

In 2009, the City of Woodstock established the Administrative Adjudication Hearing process to:

- Address violations in an efficient manner;
- Improve the quality of life for City residents;
- Provide a local forum for hearing civil code violations;
- Enhance and expedite compliance with City Codes ; and
- Allow the Circuit Court to focus on more serious cases

Under the Office of Adjudication, a City Department will issue a citation, complaint, or notice of violation citing a violation of the Woodstock City Code. An Administrative Law Judge will hear the case.

The Woodstock City Code is available for review at the Woodstock Public Library, City Hall, or on line at www.woodstockil.gov.

The City of Woodstock Administrative Adjudication Court hears, or may hear in the future, these types of cases:

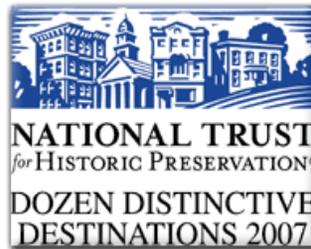
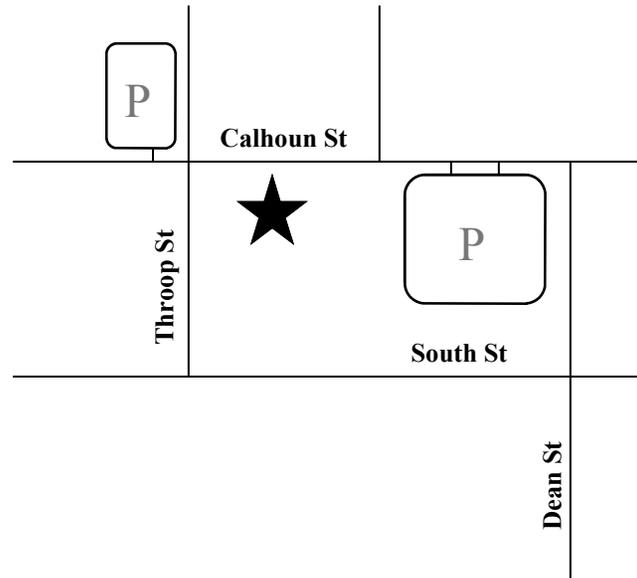
- Building Code Violations
- Zoning Code Violations
- Community Code Violations
- Police Issued Tickets
- Red Light Tickets
- Parking Tickets
- Smoking Tickets

Language Interpretation

The City of Woodstock cannot provide language services for Administrative Adjudication. If you need an interpreter you must provide your own. The City of Woodstock requests that your interpreter be at least 18 years of age.

Parking

Arrive at least 15 minutes before your court time to allow for parking and to check in. You will need to park, check in, and be seated **BEFORE** your appearance time.



Woodstock is proud to have been recognized as a 2007 Distinctive Destination by the National Trust for Historic Preservation



City of Woodstock

5 Administrative Adjudication

Help Yourself-Help Your Neighbor

This brochure is intended as a guide to the Administrative Adjudication Hearing process in the City of Woodstock. You may obtain a complete copy of the Rules and Regulations governing Hearing procedures from the City of Woodstock Finance Department or online at www.woodstockil.gov

Being a Good Neighbor

**City of Woodstock
Administrative Adjudication Division
121 W. Calhoun St.
Woodstock, IL 60098
815-338-4300
www.woodstockil.gov**

The Hearing Process

An Administrative Adjudication Hearing is a civil, not criminal, proceeding. Cases filed in adjudication are punishable by fines, court costs, liens and a variety of other penalties, excluding jail time.

A citation will include several pieces of information including:

- Identity of the person named;
- Date, time, and location of offense;
- The ordinance violated; and
- Hearing date

The notice may be enough to prove or disprove the City's case.

The Respondent (you) have the right to plead your case to the Administrative Law Judge. This is the time to show any evidence you may have such as bills, receipts, witnesses, photographs, etc. All evidence will be relinquished to the court and kept in the case file.

Administrative Law Judge

An outside attorney has been appointed as Administrative Law Judge to preside over all the cases. The Judge is not a City employee, nor does he receive any employee benefits, and is specially trained to remain impartial in these cases to effectively interpret the Woodstock City Code.

Payment

Payment is due in full at the time of ruling. Cash, check or credit card are acceptable forms of payment. The City of Woodstock does not offer a payment plan option. If for any reason payment is not made within 30 days of the final order, a late fee of 10% will be applied.

In the Courtroom

All hearings start promptly at the time indicated on your citation, so arrive a few minutes early. Please check in with the clerk prior to entering the courtroom. After a brief explanation of courtroom process by the Judge, cases will be called in the order deemed appropriate by the Judge.

Conduct

Proper Decorum

Audio and video materials are prohibited in the courtroom at all times; likewise any food or beverage. Cell phones must be silenced prior to entrance.

Conduct yourself in a dignified, orderly and appropriate manner at all times. Disorderly behavior will result in prompt removal from the hearing room, perhaps resulting in a failure to hear your case.

Order of Cases

Petitioner's Case

The City is responsible for presenting its case and must proceed first. The case will be presented by the City's attorney or sworn representative. The Respondent may cross-examine any testifying witness. Signed, sworn documentation may also be used in place of live testimony.

Respondent's Case

A respondent may be self-represented or be represented by an attorney or other authorized agent. Any evidence or testimony you bring may be presented at this time. The City may cross-examine any witnesses or contest any evidence submitted to the Judge.

Evidence

Evidence may include live sworn testimony, a sworn affidavit, documents, exhibits or other admissible evidence.

All decisions regarding the admissibility of evidence presented by the Petitioner and 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.)

The Ruling

After the conclusion of the testimony from each side, the Judge will make a determination, on the basis of evidence, whether a violation has occurred. The standard of proof as set before the State of Illinois and City Code is known as a *preponderance of evidence*. In other words, whether it was more likely than not that a violation occurred. If the Judge finds 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 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 (735ILCS 5/3-101, et. Seq.), which allows either party thirty-five (35) days to appeal.