



The Village of
Glenview

2500 East Lake Avenue
Glenview, IL 60026
(847) 904-4340 *Property*
(847) 729-5000 *Police/Juvenile*

Guide to the Administrative Adjudication Process



David Eterno
Administrative Law Judge

This guide provides general information and an overview of the Administrative Adjudication process. Nothing contained in this brochure shall act to bind the Village of Glenview or to confer or waive any rights or obligations on any individual or entity.

THE ADMINISTRATIVE ADJUDICATION HEARING PROCESS

What is Administrative Adjudication?

The Village of Glenview's Administrative Adjudication, or hearing, process is a quasi-judicial tribunal for the expedient, independent and impartial adjudication of municipal ordinance violations that were previously heard only in the Cook County Circuit Court. In 2011, the Village Board adopted Ordinance 5454 that amended Chapter 2 of the Glenview Municipal Code, which added Article VII, establishing the office of Administrative Adjudication.

The Administrative Hearing process is independent from Village departments that investigate, initiate and prosecute Code violations. It hears, or may hear in the future, cases involving Building Code and Fire Code violations, unlicensed businesses, health and sanitation concerns, parking tickets, animal related violations and other matters involving quality of life in the Village of Glenview.

An Administrative Hearing is not as complex as a judicial court proceeding and is more time and cost effective for both parties. The process expedites prosecutions, reduces expenses and allows the Circuit Court to focus on the most serious offenses. While the strict and often complex rules of evidence and procedure are not applicable, hearings still follow a basic structure to ensure fairness and due process of law.

Under the Administrative Hearing system, a Judge presides over cases. The Judge is not a Village employee, but rather an impartial, licensed Illinois attorney, who must meet strict state requirements to serve in this capacity.

Why was I issued a complaint/ticket?

Village departments charged with protecting the public safety, health and welfare may file a case to be heard by the Administrative Hearing Judge based on the observations of or investigation by a Village inspector or Village enforcing official.

When the Village of Glenview determines that a violation has occurred, it will serve the party responsible for the alleged violation with a citation outlining the Village's allegations.

Any questions as to why you were cited must be directed to the inspector who issued the citation; you may call (847) 904-4340. If you have a question regarding a Police citation you may call (847) 729-5000.

What do I do if I receive a citation?

In general, the citation will inform you of: 1) the alleged violation(s); 2) the date, time and place that the alleged violation(s) occurred; and 3) what your options are with regard to payment, compliance, mandatory appearance at a hearing or the opportunity to request a hearing to contest (fight) the violation. If you are required to appear at a hearing, the citation will state the date, time and place of hearing.

If you believe that the person or property was cited by mistake or in error, you are strongly encouraged to contact the Community Development Department, which issued the citation. Ignoring a citation may result in a default judgment being entered against you and/or the property or affect your driving privileges.

What should I bring to my hearing?

It is in your best interest to attend the hearing. You are strongly encouraged to bring all of your evidence (photos, receipts, invoices, permits, etc.) and witnesses with you. If English is not your first language, bring a friend or family member to help translate.

What do I do when I arrive for my hearing?

Proceed to the Burnham Board Room for property and police citations, and check in with Hearing Clerk.

Who may participate in the hearing?

That will vary, depending on the nature of the Code violation. Each hearing will be conducted by the Judge. The Judge is a licensed Illinois attorney appointed by the Village Manager to preside over the hearing as an independent and impartial decision maker.

The Village of Glenview, as the petitioner, will have a representative there to present its case. The Village may also bring witnesses to support its case. You may represent yourself. You may also hire an attorney to represent you at your own expense or, in some instances, have an authorized representative attend the hearing on your behalf. Your representative may be a friend, family member, employee or agent.

The hearings are open to the public; therefore, other respondents may be present in the hearing room waiting for their case to be called. Other interested members of the public may also be present to observe the proceedings.

How is the hearing conducted?

The hearing follows a basic trial structure to ensure fairness and due process of law. All

testimony is under oath and recorded.

1. The Judge will begin by giving his/her remarks, which outline the hearing process.
2. The Village will present its evidence first before you are even asked to present a defense. The Village must establish a “prima facie case.” Simply stated, it must set forth the necessary allegations that a Code violation has occurred. The Village may: introduce the certified citation of the Village Inspector, call witnesses and offer other evidence, such as photographs or other documents. If the Village presents its case through the in-person testimony of a Village official or other witness, you have the right to ask questions of the Village’s witness. Please note, however, federal and state case law allows the Village to present its case solely by introducing the certified citation as evidence, without requiring the presence of the ticketing Village inspector or additional evidence.
3. If after reviewing the Village’s case the Judge determines the Village has not presented a prima facie case, the case may be dismissed. If the Village has established a prima facie case, the hearing will proceed and you will have the opportunity to present your case.
4. You may present your defense to the Judge through: your own testimony, the testimony of witnesses, a sworn affidavit and other evidence (such as photos, invoices, receipts, etc.). **You are expected to bring all of your witnesses and evidence with you to your first hearing date.**
5. After both sides have had an opportunity to present their case, the Judge will issue a written order stating whether

the Village has demonstrated the case against you. The Village's burden of proof in these matters is "by a preponderance of the evidence." That means, the Judge must believe, after considering all of the evidence, that "it is more likely than not" that a Code violation has occurred.

What if I am found liable?

If you are found liable, penalties may be imposed by the Judge as set forth in the Glenview Code of Ordinances. Penalties may include: fines and paying restitution (those costs to undo the damage caused by the violation); and an administrative court cost in the amount of \$50. The Village of Glenview does not offer payment plans. Hearings involving property violations are held at 9 a.m., police citations at 1 p.m., juvenile matters at 2:00 p.m. typically on the second Wednesday of the month. Check online at: glenview.il.us/Pages/Administrative-Adjudication.aspx for schedules.

What if I am found not guilty?

If you are found not guilty, the Judge will dismiss the case against you and will not impose any penalties or court costs.

What if either side disagrees with the Judge's decision?

Either side may appeal the Judge's decision to the Circuit Court of Cook County within 35 days by filing a civil lawsuit for administrative review pursuant to the Illinois Administrative Review Act. All Village of Glenview fines and court costs, however, must be paid before the Cook County Clerk will accept filing papers.

What happens if a citation is ignored or I fail to appear?

The Judge may enter a default judgment against you based on the evidence presented. A fine may also be imposed in default matters.

What can I do about a default judgment?

If you missed your hearing date you may file a written motion to set-aside a default judgment with the Administrative Hearing Division. Your motion must be filed within 21 days of the mailing date stamped on top of the de-default judgment order. Motions are not granted automatically. You must file your motion on time and you must provide good reason why you did not respond to the Notice of Violation. You will then be given a date for your motion to be heard by the Judge. A motion form may be obtained by contacting (847) 904-4340 for the property citation or Police Records at (847) 729-5000 for a Police or juvenile matter.

What happens if someone does not comply with the Judge's order?

An Administrative Law Judge's order can be enforced in the same manner as a Circuit Court Judge's order in that it can be used to place a lien on your property, garnish your wages and/or affect your credit or impact your driving privileges. The Village may also file a criminal or quasi-criminal action in state court where a Circuit Court Judge could impose additional penalties and/or jail time.

How can I pay a fine?

Fines are paid directly to the Village of Glenview during normal business hours. Payment can be made directly following the hearing or by mail to: **Village of Glenview, 2500 East Lake Avenue, Glenview, IL 60026.**