

This brochure is intended only to be an informational guide for the City of Crystal Lake Administrative Adjudication Hearings. You may obtain a complete copy of the Rules and Regulations governing hearing procedures from the City of Crystal Lake Manager's office.



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City of Crystal Lake



ADMINISTRATIVE ADJUDICATION HEARINGS

An Informational Guide

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CASE TYPES

QUALITY OF LIFE ISSUES

Cases heard in 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 Municipal Code of the City of Crystal Lake.

OPEN TO THE PUBLIC

Administrative hearings are open to the public. Litigants (those directly involved in a court case) are afforded priority to the hearing room 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 Administrative Law Judge may limit the number of persons in the hearing room to the litigants in the interest of safety and due process. Additionally, no recording devices are permitted inside the hearing room unless previously approved by the City Manager.

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 Administrative Law 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 Administrative Law Judge.

ADMINISTRATIVE HEARINGS PROCEDURE

An administrative hearing is less complex than a state court trial however it still follows a basic structure to ensure fairness and due process to all parties. The hearings are presided over by an Administrative Law Judge who is neither an employee nor resident of the City.

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 Administrative Law 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 consideration of all agreed matters and routine motions. This will enable the Administrative Law Judge to devote more time to the presentation of testimony and other evidence by both parties.

THE PETITIONER'S (CITY'S) CASE

The City's bears the responsibility for presenting its case and must proceed first. In general, the case will be presented by the City's attorney, or a sworn City 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 City 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 City 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.

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 City has proven that a violation occurred. The standard of proof, as set by the State of Illinois and the City's ordinance, is known as *a preponderance of the evidence*. In other words, whether it is more likely than not that a violation occurred. If the Administrative Law Judge finds that the City 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 Administrative Law Judge finds in favor of the respondent, the matter will be dismissed.

All judgments are final and enforceable at 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 (35) days to appeal.