

Introduction

The City of Chicago's Department of Administrative Hearings began operations on January 1, 1997.

Under the administrative hearing system, the city agency that issues a ticket, complaint or notice of violation is not the city agency that hears the case. Cases are heard by the administrative law officers from the Department of Administrative Hearings. They issue the final, binding decisions.

An administrative hearing is a civil hearing, as opposed to a criminal hearing. Cases filed in this department are punishable by fines and a variety of other penalties, excluding jail time.

In an administrative hearing, the burden of proof required to prove a violation of a city ordinance is: by a preponderance of the evidence which means that more than likely the violation occurred. It differs from a criminal proceeding in which the burden of proof required to prove guilt is: beyond a reasonable doubt.

Many types of cases involving violations of city ordinances have been transferred from the Cook County Circuit Court to the Department of Administrative Hearings to expedite prosecutions, reduce litigation expenses, and allow the Circuit Court to focus on the most serious offenses.

Administrative Law Officers

Outside attorneys have been appointed as administrative law officers to preside over all cases, just as a judge would in a courtroom. With the exception of a few presiding administrative law officers, most are independent contractors, and not city employees. They do not report to the head of the city department that issued the ticket. The administrative law officers are required to undergo training to be professional, fair and courteous.

The department is composed of five separate hearing divisions. Examples of cases are listed below:

Buildings Division

- Building code violations
- Gang and drug house violations
- Zoning code violations
- Fire code violations

Consumer Affairs Division

- Public passenger vehicle violations
- False advertising/Deceptive practices
- Unlicensed businesses

Environmental Safety Division

- Overflowing garbage dumpsters
- Unsanitary food businesses
- Outdated food products
- City recycling violations
- Lead paint in buildings with minors

Municipal Division

- Police issued tickets
- Non-payment of business taxes
- Wage garnishment

Vehicle Division

- Parking tickets
- Booted Vehicles



City of Chicago
Richard M. Daley
Mayor

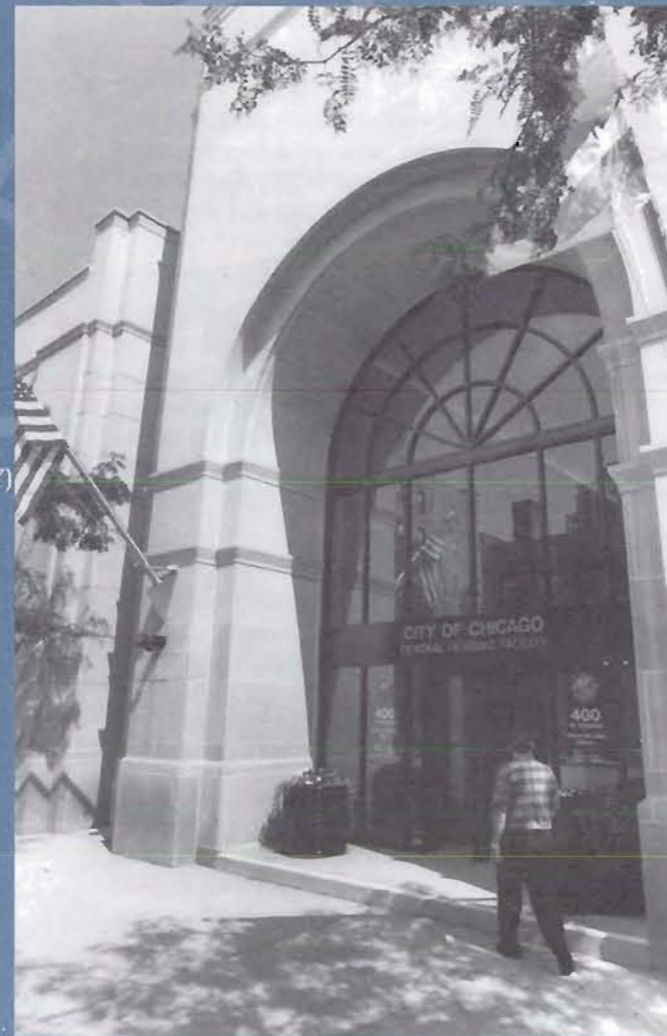
Department of
Administrative Hearings

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This information merely summarizes our procedures. Our Rules and Regulations together with the City Municipal Code control the conduct of our hearings.

If you have any questions or are unsure about the procedures, information desks are available in the main lobby and in the corridor outside of the hearing rooms.

Your Guide to

The Department of Administrative Hearings

Administrative Hearings: The Procedure

A city inspector, parking enforcement aide, investigator or police officer may issue you a ticket or notice of violation or file a complaint against you. A case may also be initiated following a citizen or community complaint.

If you receive a ticket, complaint or notice of violation ordering you to appear at a hearing before the Department of Administrative Hearings, you or your representative must come to the location on the date and time specified. You must bring someone to assist you, if English is not your first language.

In some cases, as with parking or Streets & Sanitation violations, your ticket will give you an option to request a hearing. If you choose to do so, you will return a portion of the document accompanying your ticket, complaint or notice of violation with the "in person" hearing box checked off. This indicates that you wish to contest the charges at a hearing. In these instances, the Department of Administrative Hearings will inform you by mail of your hearing date.

If you fail to appear at your scheduled hearing, you are in default. The administrative law officer will conduct the hearing without you, and you may be subject to fines and penalties.

If you miss the hearing due to illness or emergency, you have 21 days to request a new hearing by filing a "Motion to Set Aside" form.

Forms for requesting that fines and penalties be set aside are available at the information kiosks outside the hearing rooms and the main information desk. They should be filed at the Central Hearing Facility, 400 West Superior St., between the hours of 9:00 a.m. and 4:00 p.m. At the time the form is filed, you will be given a scheduled date for a hearing on your request to set aside fines and penalties. If your request to set aside is granted, you will be expected to proceed with your hearing immediately afterward.

Attending A Scheduled Hearing

To attend a scheduled hearing, follow the information on your ticket, complaint or notice regarding date, time, address and room number. Outside your hearing room, you will find a list of

hearings scheduled for that day posted on the bulletin board. All hearings start promptly at the time indicated on the ticket, therefore you should arrive at the hearing room a few minutes early so you can get situated before the hearings begin.

Once you enter the hearing room, please sit down until your case is called.

The Hearing

When the administrative law officer enters the room he or she will make an opening statement identifying themselves, their role, expectations of a hearing and the order in which cases



will be called. When your case is called you should answer "here" or "present" and step up to the podium in front of the bench, where the administrative law officer sits. The hearing will begin and both sides are given the opportunity to present their cases with testimony and evidence. All live testimony is given under oath and recorded by audio tape.

The ticket, complaint or notice of violation that is written against you when a violation is alleged to have occurred, may be enough evidence to prove or disprove the city's case. By law, the inspector, parking enforcement aide, investigator or police officer who wrote the ticket does not normally have to appear in court.

However, the ticket, complaint or notice of violation must prop-

erly cite the ordinance violated, the date, time and location of offense, identity of the person named and give specific details to support the allegation in order for the charge to stand.

You may represent yourself, hire an attorney to represent you at your own expense or in some instances have an authorized representative attend the hearing on your own behalf. Your representative may be a friend, family member, employee or agent. In cases such as boot or vehicle impoundment hearings, the registered owner of the vehicle must appear in person unless a notarized affidavit permitting a representative to appear is submitted. In police cases such as drinking on the public way or disorderly conduct, the accused must appear in person ... no exceptions.

You have the right to tell the administrative law officer your side of the story by yourself, with witnesses, and with physical evidence, such as bills, receipts or photos. Your presentation must deal specifically with the violation before the court. All documents presented as evidence may be retained by the Department of Administrative Hearings. There are no public defenders and no right to a jury in these administrative hearings.

Audio and video equipment, newspapers, magazines, food, drink and chewing gum are not allowed in the hearing room. Proper conduct must be maintained at all times. Disruptive people will be removed from the hearing room and risk having their cases heard without them.

The Decision

The administrative law officer will render a decision after both sides have been heard and make a determination based on the evidence presented with a finding of liable or not liable. If you are found liable, fines, penalties and costs may be imposed according to the guidelines set forth in the Municipal Code. The administrative law officer's decision will be in the form of a written document you receive at the end of your hearing. Please make sure that you receive a copy of your decision.

All fines are made payable to the City of Chicago, Department of Revenue. Payment can be made at the Department of Revenue cashier station.

If you disagree with the administrative law officer's decision you have 35 days to appeal to the Circuit Court of Cook County at the Richard J. Daley Center, 55 West Randolph (Clark and Randolph Streets).