

## INTRODUCTION AND OVERVIEW

The City of Genoa offers Administrative Adjudication as an alternative to court. This process addresses a wide range of cases involving violations of municipal ordinances that were previously heard in the DeKalb Circuit Court. Such hearings, which will take place at Genoa City Hall, expedite resolutions, reduce litigation expenses, and allow the Circuit Court to focus on more serious offenses. These hearings are also more convenient for residents who wish to contest a ticket or citation.

An administrative hearing is a civil (not a criminal) proceeding. Cases filed in adjudication are punishable by fines. Under the administrative hearing system, an Administrative Hearing Officer hears cases and not the municipal entity that issued the ticket, complaint, or notice of violation. Hearing Officers, all of whom are experienced attorneys, are required to undergo State mandated training to be professional, fair, and courteous. In Genoa's Administrative Adjudication process, the following types of cases may be heard:

- Police Issued Tickets
- Parking Tickets
- Animal Leash Violations
- Zoning Violations
- Compliance Tickets
- Administrative Tow Penalties

## ADMINISTRATIVE HEARINGS

### Ticket Procedure:

A Police Officer or City Inspector, may issue a ticket, notice of violation, or file a complaint against an individual. There are two types of citations, a "P" ticket or an "N" ticket. The "P" ticket will have a fine and a hearing date/time listed at the bottom. The recipient can choose to plead liable and pay the fine prior to the hearing date/time, or appear at the hearing. If issued an "N" ticket, the recipient will be required to attend the listed hearing date/time, as it is a required mandatory appearance.

### Attending a Hearing:

All hearings are held at the Genoa City Council Chambers, 333 East First Street, Genoa, IL, 60135, and are on the fourth Monday of each month; if a City Holiday falls on that Monday, alternate dates will be set and listed on citations. Individuals wanting to refute their tickets need to make note of the date and time of their hearing as listed on their notice. It is recommended that plaintiffs arrive early and check in with the Clerk immediately upon entering the hearing room. They are then asked to sit in a quiet manner until their case is called. Individuals not able to speak English must bring an interpreter to assist them. Interpreters **will not** be provided.

### Hearing Process:

When the hearing begins, the Hearing Officer will make an opening statement which identifies himself, his role, expectations, and the order in which cases are called. When a plaintiff's case is called he or she should acknowledge it and step forward in front of the Hearing Officer. The hearing begins immediately and plaintiffs are given an opportunity to present testimony and evidence. All live testimony is given under oath and recorded. The ticket, complaint, or notice of violation may be enough evidence to prove or disprove the City's case. By law, the City representative who issued the ticket, complaint, or notice of violation is not required to appear in court. The ticket, complaint, or notice of violation must properly cite several pieces of information, including the date, time, and location of the offenses, the ordinance violated, and the identity of the person named. Everyone has the right to tell the Hearing Officer his or her side of the story. This includes using witnesses and physical evidence such as bills,

receipts, or photos. That presentation must deal specifically with the violation before the court. The City may retain all documents presented as evidence. There are no public defenders and no right to a jury in administrative hearings. Audio and video equipment, newspapers, magazines, food, drink, and chewing gum are not allowed in the hearing room. Disruptive people will be removed from the hearing room and risk having their cases heard without them.

Continuances are prohibited unless the Hearing Officer finds good cause. Lack of preparation is not considered good cause. If a plaintiff or their representative fail to appear for the scheduled hearing on cases other than parking and equipment violations, they may be found in default and the Hearing Officer may conduct the hearing in their absence.

### **The Decision:**

After both sides have been heard, the Hearing Officer makes a determination based on the evidence presented. If he finds the plaintiff guilty; fines, penalties, and costs may be imposed according to the guidelines set forth in the City's Municipal Code. The decision of the Hearing Officer's will be documented in writing and provided to the plaintiff at the end of the hearing..

### **Payment Process:**

Payments can be made to the Clerk at the hearing location. Acceptable forms of payment include personal check, cash, or money order. Plaintiffs found guilty will have 30 days to pay their fines. Payments not received within thirty days will be sent to Collections as directed by the City's Municipal Code.

### **Appeal Process:**

Anyone who disagrees with the Hearing Officers decision has 35 days to appeal the decision to the Circuit Court of DeKalb County in Sycamore, Illinois via a judicial review. Questions about the adjudication process can be directed to the Administrative Offices of the Genoa Police Department at 815-784-6633.