

THE HEARING PROCESS

When the Administrative Law Judge enters the hearing 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 acknowledge and step to the podium in front of the Administrative Law Judge's bench. The hearing will begin immediately and both sides will be given an opportunity to present testimony and evidence. All live testimony is given under oath and recorded.

The ticket, complaint or notice of violation written against you may be enough evidence to prove or disprove the Village's case. By law, the Village representative who issued the ticket, complaint or notice of violation does not normally have to appear in court.

The ticket, complaint or notice of violation must properly cite several pieces of information. This includes date, time and location of offense, ordinance violated and identity of the person named. It also must give specific details to support the allegation.

You have the right to tell the Administrative Law Judge your side of the story. This includes using witnesses and physical evidence such as bills, receipts, or photos. Your presentation must deal specifically with the violation before the court. All documents presented as evidence must be relinquished to the Office of Adjudication. You are responsible for making copies of documentation and photos to submit as evidence to the court, while maintaining the originals for yourself. There are no public defenders and no right to a jury in these administrative hearings.

Copies of the Village of Carpentersville Municipal Code are available at vil.carpentersville.il.us for review prior to your scheduled hearing.

CONDUCT

Audio and video equipment, reading materials, food, drink, and chewing gum are not allowed in the hearing room. Cellular phones and other communication devices must be silenced prior to entering 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 RULING

After both sides have been heard, the Administrative Law Judge will make a determination based on the evidence presented. If you are found liable, fines, penalties and costs may be imposed according to the guidelines set forth in the Village Code. The Administrative Law Judge's decision will be in the form of a written document you receive at the end of your hearing. Please ensure you receive a copy of your decision.

All fines shall be made payable to the Village of Carpentersville. Payments can be made, cash or check only, at the Finance Division, in the main Lobby of the Village Hall.

If you disagree with the Administrative Law Judge's decision, you have 35 days to appeal to the Circuit Court of Kane County, St. Charles, Illinois. Appeals are filed at the Kane County Circuit Clerks Office located at 540 S. Randall Rd. St. Charles Illinois, 60174 630-232-3413



Village of Carpentersville
1200 L.W. Besinger Dr
Carpentersville, IL 60110
847-426-3439
vil.carpentersville.il.us



Village of Carpentersville Guide to the Administrative Adjudication Process

This brochure is only to be intended as a guide to the Administrative Adjudication Process in the Village of Carpentersville. A complete copy of the rules and regulations pertaining to the hearing are available from the Administrative department or at vil.carpentersville.il.us

INTRODUCTION

The Village of Carpentersville Office of Adjudication began operations in 2011. It serves as a quasi-judicial tribunal for the adjudication of municipal ordinance violations that were previously heard in the Kane County Circuit Court.

This process expedites prosecutions, reduces expenses, and allows the Circuit Court to focus on the most serious offenses. Under the Office of Adjudication, a Village department will issue a ticket, complaint, or notice of violation, citing a violation of a Village of Carpentersville Municipal Ordinance. Cases are heard by an Administrative Law Judge.

An Administrative Hearing is a civil hearing. Cases filed in the court may result in the imposition of fines, costs, liens, or orders to clean or repair property. In an administrative hearing, the burden of proof required to prove a violation of a Village ordinance is by a preponderance of evidence. This means that it is more likely than not the violation occurred. It differs from a criminal proceeding in which the burden of proof required to prove guilt is beyond a reasonable doubt.

ADMINISTRATIVE LAW JUDGE

An outside attorney has been appointed as Administrative Law Judge to preside over all cases, just as a judge would in a courtroom. He is not a Village employee and receives no employee benefits from the Village. He is hired and compensated on a per-session basis and is required by law to remain completely neutral. The Administrative Law Judge is required to undergo specific training in the areas of Municipal Administrative Hearings, and also the Village Codes which he will be enforcing.

TYPES OF CASES HEARD

The Office of Adjudication hears, or may hear in the future, the following types of cases:

- Building Code Violations
- Police Issued Tickets
- Recycling Violations
- Water Restriction Violations
- Overflowing Garbage Dumpsters
- False Advertising/Deceptive Practices
- Zoning Code Violations
- Parking Tickets
- Animal Leash Violations
- Compliance Tickets

ADMINISTRATIVE LAW JUDGE

The Building Inspector, Community Service Officer, Code Enforcement Officer, Fire Department, or Police Officer may issue a ticket or notice of violation, or file a complaint against you. A case also may 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 Office of Adjudication, you or your representative must be present on the date and time specified. In some cases, your ticket will give you an option to request a hearing. If you choose to request a hearing, return your ticket, complaint or notice of violation with your name and address. This indicates that you wish to contest the charges at a hearing. In these instances, the Office of Adjudication will inform you by mail of your hearing date. The individual contesting charges may represent themselves, hire an attorney to represent them at their own expense or, in some instances, have an authorized representative attend the hearing on their

behalf. Your representative may be an employee or agent. In police cases such as drinking on a public way or disorderly conduct, the accused must appear in person, without exception.

A continuance is not allowed unless the Administrative Law Judge finds good cause. Lack of preparation is not considered good cause. If you or your representative fail to appear for the scheduled hearing, you are in default, and the Administrative Law Judge will conduct the hearing in your absence. You will still be subject to any fines or penalties. If you are in default due to illness or emergency, you have 21 days to request a new hearing. To request a new hearing, file a "Motion to Vacate" form, which is available at the Office of Adjudication at Village Hall. The form must be filed in person between 8:30 a.m. and 5:00 p.m., Monday through Friday, at the Office of Adjudication, Village Hall, 1200 L.W. Besinger Dr

ATTENDING A SCHEDULED HEARING

Review the schedule and location information on your ticket, complaint, or notice of violation. A clerk inside the hearing room will have a list of hearings scheduled for that day. Check-in with clerk upon entering the room. All hearings start promptly at the time indicated on the notice. therefore, 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.

The Village of Carpentersville, in compliance with the Americans with Disabilities Act (ADA), requests that persons with disabilities, who require certain accommodations to observe and / or participate in this hearing or having questions about the accessibility of the facilities, to contact the Village Manager's Office at 847-426-3439 at least 48 hours in advance of the hearing date to allow the Village to make reasonable accommodations for these persons.