Some Recent Decisions Relating to Administrative Adjudication in Illinois

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PART ONE - GENERAL MATTERS

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Illinois Code of Judicial Conduct cautions judges on injudicious use of social media. Page5

Although named plaintiff and class members did not exhaust administrative remedies, court permits class action Pinkston *v. City of Chicago*, 2022 IL App (1st) 200957 Page6

Bad faith response to FOIA request *Staake v. Department of Corrections*, 2022 IL App (4th) 21007 Page 7

Local government may bypass administrative adjudication and prosecute ordinance directly in Circuit Court. *Village of Downers Grove v. Village Square III Condominium Ass'n*, 2022 IL App (2d) 210098 Page8

City may prosecute ordinance violations through action filed in federal court. *City of Chicago v. Equte LLC*, No. 21 C 518, 2022 U.S. Dist. LEXIS 105893 (N.D. Ill. June 14, 2022) Page 8

Should an ALJ be named as a defendant in an Administrative Review Action? Crawley v. Board of Education, 2019 IL App (1st) 181367, 129 N.E.3d 672, Page 8

Where agency misleads party as to administrative adjudication process. Mercury Sightseeing Boats, Inc. v. County of Cook, 2019 IL App (1st) 180439, 142 N.E.3d 777; Grimm v. Calica, 2017 IL 120105, 88 N.E.3d 74 Page 11

PART TWO – ISSUES WHICH MAY ARISE IN A HEARING

Equitable estoppel defense against governmental body fails where aggrieved party fails to present clear and convincing evidence as to the amount of damages. *895 Dale v. City of Wood Dale*, No. 2-20-0450, 2022 Ill. App. Unpub. LEXIS 1187 (2nd Dist. July 13, 2022) Page13

Manager of LLC can be found personally liable for violation of ordinance if violation is based on manager's acts and omissions. *Tadros v. City of Chicago Department of Administrative Hearings*, 2021 IL App (1st) 200273 Page15

Piecing the corporate veil of an LLC. *Lewis, Yockey & Brown, Inc. v. Fetzer*, 2022 IL App (4th) 210599 Page16

Agency's findings of facts not entitled to deference. *Board of Education for Rockford Public Schools v. Illinois State Board of Education*, 2022 IL App (2d) 210187 Page 17

Adjudication of issues not raised in citation or notice to the party violates due process. *Metcalf v. Chicago Housing Authority*, 2022 IL App (1st) 210074-U Page 18

Does an ALJ have the authority to rule an ordinance invalid (on its face or as applied) because the ordinance conflicts with the state or federal statute? *City of Chicago v. Wendella Sightseeing, Inc.*, 2019 IL App (1st) 181428, 143 N.E.3d 771;

Failure to raise constitutional challenge in an administrative hearing waives constitutional claim. *Polanco v. Cook County Officers Electoral Board*, 2022 IL App (1st) 220712-U Page 22

Are interview notes privileged? Board of Educ. of Deerfield Public Schools District No. 109 v. Deerfield Educ. Ass'n, 2022 IL App (4th) 210359

Does voluntary payment of a fine or tax preclude a challenge? Addison Group, Inc. v. Daley, 382 Ill. App. 3d 1036, 889 N.E.2d 701 (1st Dist. 2008); McIntosh v. Walgreens Boots Alliance, Inc., 2019 IL 123626, 135 N.E.3d 73 Page 24

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Agency's interpretation of statute found to be unreasonable and not entitled to deference. *Kishwaukee Auto Corral, Inc. v. Department of Revenue*, 2021 IL App (1st) 200236 Page 31

Is an ALJ's interpretation of a statute or ordinance entitled to judicial deference? C*ity of Chicago v. Wendella Sightseeing, Inc.*, 2019 IL App (1st) 181428, 143 N.E.3d 771 Page 31

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City of Chicago v. Mance (In re Mance), 31 F.4th 1014 (U.S. 7th Cir. 2022) Page 45

Vehicle owners of vehicles impounded because of unpaid fines can obtain relief through Chapter 13.

Cordova v. City of Chicago, Nos. 19bk06255, 19ap00684, 2021 Bankr. LEXIS 3335 (Bankr. N.D. Ill. Dec. 6, 2021) Page 45

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Illinois Vehicle Code provisions which set maximum fines override city's home rule powers. *Blaha v. City of Chicago*, 2022 IL App (1st) 210546 Page 48

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