



500 S. Fish Lake Rd.
Volo, IL 60073
(847) 740-6982

Guide to the Administrative Adjudication Process



This guide provides general information and an overview of the Administrative Adjudication process. Nothing contained in this brochure shall act to bind the Village of Volo or to confer or waive any rights or obligations on any individual or entity.

THE ADMINISTRATIVE ADJUDICATION HEARING PROCESS

What is Administrative Adjudication?

Pursuant to Ordinance O-20-11 (codified as Title 1, Chapter 8 of the Volo Village Code), the Village of Volo has established a Code Hearing Department to conduct quasi-judicial hearings for the expedient, independent, and impartial adjudication of municipal ordinance violations.

The Code Hearing Department is independent from Village departments that investigate, initiate and prosecute Code violations. It hears, or may hear in the future, cases involving Building Code and Fire Code violations, business licensing violations, health and sanitation concerns, parking tickets, animal related violations and other matters involving quality of life in the Village of Volo.

An administrative hearing is not as complex as a judicial court proceeding and is more time and cost effective for both parties. The process expedites prosecutions, reduces expenses and allows the Circuit Court to focus on the most serious offenses. While the strict and often complex rules of evidence and civil procedure generally do not apply, administrative hearings still follow the basic structure of a court process to ensure fairness and due process of law.

Under the administrative hearing system, an impartial hearing officer presides over cases. The hearing officer is a licensed Illinois attorney who has completed a formal training program and satisfies strict qualification requirements to serve in this capacity.

Why was I issued a citation/ticket?

Village departments charged with protecting the public safety, health and welfare may issue citations or tickets when they observe apparent violations of Village ordinances, and those citations then may be submitted to the Code Hearing Department for administrative adjudication. A citation may be based on observations of or investigation by a law enforcement officer, Village inspector, or Village enforcement official. The Village will serve the responsible party with a written citation that outlines the alleged violation(s) and basis therefor. Any questions as to why you were issued a citation/ticket should be directed to Village Hall; you may call (847) 740-6982.

What do I do if I receive a citation?

In general, the citation will inform you of: 1) the alleged violation(s); 2) the date, time and place that the alleged violation(s) occurred; and 3) your options with regard to payment, compliance, or contesting the alleged violation(s). Depending on the circumstances, you may have the option to pay a fine in lieu of appearing at a hearing if you do not wish to contest the citation. In other cases, the citation will inform you that your appearance at an administrative hearing is mandatory.

If you believe that a citation was issued by mistake or in error, you are strongly encouraged to contact Village Hall. Ignoring a citation may result in a default judgment being entered against you, which can result in financial liability or other legal consequences.

What should I bring to my hearing?

If you receive a citation and/or hearing notice, you are strongly encouraged to attend the hearing and to bring all of your evidence (photos, receipts, invoices, permits, etc.) and witnesses with you. If English is not your first language, you may bring a friend or family member to help translate.

What do I do when I arrive for my hearing?

Hearings are conducted at the Volo Village Hall, 500 S. Fish Lake Rd., Volo, IL 60073. Upon arrival, proceed to the Board Room and check in with the hearing clerk.

Who may participate in the hearing?

Each hearing will be conducted by a hearing officer. The hearing officer is a licensed Illinois attorney appointed by the Village President and Board of Trustees to preside over the hearing as an impartial decision maker.

The Village of Volo, as the petitioner, will have a representative there to present its case. The Village may also call witnesses to support its case.

You are strongly encouraged to attend and participate in the hearing. You may represent yourself, or you may have an attorney represent you at your own expense. You may also present witnesses to support your case and ask questions of any witnesses called by the Village.

Hearings are open to the public. Other respondents may be present in the hearing room waiting for their case to be called. Members of the public may also be present to observe the proceedings.

How is the hearing conducted?

Hearings will follow the basic structure outlined below to ensure fairness and due process of law. All testimony will be given under oath. The hearing may be transcribed or recorded.

1. The hearing officer will begin by giving remarks outlining the hearing process.
2. The Village will present its evidence first and must establish a “prima facie case.” Simply stated, the Village must set forth evidence to show that the respondent violated a Village ordinance. The Village may call witnesses and offer other evidence, such as the certified citation, photographs, or documents. If the Village presents witnesses, you have the right to ask questions of those witnesses.
3. If after reviewing the Village's evidence the hearing officer determines the Village did not present a prima facie case, the case may be dismissed. If the Village has presented a prima facie case, the hearing will proceed and you will have the opportunity to present your defense.
4. You may present your defense to the hearing officer. This may include your own testimony, the testimony of other witnesses, sworn affidavits, and/or other documents and evidence such as photos, invoices, receipts, etc. You are expected to bring all of your witnesses and evidence with you to your first hearing date.
5. After both sides have had an opportunity to present their case, the hearing officer will issue written findings, decision, and order. This will include the hearing officer's findings as to whether you are liable for the alleged ordinance violations.

In most cases, the hearing officer will decide whether a violation is shown by a "preponderance of the evidence," meaning that the evidence shows it is more likely than not that you violated a Village ordinance.

What if I am found liable?

If you are found liable, the hearing officer may enter an order imposing penalties as set forth in the Volo Village Code. This may include payment of fines, administrative costs, or other amounts to the Village. The hearing officer may also order you to take specific actions to correct an ordinance violation.

The Village of Volo does not offer payment plans.

What if I am found not liable?

If the hearing officer makes a final determination that you are not liable for an alleged violation, then the hearing officer will dismiss the charge against you and will not impose any penalties or costs.

What if I disagree with the hearing officer's decision?

The hearing officer's decision is a final determination for purposes of judicial review, and judicial review may be sought pursuant to the Illinois Administrative Review Law, 735 ILCS 5/3-101, et seq. Generally, this will require filing an appropriate civil action in the Lake County Circuit Court within 35 days after the date of the hearing officer's final findings, decision, and order.

What happens if I ignore a citation or fail to appear?

If you are given notice of a hearing but fail to appear, the hearing officer may enter a default judgment against you. A default judgment may include imposition of fines and/or other penalties or remedies.

What can I do about a default judgment?

If you missed your hearing date, you may file a written petition to vacate a default judgment. The petition must be filed with the Code Hearing Department within 21 days after the default judgment order was entered. You will then be given a date for the petition to be heard by a hearing officer.

Petitions to vacate default judgments are not granted automatically. You must show good cause as to why you failed to appear at the hearing. A form petition may be obtained by contacting the Code Hearing Department at (847) 740-6982.

Administrative hearings are typically held at 10:30 a.m. on the third Wednesday of the month. Check for schedules online at: www.villageofvolo.com.

How can I pay a fine?

Fines are paid directly to the Village of Volo. Payment can be made in person or by mail at the following address:

Volo Village Hall
500 S. Fish Lake Road
Volo, IL 60073

Regular business hours are Mondays through Fridays, 8:00a.m.-4:00p.m. A 24-hour drop box is also available outside the Village Hall.