

A Guide to Administrative Adjudication Hearings

Introduction:

In 2010, the Village of Arlington Heights enacted a local ordinance establishing an '*Administrative Adjudication Hearing*' process.

This program allows individuals who have received citations for specified Compliance, Parking or other minor Local Ordinance violations to have their case(s) heard by the Village's appointed Hearing Officer – through the 'mail' based upon a signed defense statement and submission of necessary documentation or 'in-person' during a scheduled Saturday morning hearing at Village Hall. These cases are no longer heard in the 3rd Municipal District of Circuit Court of Cook County in Rolling Meadows, Illinois.

In an administrative hearing, the burden of proof required to prove a violation of a Village ordinance is by a 'preponderance of the evidence'. This means that it is more likely than not a violation occurred. It differs from a criminal proceeding in which burden of proof is guilt 'beyond a reasonable doubt'.

Accessibility:

The Village Hall of Arlington Heights is wheelchair accessible, and makes every effort to comply with the Americans with Disability Act. Administrative Adjudication hearings will be held, under normal circumstances, in the First Floor 'Buechner Room' at the Village Hall of Arlington Heights, 33 S. Arlington Heights Road, Arlington Heights, Illinois 60005.

Individuals with disabilities who plan to attend a Hearing and who require certain other accommodations, are requested to contact the Village Health Services Department at 847-368-5793 at least one week or more before the hearing if possible.

Administrative Adjudication Hearing Officers:

Only licensed attorneys from independent law firms who have successful completion of special training in administrative adjudication are appointed as "Administrative Adjudication Hearing Officers" to preside over these cases – just as a judge would in a courtroom. They are compensated on an hourly basis and receive no employee benefits from the Village. They do not report to any elected official, the Village manager or the Chief of Police.

The Procedure:

A police officer, public safety officer or animal welfare officer may issue a citation directly to an individual for a violation of a Village ordinance. For parking related violations – the registered vehicle owner is legally responsible for the offense. All initial

finer are due within 10 days of the violation, unless a hearing is desired. If the cited violator or registered owner of the vehicle fails to pay the indicated fine, request a hearing, or fails to appear at a scheduled hearing – a “Final Determination of Liability” will be mailed and the fine will again increase. **As a reminder the owner of every motor vehicle is required by law to notify the Illinois Secretary of State of an address change as it pertains to their motor vehicle registration within 10 days after moving.**

If you, as the cited violator or registered vehicle owner receive a “Final Determination of Liability” by mail, you may petition to reopen the proceeding within 21 days of the date on the notice by filing a “Petition to Set Aside” form. You may obtain this form at the Arlington Heights Police Department - Records Bureau, 200 E. Sigwalt Street, Arlington Heights, Illinois 60005.

The grounds for such a petition are limited to the following:

- You were not the owner or lessee of the cited vehicle on the date of the violation, or;
- You have already paid the fine, or;
- Your failure to respond and contest the violation notice was for a legitimate reason.

Attending a Scheduled Hearing:

To attend a scheduled hearing, you should follow the information on your notice of hearing regarding the date and time. A ‘*Continuance*’ is generally not allowed unless the ‘Traffic Compliance Officer’ finds good cause for the continuation. Your lack of preparation is not considered good cause.

You must be the cited violator, the registered owner of the vehicle, or be represented by an attorney (at your expense) to be heard on the case. In you are not able to fluently speak and understand the English language, please bring someone to assist you with your testimony and translation.

Bring copies of all documentation or other supporting evidence with you to the hearing (such as documents, photographs, affidavits, etc.) to support your defense. The Clerk sitting adjacent to the Hearing Officer will have a list of cases scheduled for that day. *Please check in with the Clerk before the hearings begin.* All hearings begin promptly at the time indicated on the notice; therefore you should arrive at the hearing room at least 15 minutes early so you are prepared when your hearing begins.

‘In-Person Hearing’:

At the beginning of the hearing the Administrative Adjudication Hearing Officer will make an opening statement identifying themselves, their role in the process, and expectations of a hearing. When your case is called the hearing will begin with the Hearing Officer reading the facts of each case from the issued citation(s).

The citation that is written when a violation is alleged to have occurred may be enough evidence to prove or disprove the Village's case. By law, the officer that issued the citation(s) does not normally have to appear at the hearing. The citation however must cite the proper ordinance violated, the date, time and location of the offense, as well as the make and registration of the vehicle to support the allegation in order for the charge to stand.

You will then be given the time necessary to present your defense to the alleged violation, and enter any testimony and/or evidence into the record. All testimony is given under oath and will be recorded on audio tape. You have the right to tell the Hearing Officer your explanation of the violation by yourself, with witnesses, and with physical evidence such as bills, receipts or photos. Your presentation must deal specifically with the violation. Audio and video equipment, newspapers, magazines, food, drink and chewing gum are not allowed in the hearing room. Cell phones must be turned off or placed in a 'silent mode' during the hearing.

Proper conduct and demeanor must be maintained at all times. Disruptive people will be removed from the hearing room and risk having their cases heard without their presence.

The 'Mail-In' Hearing:

Your request for a 'mail-in' hearing includes your signed defense statement and submission of any evidence and/or other necessary documentation to support your defense – which is all delivered to a Hearing Officer. They review and decide each case in a manner similar to in-person hearings. You will receive a written decision by mail from the hearing Officer several weeks after your submission.

The Decision:

The Administrative Adjudication hearing Officer will render a decision after hearing/reviewing your defense. The Hearing Officer's determination will be based on the totality of the evidence presented.

During 'in-person' hearings, you receive a written decision from the Clerk immediately after the hearing officer concludes his/her verbal determination in your case. Fines may be paid by cash, check, or credit card, are payable to the "Village of Arlington Heights".