



Lake County
Administrative Adjudication Project

To: Lake County Board Members
From: Amy McEwan, County Administrator's Office – Project Sponsor
Date: August 2, 2011
Re: Administrative Adjudication Research Project in Lake County

Changes in state legislation in 2010 gave permissive authority to counties to begin using administrative adjudication as an enforcement tool for minor code violations and nuisance offenses (examples: junk & debris, animal control). In early 2011, Lake County formed a team of employees to research the possible use of administrative adjudication for minor ordinance violations.

Project Goal: The goal of this research was to determine whether utilizing an administrative adjudication process as an additional compliance tool would be a more efficient and effective way to gain compliance for minor ordinance violations. Following is a summary of project scope and status.

Current Compliance Process:

How does Lake County enforce ordinances now? The Planning, Building and Development and Population Health Services departments first seek voluntary compliance. An analysis of the last 10 years worth of code violations demonstrates that on average staff invest 95 days and 3 inspections per case to gain voluntary compliance.

Current Process - Voluntary Compliance (Planning, Building & Development)			
Average number of cases per year	Average time per case for compliance	Average number of inspections	Fees collected per case
97	95 days	3	\$0

For those cases that do not voluntarily comply, staff works with the State's Attorney Office and enters a case with the 19th Judicial Circuit Court. Due to the more routine nature of most nuisance type violations; these departments have traditionally considered the Circuit Court process for only the most egregious cases where voluntary compliance cannot be obtained. In the last ten years, gaining compliance for nuisance violations through the Circuit Court process averages 333 days.

Current Process – Compliance With Circuit Court (Planning, Building & Development)			
Average number of cases per year	Average time per case for compliance	Average number of inspections	Fees collected per case
61	333 days	6	\$124

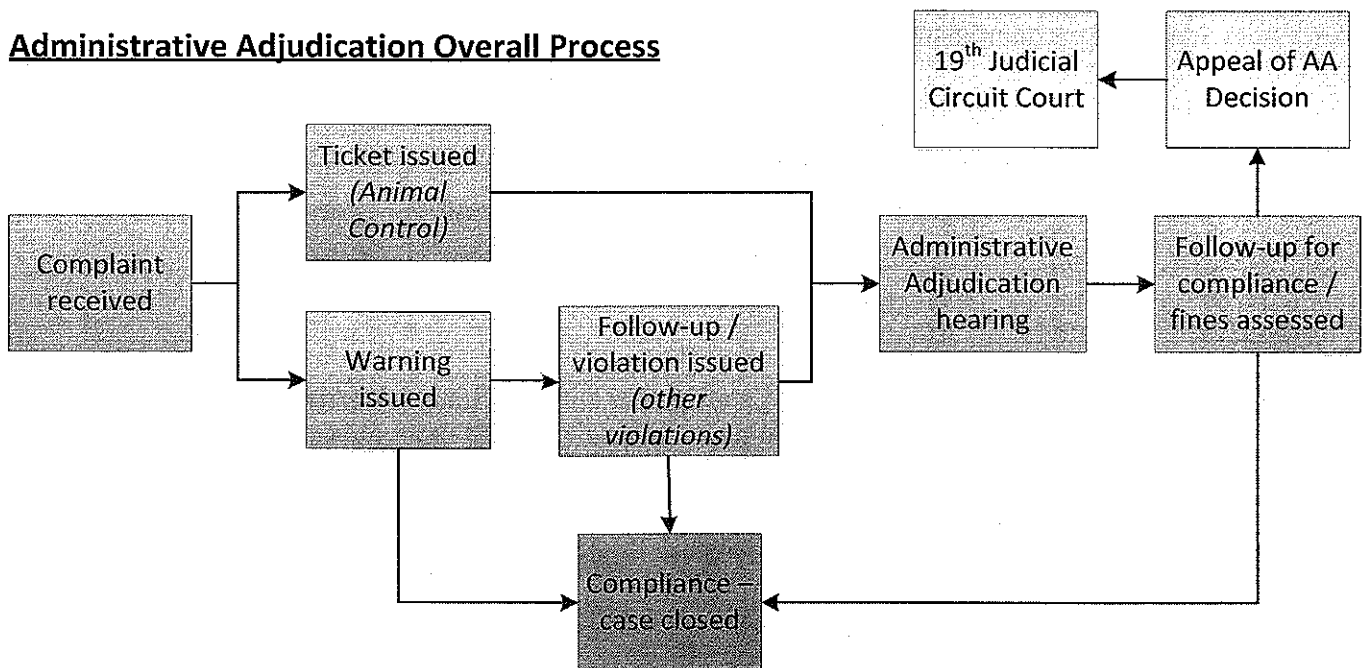
Administrative Adjudication Compliance Process:

What is administrative adjudication? It is a process where violators are issued a ticket/violation notice and then are given 15 days to comply or prepare for an administrative hearing. Absent voluntary compliance, an administrative hearing is scheduled and violators must appear and enter a plea to an administrative hearing officer. An administrative hearing officer reviews the facts of the case, takes testimony, and issues a judgment at the hearing. This process has been used by villages for years to resolve minor ordinance violations in a more expeditious manner. As has been demonstrated by a number of Lake County municipalities and metro county jurisdictions, the proposed system is designed to incentivize faster voluntary compliance, expedite judgment when voluntary compliance is not obtained, and recover more of the enforcement costs. Compliance time for ordinance violations using the administrative adjudication process, based on benchmarked communities, average 30-45 days and in other cases are resolved prior to the hearings.

Administrative Adjudication Process (PB&D + Population Health Services)			
Assumed cases per year	Average time per case for compliance*	Average number of inspections	Proposed fees collected per case
170	30 – 45 days	3	\$100 - \$250

*- based on communities currently utilizing administrative adjudication

Administrative Adjudication Overall Process



A violator always retains their right to appeal the decision to the Circuit Court.

Staff will be returning to committee with a more detailed analysis of administrative adjudication including: a benchmarking survey of surrounding communities, a cost analysis, a proposed workflow, and proposed ordinance language. All documents and processes are being reviewed in coordination with a representative from the State’s Attorney’s Office.

If there are any questions on the project please feel free to contact myself or Matthew Meyers, manager of the project.