company for all Red Light Camera Ticket Violations. Defendants also have XX days to make payment directly to the address on the Order or online at [www.XXX](http://www.XXX). A \$XX.xx processing fee is required for all payments made online.
5. A \$XXXX late fee will be added to unpaid fines after 30 days.

Any further questions regarding the Administrative Hearing System may be directed to XXXX

These FAQs provide general information and an overview of the Administrative Adjudication process. They are not intended to provide legal advice and may not be construed to bind the Village of Morton Grove or to confer or waive any rights or obligations on any individual or entity. The full text of the rules and regulations of the Administrative Adjudication Process can be found in Section 3-3A of the Village Code: <http://forms.mortongroveil.org/code/>. If you have any questions, please call 847-663-3052.