

To

Chicago Department of Finance,

Chicago Department of Transportation, and the

Chicago Department of Administrative Hearings:

I am in receipt of your " CITY OF CHICAGO AUTOMATED ENFORCEMENT VIOLATION REVIEW PROGRAM " document and attachments pertaining to Red Light Camera Ticket(s) No

and/or for Speed Camera Ticket(s) No.

As requested I am returning the enclosed form to request a

- In Person Hearing
- Hearing By Mail
- No hearing requested

My actions in response are being made UNDER PROTEST. No matter my selection above I am writing to object this "CITY OF CHICAGO AUTOMATED ENFORCEMENT VIOLATION REVIEW PROGRAM "and submit the following general objections:

- 1) This recent notice pertains to automated enforcement tickets issued long ago. My ability to defend these tickets after the passage of more time than allowed for by the City Ordinances in effect at the time has been impaired, and prejudiced my ability to defend against these tickets.
- 2) In fact, the state law which ostensibly authorizes red light camera programs requires that notice of violation be issued no later than 90 days after the alleged violation. (625 ILCS 5/11 208.6 (d) and 625 ILCS 5/11 208.8 (e)) This notice is clearly untimely and contrary to the intent of the Illinois legislature.

- 3) The administrative hearing process fails to provide due process because the City strictly limits the defenses that can be considered, and does not allow any legal challenges to the City's authority to enforce the Ordinance to be raised.
- 4) The administrative hearing process for red light camera tickets does not permit as a defense that the City's yellow light durations are shorter than the engineering standards defined in the Federal Manual for Uniform traffic Control Devices
- 5) The City's entire Red Light Camera program is *void ab initio* because it was enacted before state enabling legislation (Public Act 94-795) was passed in 2006, and because alternative traffic enforcement programs were at that time expressly forbidden by state law: 625 ILCS 5/11-207, 625 ILCS 5/11 208.1, and 625 ILCS 5/11-208.2. See Also *People ex rel Ryan v Village of Hanover Park*, 311 Ill. App. 3d 515 and *Catom Trucking Inc v. City of Chicago*, 2011 Ill App. (1st) 101146, Which establish that even home rule municipalities were not permitted to adopt alternative traffic laws (like Chicago's 2003 Red Light Camera Ordinance) without state authorization.
- 6) The 2006 Law that ostensibly allowed for red light camera ordinance is unconstitutional local legislation on its face, as it specifically names the political subdivisions (8 of the 102 counties in Illinois) where it applies, rather than describing a rational difference of condition to classify legislative objects. This is a clear violation of Article 4, Section 13 of the Illinois Constitution.
- 7) The City's speed camera ordinance is void because the authorizing legislation in an unconstitutional "local Law" in the guise of a "special law" There is no reason why the alleged benefits of "child safety zones " should not be allowed statewide
- 8) Although the ability of an accused person to confront their accuser is a core tenet of due process in this country, the ordinances governing the Department of Administrative hearings make it impossible for a ticketed person to demand the attendance of the technician(s) who signed or verified the red light or speed camera ticket, this making it impossible to determine where and how the technician obtained the facts contained on the violation notice; there is substantial evidence that city technicians "robosign" hundreds or thousands of violation notices a day and never has one been required to testify under cross examination in the Department of Administrative Hearings.
- 9) Because Chicago does not include an internal method of appealing adverse decisions at the Department of Administrative Hearings, the only recourse I have is to file an administrative review action in the Circuit Court of Cook County. The filing fee there exceeds the original amount of a ticket, something the federal courts have said does not comply with due process and which is only an "illusory remedy." *Van Harken v City of Chicago* 103 F. 3d 1346, 1353 (7th Cir 1997)
- 10) It is my understanding that this "CITY OF CHICAGO AUTOMATED ENFORCEMENT VIOLATION REVIEW PROGRAM" was adopted as a strategy to undermine the effect of

court decisions in a class action case of which I am a class member. This communication from a litigant to all class members lacks court approval and is therefore void.

I submit the following without waiving my rights to raise objections and defenses specific to my case at a hearing or in court, and I specifically reject the City's contentions that a liability finding by the DOAH "confirms" my responsibility for any fines or fees, or that any failure to contest my violation(s) in the manner now dictated by the City can result in my liability being "deemed confirmed" or will result in a waiver of any rights.

Signed this _____ Day of _____

Print Name _____

Signature _____