

FREQUENTLY ASKED QUESTIONS

What is an Administrative Adjudication Hearing? An Administrative Adjudication Hearing is a civil, not criminal, proceeding. Cases filed in adjudication are punished by fines and a variety of other penalties, excluding jail time.

What type of cases are heard by the Office of Adjudication? Police issued tickets; fire code violations; building code violations; zoning violations.

How are participants notified that a hearing has been scheduled? Parties directly involved in the hearings receive a written notice of the hearing at least fifteen days prior to the hearing. This information is also located on the ticket or notice.

Where do hearings take place? Scheduled hearings are held in the Spring Grove Municipal Courtroom, 7401 Meyer Road, Spring Grove IL.

What time do hearings begin? Hearings begin promptly at 1:30 p.m. Please follow the information provided on your notice concerning the date of your hearing.

Are hearings open to the public? Yes. In general, hearings are open to the public. Disruptive people will be removed.

Do I need to be present at the hearing? Yes. Unless otherwise noted, you must attend the hearing. If you fail to attend, you may have a default judgment entered.

What if I miss my hearing? If the individual or representative fails to appear for the scheduled hearing, the individual is found in default and the Administrative Law Judge will conduct the hearing in their absence. Any fines and penalties will still be levied on the individual. If the individual is in default due to illness or emergency, they will have 21 days to request a hearing.

What should I bring to my hearing? You should bring any documents or materials you want to present to the Administrative Law Judge as evidence. You should make arrangements to have any person or persons attend that you want to testify as a witness.

Do I need an attorney? The individual contesting charges may represent himself or herself, hire an attorney to represent them at their own expense, or, in some cases, have a representative attend the hearing on their behalf.

When will the Administrative Law Judge issue a decision in my case? The decision will be given at the end of the hearing and in written form.

What if I have questions not addressed here? You may always contact the Office of Adjudication at 815-675-2596 ext 104.

Village of Spring Grove

Administrative Adjudication Hearings An Information Guide

This brochure is intended only to be an informational guide for the Village of Spring Grove Administrative Adjudication Hearings.

You may obtain a complete copy of the Rules and Regulations

governing hearing procedures from the Village of Spring Grove Office of Adjudication or at www.springgrovevillage.com



Village of Spring Grove
Spring Grove Municipal Center
7401 Meyer Road
Spring Grove IL 60081
815-675-2596

ADMINISTRATIVE ADJUDICATION HEARINGS—An Informational Guide

THE PROCEDURE: A Village inspector, investigator, authorized representative or police officer may issue a ticket or notice of violation, or file a complaint against a person or an entity. A case also may be initiated following a citizen or community complaint. Upon receipt of a ticket, complaint or notice of violation ordering an individual to appear at a hearing before the Office of Adjudication, the individual or their representative must be present on the date and time specified.

THE HEARING PROCESS: At the onset of the hearing, the Administrative Law Judge will make an opening statement, identifying him/herself and his/her role, and establish the order in which cases will be called. 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 tape recorded. The ticket, complaint or notice of violation written against an individual may be enough evidence to prove or disprove the Village's case.

THE DECISION: After both sides have been heard, the Administrative Law Judge will make a determination based on the evidence presented. If an individual is found liable, fines, penalties, and costs may be imposed according to the guidelines set forth in the Village Code. The Judge's decision will be in the form of a written document that the individual will receive at the end of the hearing. All fines are made payable to the Village of Spring Grove. Payment in person via cash, certified check, money order, debit/credit card. Payment through mail or drop box via certified check or money order.

CASE TYPES—QUALITY OF LIFE ISSUES: Cases heard in an administrative adjudication hearing involve quality of life issues: matters affecting neighborhoods, safety, public health, and the welfare of the community. These may involve building and health codes, permits and licensing, traffic or vehicle matters, nuisance cases, and other issues pertaining to the Village of Spring Grove Municipal Code.

OPEN TO THE PUBLIC: All hearings are open to the public. Litigants (those directly involved in a court case) are afforded priority to the courtroom over non-litigants. The general public, while welcome to observe, may not testify in the actual hearing proceedings unless formally called as a witness in the case. In the event of overcrowding, the Judge may limit the number of persons in the courtroom to the litigants in the interest of safety and due process. Additionally, no recording devices are permitted inside the courtroom unless previously approved by the Village's Executive Assistant.

PROPER DECORUM: Individuals who appear at the hearing are required to conduct themselves at all times in a dignified, orderly and appropriate manner. During the hearing, all individuals shall address themselves to the Judge. Debate or argument among litigants or witnesses is not permitted. Individuals who fail to conduct themselves with the proper decorum may be removed from the proceedings at the order of the Judge.

ADMINISTRATIVE ADJUDICATION HEARING PROCEDURE: An administrative adjudication hearing is less complex than a state court trial. However, it follows a basic structure to ensure fairness and due process to all parties. Hearings are presided over by the Administrative Law Judge who is not an employee of the Village.

PREPARATION: Both parties are expected to have all of their witnesses, documents and exhibits available and with them at the hearing. An extra copy of any documents intended to be offered into evidence is desirable. Parties wishing to offer any audiotape or video evidence must provide their own electronic equipment.

ORDER OF CASES: Cases shall be called in an order deemed appropriate by the Judge. Generally, agreed matters (cases in which both sides have discussed all issues and agreed on the outcome of the case prior to the case being called) are heard first. Contested matters (those cases in which the parties are unable to reach an agreement) shall be heard after the consideration of all agreed matters and routine motions. This will enable the Judge to devote more time to the presentation of testimony and other evidence of both parties.

THE PETITIONER'S (VILLAGE'S) CASE: The Village bears the responsibility for representing its case and must proceed first. In general, the case will be presented by the Village's attorney, or a sworn Village representative. The respondent may cross-examine any testifying witness. Signed, sworn documentation may also be used in place of live testimony.

THE RESPONDENT'S CASE/DEFENSES: After the Village presents its case, the respondent shall be afforded an opportunity to contest the allegations and/or present defenses. The respondent may represent him/herself, or be represented by an attorney or other authorized agent. Evidence may be presented via live sworn testimony, sworn affidavit, documents, exhibits or other admissible evidence. The Village may cross-examine any testifying witnesses. All decisions regarding the admissibility of evidence presented by the Petitioner and the Respondent are made by the Administrative Law Judge.

NOTE: *It is not a defense to a charge of a code violation that a respondent has come into compliance after the date the violation had been observed.*

RULING: At the conclusion of the hearing, the Administrative Law Judge shall make a determination, on the basis of the evidence, whether the Village has proven that a violation occurred. The standard of proof, as set by the State of Illinois and the Village's code, is known as a *preponderance of the evidence* or in other words, whether it is more likely than not that a violation occurred. If the Judge finds that the Village has proven its case, the respondent will be found liable, and the case will go forward on matters of compliance, fines, and other related issues. If, however, the Judge finds in favor of the respondent, the matter will be dismissed.

All judgments are final and enforceable by law. Upon becoming final, an order of the Administrative Law Judge may be appealed in the Circuit Court of McHenry County, under the Illinois Administrative Review Act (735 ILCS 5/3-101, et Seq), which allows either party thirty five days to appeal.