

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

THEMASHA SIMPSON, DELYN MCKENZIE-
LOPEZ and ERICA LIESCHKE, individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

CITY OF CHICAGO,
a Municipal Corporation,

Defendant.

) CLASS ACTION COMPLAINT

) 2015CH04802

) CALENDAR/ROOM 11

) TIME 00:00

) Case No. Class Action

) JURY DEMAND

COMPLAINT

Plaintiffs, Themasha Simpson, Delyn McKenzie-Lopez and Erica Lieschke ("Plaintiffs"), individually and on behalf of a class of similarly situated individuals, complain against Defendant City of Chicago (the "City" or "Defendant") as follows:

INTRODUCTION

1. Plaintiffs bring this suit against the City of Chicago for its practice of issuing deficient and unconstitutional notices for alleged automated speed enforcement ("ASE") and automated traffic law enforcement ("ATL") violations. Among other things, both the Illinois Vehicle Code and the Municipal Code of Chicago require that all ASE and ATL violation notices specify the make of the vehicle that is the subject of the alleged violation. The City, however, fails to specify the vehicle make on ASE and ATL violation notices and, therefore, all such citations are defective, unconstitutional and void. More significantly, the City completely ignores the requirement under its own municipal code to issue a second notice of violation prior to issuing a determination of liability, depriving vehicle owners of the statutorily required notice

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CIRCUIT COURT OF COOK COUNTY
CHANCERY DIV.
JURY DEMAND

and due process. The City also assesses late penalties on alleged ASE and ATL violations prior to expiration of the 25-day grace period after the issuance of a determination of liability as provided under the Municipal Code of Chicago.

2. Plaintiffs bring this suit on behalf of themselves and a class of similarly situated individuals seeking, among other things, a declaration that the ASE and ATL violations issued by the City are unlawful, unconstitutional and void, an injunction preventing the City's collection on and enforcement of all such violations and to recoup the fines and penalties unlawfully and unconstitutionally collected by the City.

PARTIES

3. Plaintiff Simpson is an individual residing in Lansing, Illinois.
4. Plaintiff McKenzie-Lopez is an individual residing in Chicago, Illinois.
5. Plaintiff Lieschke is an individual residing in Chicago, Illinois.
6. Defendant City of Chicago ("Defendant" or the "City") is an Illinois Municipal Corporation.

JURISDICTION AND VENUE

7. Jurisdiction is proper pursuant to 735 ILCS 5/2-209(a)(1) and (c) and venue is proper pursuant to 735 ILCS 5/2-101 because Plaintiffs are residents of Cook County, Illinois, Defendant is the City of Chicago and the events and transactions giving rise to the claims asserted herein occurred in Cook County, Illinois.

FACTUAL ALLEGATIONS

A. The Illinois Vehicle Code and the City's Limited Constitutional Authority to Issue ASE and ATL Violations

8. The Illinois Vehicle Code limits the power of counties and municipalities to operate ASE and ATL systems by imposing certain restrictions and requiring that certain

procedural safeguards be followed. The Illinois General Assembly made clear that the restrictions and procedures set forth in the Illinois Vehicle Code were a specific denial and limitation on home rule powers. *See, e.g.*, 625 ILCS 5/11-208.2 (“The provisions of this Chapter of this Act limit the authority of home rule units to adopt local police regulations inconsistent herewith except pursuant to Sections 11-208, 11-209, 11-1005.1, 11-1412.1, and 11-1412.2 of this Chapter of this Act.”).¹

9. Section 11-208 of the Illinois Vehicle Code sets forth a number of restrictions and procedures that must be followed by a county or municipality operating ASE and ATL systems. Among these provisions, Section 11-208.3 of the Illinois Vehicle Code provides that “[a]ny ordinance establishing a system of administrative adjudication under this Section shall provide for” an “[ASE] system, or [ATL] violation notice that shall specify ... the vehicle make.” 625 ILCS 5/11-208.3(b)(2) (emphasis added). The make of a vehicle subject to an ASE or ATL violation is available and readily discernible for all such violations because such information can be obtained from and easily determined by the Secretary of State vehicle registration records, which the City already uses to discern the identity and address of the owner of the vehicle. *See* Municipal Code of Chicago § 9-100-045(a) (“[F]or each violation of Section 9-101-020 or Section 9-102-020, the department of finance shall mail a violation notice to the address of the registered owner of the vehicle as recorded with the Secretary of State....”).

10. The City of Chicago adopted an ordinance establishing a system of administrative adjudication for ASE and ATL violations. *See* Municipal Code of Chicago § 9-100-010, *et seq.*

¹ Under the Illinois Constitution, any municipality which has a population of more than 25,000 residents is considered a “home rule unit.” Ill. Const. 1970, art. VII, § 6(a). The City of Chicago, which has a population of approximately 2.7 Million residents, is a home rule unit. Under the Illinois Constitution, a home rule unit “may exercise any power and perform any function pertaining to its government and affairs” *unless* the “General Assembly [] provide[s] specifically by law for the exclusive exercise by the State of any power or function of a home rule unit.” *Id.* § 6(a), (h).

(“The purpose of this chapter is to provide for the administrative adjudication of violations of ordinances defining ... [ASE] system, and [ATL] enforcement system violations...”). Accordingly, in order for the City to act within its constitutional powers as limited by the Illinois legislature, any ASE or ATL violation notice it issues must comply with the requirements of Section 11-208.3 of the Illinois Vehicle Code, including specifying the make of the vehicle subject to the alleged violation.

11. The City, however, fails to specify the vehicle make on the ASE and ATL violation notices that it issues. Plaintiffs and other citizens, therefore, were issued ASE and ATL violation notices that were defective, unconstitutional and void. As a result, the City has unlawfully and unconstitutionally collected fines and penalties from Plaintiffs and class members.

B. The City’s Failure to Issue a Second Notice of Violation as Required Under the Municipal Code of Chicago

12. In addition to sending defective and unconstitutional initial notices of ASE and ATL violations, the City also fails to issue a second notice of violation as it is required to do under its own municipal code.

13. More specifically, Section 9-100-045(a) of the Municipal Code of Chicago provides that for any alleged ASE or ATL violation, the “department of finance shall mail a violation notice to the address of the registered owner of the vehicle as recorded with the Secretary of State.”

14. Section 9-100-050(a) of the Municipal Code of Chicago states that “[a] person on whom a[n] ... [ASE] system or [ATL] enforcement system violation notice has been served pursuant to ... Section 9-100-045” shall either pay the fine, submit materials to obtain an adjudication by mail or request an administrative hearing. If no such “response is made in

accordance with [Section 9-100-050(a)], the city traffic compliance administrator *shall cause a second notice of violation to be sent to the respondent.*” Municipal Code of Chicago § 9-100-050(d) (emphasis added).

15. Only after an individual is issued this second notice is the City permitted to issue a determination of liability on the alleged ASE and ATL violation. *Id.* (“If the respondent fails to pay the indicated fine, submit documentary evidence to obtain an adjudication by mail, or request a hearing to contest the charged violation within 14 days from the date of such notice [issued pursuant to Section 9-100-050(a)] ... a determination of liability shall be entered in the amount of the fine indicated on the notice of violation.”); *see also* Municipal Code of Chicago § 9-100-090(b) (“If a person fails to respond to the violation notice *and the second notice of violation*, a determination of liability shall be entered against the respondent....”) (emphasis added).

16. The City, however, issues liability determinations on alleged ASE and ATL violations without issuing the second notice as required under Section 9-100-050(d) of the Municipal Code of Chicago. This practice is illegal as it fails to afford individuals the notice and due process that is mandated by the City’s own municipal code. As a result, the City has collected fines and penalties from Plaintiffs and class members to which it was not entitled.

C. The City’s Practice of Assessing Late Penalties Prior to the Expiration of the 25-Day Grace Period Provided for Under the Municipal Code of Chicago

17. Section 9-100-050(d) of the Municipal Code of Chicago provides that “[f]ailure to pay the fine ... within ... 25 days of issuance of a determination of liability for a violation of an [ASE] system or an [ATL] enforcement system[] will result in the imposition of a late payment penalty pursuant to subsection (e) herein.” Section 9-100-050(e) of the Municipal Code of Chicago similarly provides that “[f]ailure by any respondent to pay the fine ... within ... 25 days

of issuance of a determination of liability for a violation of an [ASE] system or an [ATL] enforcement system[], will automatically subject the respondent to a penalty for late payment.”).

18. The City, however, assesses penalties 21 days after a determination of liability, as the City’s own form notice of violation specifically states that “[i]f the fine is not paid within 21 days of a determination, a penalty will be assessed in an amount up to the fine amount.” *See* form disclosures on ASE and ATL Violation Notices, attached hereto as **Ex. A**. The determination of liability notices issued by the City similarly specify a “**PAY BY DATE**” for the payment of the fine associated with the alleged violation, which is 21 days from the date of the determination of liability notice. The determination of liability notice further states that “[i]f payment is not received by the listed **PAY BY DATE**, a late penalty that can be equal to the original fine amount will be assessed.” *See* form disclosures on Notice of Determination of Liability, attached hereto as **Ex. B**

D. The Unconstitutional and Unlawful ASE and ATL Violations Issued to Plaintiffs

19. Plaintiff Simpson was issued ATL violation notices, including on April 5, 2013 and July 30, 2013. Ms. Simpson is the registered owner of the vehicle that was the subject of all of these alleged violations. Ms. Simpson’s vehicle is registered with the Secretary of State, including the make of her vehicle, which is a Chevy. The City failed to specify the make of Ms. Simpson’s vehicle on each of the violation notices, but rather listed “OTHR” under the “VEHICLE MAKE” column. The make of Ms. Simpson’s vehicle was available and easily determinable and/or verifiable from the same Secretary of State records used to discern Ms. Simpson’s identity and address.

20. With respect to the alleged ATL violation notices issued on April 5, 2013 and July 30, 2013, the City subsequently issued a determination of liability on each of the alleged

violations without sending a second notice as required under the Municipal Code of Chicago. The City also subsequently assessed Ms. Simpson a late penalty of \$100 on each of these alleged violations. Plaintiff Simpson has not paid the fines and penalties assessed in connection with her April 5, 2013 and July 30, 2013 notices of violation.

21. Plaintiff McKenzie-Lopez was issued ASE and ATL violation notices, including on April 29, 2014, May 14, 2014, May 22, 2014 and May 29, 2014. Ms. McKenzie-Lopez is the registered owner of the vehicle that was the subject of all of these alleged violations. Ms. McKenzie-Lopez's vehicle is registered with the Secretary of State, including the make of her vehicle, which is a Nissan. The City failed to specify the make of Ms. McKenzie-Lopez's vehicle on each of the violation notices, but rather listed "OTHR" under the "VEHICLE MAKE" column. The make of Ms. McKenzie-Lopez's vehicle was available and easily determinable and/or verifiable from the same Secretary of State records used to discern Ms. McKenzie-Lopez's identity and address.

22. With respect to the alleged ATL violation notices issued on April 29, 2014, May 14, 2014, May 22, 2014 and May 29, 2014, the City subsequently issued a determination of liability on each of the alleged violations without sending a second notice as required under the Municipal Code of Chicago. The City also subsequently assessed Ms. McKenzie-Lopez a late penalty of \$100 on each of these alleged violations, as well as additional amounts. Under duress, Plaintiff McKenzie-Lopez paid the fines and penalties assessed in connection with the alleged ASE violation issued to her on May 29, 2014, but has not paid the fines and penalties assessed in connection with the alleged ASE and ATL violations issued on April 29, 2014, May 14, 2014 and May 22, 2014.

23. Plaintiff Lieschke was issued an ATL violation notice on June 26, 2010. Ms. Lieschke is the registered owner of the vehicle that was the subject of this alleged violation. Ms. Lieschke's vehicle is registered with the Secretary of State, including the make of her vehicle, which is a GMC. The City failed to specify the make of Ms. Lieschke's vehicle on the violation notice, but rather listed "OTHR" under the "VEHICLE MAKE" column. The make of Ms. Lieschke's vehicle was available and easily determinable and/or verifiable from the same Secretary of State records used to discern Ms. Lieschke's identity and address.

24. The City subsequently issued Ms. Lieschke a notice of determination of liability for the alleged June 26, 2010 violation without sending a second notice as required under the Municipal Code of Chicago. The City also subsequently assessed Ms. Lieschke a late penalty of \$100 on this alleged violation, as well as additional amounts. Under duress, Plaintiff Lieschke paid the fines and penalties assessed in connection with this alleged ATL violation.

25. The violation, determination of liability and other notices issued to Plaintiffs indicated that if they did not pay the associated fines and penalties, their vehicles may be seized and their driver's licenses may be suspended. These notices also indicated that their failure to pay will result in (i) additional penalties, (ii) referral to a law firm or collection agency, (iii) credit bureau action, (iv) the imposition of liens on real estate and personal estates, and (v) wage garnishments. The notices further indicated that unpaid fines and penalties will incur interest at 9% per year and that Plaintiffs would be liable for any expenses incurred by the City, including attorneys' fees and court costs, in seeking to enforce the amounts purportedly due. Plaintiffs Simpson and McKenzie-Lopez are both subject to the actions set forth in this paragraph. In fact, the City has already indicated that it intends to, among other things, immediately seize the vehicles of Plaintiffs Simpson and McKenzie-Lopez.

26. The ASE violation notices issued by the City limited the defenses that could be raised to administratively contest the violations to the following:

- a. The operator of the vehicle was issued a Uniform Traffic Citation for a speeding violation occurring within one-eighth of a mile and 15 minutes of the violation that was recorded by the system;
- b. The violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation;
- c. The vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the Department of Finance the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department;
- d. The vehicle was an authorized emergency vehicle;
- e. The facts alleged in the violation notice are inconsistent with or do not support a finding that Section 9-12-070, 9-12-075, or 9-12-077 of the Municipal Code of Chicago was violated; and
- f. The respondent was not the registered owner or lessee of the cited vehicle at the time of the violation.

The Municipal Code of Chicago does not permit an administrative challenge to an alleged ASE violation on grounds other than those specified above. *See* Municipal Code of Chicago § 9-100-060(b)(1), (3)-(6) (stating that a person may contest an ASE violation “through an adjudication by mail or at an administrative hearing limited to one or more of the following applicable grounds”) (listing grounds set forth above).

27. The ATL violation notices issued by the City similarly limited the defenses that could be raised to administratively contest the violations to the following:

- a. The operator of the vehicle was issued a uniform traffic citation for a violation of Section 9-8-020(c) or Section 9-16-030(c);

- b. The violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation;
- c. The vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the Department of Finance the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department;
- d. The vehicle was an authorized emergency vehicle;
- e. The facts alleged in the violation notice are inconsistent or do not support a finding that Section 9-8-020(c) was violated; and
- f. The respondent was not the registered owner or lessee of the cited vehicle at the time of the violation.

The Municipal Code of Chicago does not permit an administrative challenge to an alleged ATL violation on grounds other than those specified above. *See* Municipal Code of Chicago § 9-100-060(b)(2)-(6) (stating that a person may contest an ATL violation “through an adjudication by mail or at an administrative hearing limited to one or more of the following applicable grounds”) (listing grounds set forth above).

CLASS ACTION ALLEGATIONS

28. Plaintiffs bring this action pursuant to 735 ILCS 5/2-801 of the Illinois Code of Civil Procedure on behalf of a class of similarly situated individuals defined as follows:

All individuals or entities to whom the City of Chicago issued an automated speed or automated traffic law enforcement system violation notice (**the “Vehicle Make Class”**).

29. Plaintiffs also seek to represent two sub-classes of similarly situated individuals defined as follows:

All individuals or entities to whom the City of Chicago issued a determination of liability on an alleged automated speed enforcement or automated traffic law enforcement system violation (**the “Notice Sub-Class”**).

All individuals or entities to whom the City of Chicago assessed a penalty prior to the expiration of the 25-day grace period after a determination of liability on an alleged automated speed enforcement or automated traffic law enforcement system violation (the “**Penalty Sub-Class**”).

30. The members of the class and sub-classes are so numerous that joinder of all members is impracticable. Based on the investigation by their counsel, Plaintiffs reasonably believe that the class and sub-classes each comprise tens, if not hundreds, of thousands of members. The exact number of persons in each class and sub-class can be determined from records maintained by the City.

31. Common questions of law and fact exist as to the Vehicle Make Class, including, but not limited to:

- a. whether the City exceeded its constitutional home rule authority by issuing ASE and ATL violation notices that do not specify the vehicle make as required by Section 208.3(b)(2) of the Illinois Vehicle Code;
- b. whether ASE and ATL violation notices issued by the City that do not specify the vehicle make are unlawful under Section 208.3(b)(2) of the Illinois Vehicle Code and Section 9-100-045(a) of the Municipal Code of Chicago;
- c. whether vehicle make is available and readily discernible from the Secretary of State records;
- d. whether Plaintiffs and class members are entitled to a declaration that the City’s practice of issuing ASE and ATL violation notices that do not specify the vehicle make is unconstitutional and all such notices are thus void;
- e. whether Plaintiffs and class members are entitled to a declaration that the City’s practice of issuing ASE and ATL violation notices that do not specify the vehicle make is unlawful under the Illinois Vehicle Code and Municipal Code of Chicago and all such notices are thus void;
- f. whether Plaintiffs and class members are entitled to an injunction preventing the City from collecting on or otherwise enforcing ASE and ATL violation notices that do not specify the vehicle make;

- g. whether the City's practice of issuing unlawful, unconstitutional and void ASE and ATL violation notices resulted in the City unjustly retaining a benefit to the detriment of Plaintiffs and class members; and
- h. whether the City's retention of this benefit violates the fundamental principles of justice, equity and good conscience.

These common questions predominate over questions, if any, affecting solely individual class members.

32. Common questions of law and fact exist as to the Notice Sub-Class, including, but not limited to:

- a. whether the City's practice of issuing determinations of liability on ASE and ATL violations without sending a second notice is unlawful under Section 9-100-050(d) of the Municipal Code of Chicago;
- b. whether Plaintiffs and class members are entitled to a declaration that the City's practice of issuing determinations of liability on ASE and ATL violations without sending a second notice is unlawful under the Municipal Code of Chicago and all such determinations are thus void;
- c. whether Plaintiffs and class members are entitled to an injunction preventing the City from collecting on or otherwise enforcing ASE and ATL violations because it failed to send a second notice as required by Section 9-100-050(d) of the Municipal Code of Chicago;
- d. whether the City's practice of issuing determinations of liability on ASE and ATL violations without sending a second notice resulted in the City unjustly retaining a benefit to the detriment of Plaintiffs and class members; and
- e. whether the City's retention of this benefit violates the fundamental principles of justice, equity and good conscience.

These common questions predominate over questions, if any, affecting solely individual class members.

33. Common questions of law and fact exist as to the Penalty Sub-Class, including, but not limited to:

- a. whether the City's practice of assessing penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability is unlawful under Sections 9-100-050(d) and (e) of the Municipal Code of Chicago;
- b. whether Plaintiffs and class members are entitled to a declaration that the City's practice of assessing penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability is unlawful under the Municipal Code of Chicago and that all such penalties are thus void;
- c. whether Plaintiffs and class members are entitled to an injunction preventing the City from collecting on or otherwise enforcing penalties on alleged ASE and ATL violations assessed prior to the expiration of the 25-day grace period after issuance of a determination of liability as required under Sections 9-100-050(d) and (e) of the Municipal Code of Chicago;
- d. whether the City's practice of assessing and collecting penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability resulted in the City unjustly retaining a benefit to the detriment of Plaintiffs and class members; and
- e. whether the City's retention of this benefit violates the fundamental principles of justice, equity and good conscience.

These common questions predominate over questions, if any, affecting solely individual class members.

34. Plaintiffs will fairly and adequately protect the interests of the members of the class and sub-classes. Plaintiffs have retained competent counsel experienced in class action litigation in state and federal courts nationwide and Plaintiffs have no interest adverse to any member of the class or sub-classes. Plaintiffs intend to prosecute this case vigorously on behalf of themselves and the class and sub-classes.

35. A class action is an appropriate method for the fair and efficient adjudication of this controversy pursuant to 735 ILCS 5/2-801(4) because it involves a uniform course of conduct equally applicable to Plaintiffs and all class members. A class action can therefore best secure the economies of time, effort and expense or accomplish the other ends of equity and

justice that this action seeks to obtain.

COUNT I
DECLARATORY AND INJUNCTIVE RELIEF ON BEHALF OF THE VEHICLE MAKE CLASS
(Based on Violations of Illinois Constitution, Article VII, Section 6)

36. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

37. As set forth above, the City's constitutional power to operate and enforce ASE and ATL systems is limited and must be in accordance with certain restrictions and notice procedures set forth in the Illinois Vehicle Code. Despite this limitation, the City issued Plaintiffs and other class members ASE and ATL violation notices that do not comply with the requirements of Section 11-208.3(b)(2) of the Illinois Vehicle Code. All such violations and warnings, therefore, were issued without constitutional authority and are thus invalid and unenforceable.

38. Pursuant to 735 ILCS 5/2-701(a), this Court may "make binding declarations of rights, having the force of final judgments ... including the determination ... of the construction of any statute, municipal ordinance, or other governmental regulation ... and a declaration of the rights of the parties interested." Such a declaration of rights "may be obtained ... as incident to or part of a complaint ... seeking other relief as well." 735 ILCS 5/2-701(b).

39. Plaintiffs seek a judgment declaring that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make as required under the Illinois Vehicle Code is unconstitutional under the Illinois Constitution and, therefore, that all such violations are void and unenforceable.

40. Plaintiffs have a personal claim which is capable of being affected and are entitled to the requested declaratory relief. As detailed above, this case presents an actual controversy

that requires an immediate and definitive determination of the parties' rights.

41. Plaintiffs possess a clearly ascertainable right to be free from the unconstitutional actions set forth above and are currently in need of protection. As detailed above, Plaintiffs have raised a fair question concerning the existence of this right.

42. For the reasons set forth above, Plaintiffs have a likelihood of success on the merits by demonstrating that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make is unconstitutional.

43. Plaintiffs and class members will suffer irreparable harm if an injunction is not granted. The City's unconstitutional practice, including the collection of fines and penalties related thereto and the threat of vehicle seizure and driver's license revocation, is causing substantial, immediate, and continuing damage to Plaintiffs and class members. As a result, Plaintiffs and class members may suffer irreversible damage to their credit from threatened collection actions by the City and the possible reporting of non-payment to credit agencies, be subject to vehicle seizure and/or driver's license revocation and suffer other harm and inconveniences as a result of the City's unconstitutional practice. There is no adequate remedy at law available to Plaintiffs and class members that would protect against the above harms.

WHEREFORE, Plaintiffs pray that the Court:

- A. Declare that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make as required by the Illinois Vehicle Code is unconstitutional under Article VII, Section 6 of the Illinois Constitution and, therefore, that all such violation notices are void and unenforceable;
- B. Grant preliminary and permanent injunctive relief prohibiting the City from collecting on or otherwise enforcing ASE and ATL violation notices that do not

specify the vehicle make;

- C. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- D. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- E. Order such other and further relief as this Court deems equitable, just and proper.

COUNT II

UNJUST ENRICHMENT ON BEHALF OF THE VEHICLE MAKE CLASS **(Based on Violations of Illinois Constitution, Article VII, Section 6)**

44. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

45. The City has demanded and received fines and penalties from Plaintiffs and other class members for alleged ASE and ATL violations that did not specify the make of the vehicle that was the subject of the alleged violation as required by the Illinois Vehicle Code. For the reasons set forth above, this practice violates the Illinois Constitution.

46. As a direct result, the City has collected fines and penalties from Plaintiffs and class members to which it was not entitled. The City knowingly appreciated and accepted this benefit, which has resulted and continues to result in an inequity to Plaintiffs and members of the class.

47. The City has thus unjustly received and retained a benefit belonging to Plaintiffs and class members, who have therefore suffered a commensurate detriment constituting money damages.

48. The City's retention of this benefit violates the fundamental principles of justice, equity and good conscience.

WHEREFORE, Plaintiffs pray that the Court:

- A. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- B. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- C. Order such other and further relief as this Court deems equitable, just and proper.

COUNT III

DECLARATORY AND INJUNCTIVE RELIEF ON BEHALF OF THE VEHICLE MAKE CLASS
(Based on Violation of Section 208.3(b)(2) of the Illinois Vehicle Code and Section 9-100-045 Municipal Code of Chicago)

49. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

50. Section 9-100-045 of the Municipal Code of Chicago, entitled "Notice of violation – Automated speed enforcement system and automated traffic law enforcement system violations," provides that any such "notice shall include all applicable information required in Section[] 11-208.3 ... of the Illinois Vehicle Code." Municipal Code of Chicago § 9-100-045(a). Section 11-208.3(b)(2) of the Illinois Vehicle Code, in turn, provides that an "[ASE] system, or [ATL] violation notice ... shall specify ... the vehicle make." (emphasis added).

51. Pursuant to 735 ILCS 5/2-701(a), this Court may "make binding declarations of rights, having the force of final judgments ... including the determination ... of the construction of any statute, municipal ordinance, or other governmental regulation ... and a declaration of the rights of the parties interested." Such a declaration of rights "may be obtained ... as incident to or part of a complaint ... seeking other relief as well." 735 ILCS 5/2-701(b).

52. Plaintiffs seek a judgment declaring that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make are unlawful under the Illinois

Vehicle Code and the Municipal Code of Chicago and, therefore, that all such violations are void and unenforceable.

53. Plaintiffs have a personal claim which is capable of being affected. As detailed above, this case presents an actual controversy that requires an immediate and definitive determination of the parties' rights.

54. Plaintiffs possess a clearly ascertainable right to be free from the unlawful actions set forth above and are currently in need of protection. As detailed above, Plaintiffs have raised a fair question concerning the existence of this right.

55. For the reasons set forth above, Plaintiffs have a likelihood of success on the merits by demonstrating that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make is unlawful under the Illinois Vehicle Code and the Municipal Code of Chicago.

56. Plaintiffs and class members will suffer irreparable harm if an injunction is not granted. The City's unlawful practice, including the collection of fines and penalties related thereto and the threat of vehicle seizure and driver's license revocation, is causing substantial, immediate, and continuing damage to Plaintiffs and class members. As a result, Plaintiffs and class members may suffer irreversible damage to their credit from threatened collection actions by the City and the possible reporting of non-payment to credit agencies, be subject to vehicle seizure and/or driver's license revocation and suffer other harm and inconveniences as a result of the City's unlawful practice. There is no adequate remedy at law available to Plaintiffs and class members that would protect against the above harms.

WHEREFORE, Plaintiffs pray that the Court:

- A. Declare that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make violates the Illinois Vehicle Code and, therefore, that all such violation notices are void and unenforceable;
- B. Declare that the City's practice of issuing ASE and ATL violation notices that do not specify the vehicle make violates the Municipal Code of Chicago and, therefore, that all such violation notices are void and unenforceable;
- C. Grant preliminary and permanent injunctive relief prohibiting the City from collecting on or otherwise enforcing ASE and ATL violation notices that do not specify the vehicle make;
- D. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- E. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- F. Order such other and further relief as this Court deems equitable, just and proper.

COUNT IV

UNJUST ENRICHMENT ON BEHALF OF THE VEHICLE MAKE CLASS
(Based on Violation of Section 208.3(b)(2) of the Illinois Vehicle Code and Section 9-100-045 Municipal Code of Chicago)

57. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

58. The City has demanded and received fines and penalties from Plaintiffs and other class members for alleged ASE and ATL violations that did not specify the make of the vehicle that was the subject of the alleged violation as required by the Illinois Vehicle Code and the Municipal Code of Chicago.

59. As a direct result, the City has collected fines and penalties from Plaintiffs and class members to which it was not entitled. The City knowingly appreciated and accepted this benefit, which has resulted and continues to result in an inequity to Plaintiffs and class members.

60. The City has thus unjustly received and retained a benefit belonging to Plaintiffs and class members, who have therefore suffered a commensurate detriment constituting money damages.

61. The City's retention of this benefit violates the fundamental principles of justice, equity and good conscience.

WHEREFORE, Plaintiffs pray that the Court:

- A. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- B. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- C. Order such other and further relief as this Court deems equitable, just and proper.

COUNT V

DECLARATORY AND INJUNCTIVE RELIEF ON BEHALF OF THE NOTICE SUB-CLASS **(Based on Failure to Issue Second Notice in Violation of the Municipal Code of Chicago)**

62. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

63. As set forth above, the City issues determinations of liability on alleged ASE and ATL violations without issuing a second notice as required under Section 9-100-050(d) of the Municipal Code of Chicago.

64. Pursuant to 735 ILCS 5/2-701(a), this Court may "make binding declarations of rights, having the force of final judgments ... including the determination ... of the construction

of any statute, municipal ordinance, or other governmental regulation ... and a declaration of the rights of the parties interested.” Such a declaration of rights “may be obtained ... as incident to or part of a complaint ... seeking other relief as well.” 735 ILCS 5/2-701(b).

65. Plaintiffs seek a judgment declaring that the City’s practice of issuing determinations of liability on alleged ASE and ATL violations without issuing a second notice is unlawful under the Municipal Code of Chicago and, therefore, that all such violations are void and unenforceable.

66. Plaintiffs have a personal claim which is capable of being affected. As detailed above, this case presents an actual controversy that requires an immediate and definitive determination of the parties’ rights.

67. Plaintiffs possess a clearly ascertainable right to be free from the unlawful actions set forth above and are currently in need of protection. As detailed above, Plaintiffs have raised a fair question concerning the existence of this right.

68. For the reasons set forth above, Plaintiffs have a likelihood of success on the merits by demonstrating that the City’s practice of issuing determinations of liability on alleged ASE and ATL violations without issuing a second notice is unlawful under the Municipal Code of Chicago.

69. Plaintiffs and class members will suffer irreparable harm if an injunction is not granted. The City’s unlawful practice, including the collection of fines and penalties related thereto and the threat of vehicle seizure and driver’s license revocation, is causing substantial, immediate, and continuing damage to Plaintiffs and class members. As a result, Plaintiffs and class members may suffer irreversible damage to their credit from threatened collection actions by the City and the possible reporting of non-payment to credit agencies, be subject to vehicle

seizure and/or driver's license revocation and suffer other harm and inconveniences as a result of the City's unlawful practice. There is no adequate remedy at law available to Plaintiffs and class members that would protect against the above harms.

WHEREFORE, Plaintiffs pray that the Court:

- A. Declare that the City's practice of issuing determinations of liability on alleged ASE and ATL violations without issuing a second notice is unlawful under the Municipal Code of Chicago and, therefore, that all such violations are void and unenforceable;
- B. Grant preliminary and permanent injunctive relief prohibiting the City from collecting on or otherwise enforcing alleged ASE and ATL violations without issuing a second notice as required under the Municipal Code of Chicago;
- C. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- D. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- E. Order such other and further relief as this Court deems equitable, just and proper.

COUNT VI

UNJUST ENRICHMENT ON BEHALF OF THE NOTICE SUB-CLASS

(Based on Failure to Issue Second Notice in Violation of the Municipal Code of Chicago)

70. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

71. The City has demanded and received fines and penalties from Plaintiffs and other class members for alleged ASE and ATL violations on which the City issued determinations of liability without issuing a second notice as required by the Municipal Code of Chicago.

72. As a direct result, the City has collected fines and penalties from Plaintiffs and class members to which it was not entitled. The City knowingly appreciated and accepted this benefit, which has resulted and continues to result in an inequity to Plaintiffs and class members.

73. The City has thus unjustly received and retained a benefit belonging to Plaintiffs and class members, who have therefore suffered a commensurate detriment constituting money damages.

74. The City's retention of this benefit violates the fundamental principles of justice, equity and good conscience.

WHEREFORE, Plaintiffs pray that the Court:

- A. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- B. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- C. Order such other and further relief as this Court deems equitable, just and proper.

COUNT VII

DECLARATORY AND INJUNCTIVE RELIEF ON BEHALF OF THE PENALTY SUB-CLASS (Based on Assessment of Penalties in Violation of the Municipal Code of Chicago)

75. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

76. As set forth above, the determination of liability notices issued to Plaintiffs and class members specify a "**PAY BY DATE**" for the payment of the fine associated with the alleged violation, which is 21 days from the date of the determination of liability notice. The determination of liability notice further states that "[i]f payment is not received by the listed **PAY BY DATE**, a late penalty that can be equal to the original fine amount will be assessed."

77. The City, therefore, assesses penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability as provided under the Municipal Code of Chicago, a practice which was applicable to Plaintiffs.

78. Pursuant to 735 ILCS 5/2-701(a), this Court may “make binding declarations of rights, having the force of final judgments ... including the determination ... of the construction of any statute, municipal ordinance, or other governmental regulation ... and a declaration of the rights of the parties interested.” Such a declaration of rights “may be obtained ... as incident to or part of a complaint ... seeking other relief as well.” 735 ILCS 5/2-701(b).

79. Plaintiffs seek a judgment declaring that the City’s practice of assessing penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability is unlawful under the Municipal Code of Chicago and, therefore, that all such penalties are void and unenforceable.

80. Plaintiffs have a personal claim which is capable of being affected. As detailed above, this case presents an actual controversy that requires an immediate and definitive determination of the parties’ rights.

81. Plaintiffs possess a clearly ascertainable right to be free from the unlawful actions set forth above and are currently in need of protection. As detailed above, Plaintiffs have raised a fair question concerning the existence of this right.

82. For the reasons set forth above, Plaintiffs have a likelihood of success on the merits by demonstrating that the City’s practice of assessing penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability is unlawful under the Municipal Code of Chicago.

83. Plaintiffs and class members will suffer irreparable harm if an injunction is not granted. The City's unlawful practice, including the collection of fines and penalties related thereto and the threat of vehicle seizure and driver's license revocation, is causing substantial, immediate, and continuing damage to Plaintiffs and class members. As a result, Plaintiffs and class members may suffer irreversible damage to their credit from threatened collection actions by the City and the possible reporting of non-payment to credit agencies, be subject to vehicle seizure and/or driver's license revocation and suffer other harm and inconveniences as a result of the City's unlawful practice. There is no adequate remedy at law available to Plaintiffs and class members that would protect against the above harms.

WHEREFORE, Plaintiffs pray that the Court:

- A. Declare that the City's practice of assessing penalties on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability is unlawful under the Municipal Code of Chicago and, therefore, that all such penalties are void and unenforceable;
- B. Grant preliminary and permanent injunctive relief prohibiting the City from collecting on or otherwise enforcing penalties assessed on alleged ASE and ATL violations prior to the expiration of the 25-day grace period after issuance of a determination of liability;
- C. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- D. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- E. Order such other and further relief as this Court deems equitable, just and proper.

COUNT VIII
UNJUST ENRICHMENT ON BEHALF OF THE PENALTY SUB-CLASS
(Based on Assessment of Penalties in Violation of the Municipal Code of Chicago)

84. Plaintiffs adopt and incorporate by reference all prior paragraphs of this Complaint as if fully set forth herein.

85. As set forth above, the determination of liability notices issued to Plaintiffs and class members specify a “**PAY BY DATE**” for the payment of the fine associated with the alleged violation, which is 21 days from the date of the determination of liability notice. The determination of liability notice further states that “[i]f payment is not received by the listed **PAY BY DATE**, a late penalty that can be equal to the original fine amount will be assessed.”

86. The City, therefore, has demanded and received penalties on alleged ASE and ATL violations that were assessed prior to the expiration of the 25-day grace period after issuance of a determination of liability as provided for under the Municipal Code of Chicago, a practice which was applicable to Plaintiffs.

87. As a direct result, the City has collected penalties from Plaintiffs and class members to which it was not entitled. The City knowingly appreciated and accepted this benefit, which has resulted and continues to result in an inequity to Plaintiffs and class members.

88. The City has thus unjustly received and retained a benefit belonging to Plaintiffs and class members, who have therefore suffered a commensurate detriment constituting money damages.

89. The City’s retention of this benefit violates the fundamental principles of justice, equity and good conscience.

WHEREFORE, Plaintiffs pray that the Court:

- A. Award Plaintiffs and class members damages in an amount to be determined herein, including pre- and post-judgment interest;
- B. Grant an award of reasonable attorneys' fees and all expenses and costs of this action; and
- C. Order such other and further relief as this Court deems equitable, just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by jury on all issues that may be tried and decided by jury.

Dated: March 23, 2015

Respectfully submitted,

By: 
One of Plaintiffs' Attorneys

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Attorneys for Plaintiffs and the Class

Ex. A

A response is required before the PAY OR CONTEST DATE on the front of this notice. If you believe this violation has been billed to you in error, do not ignore this notice. If you fail to respond, the City of Chicago will conclude that this billing is correct and take further enforcement action.

PAYMENT OPTIONS

- To Pay Online using the Internet please visit: www.cityofchicago.org/finance
- To Pay by Mail, please fill in the PAY circle on the return stub and mail the stub with your payment to the City of Chicago. **PLEASE DO NOT SEND CASH. DO NOT SEND CREDIT CARD INFORMATION.**
- Payment Plans, if you would like information about ticket payment plans, please visit us at www.cityofchicago.org/finance or call 312.744.PARK (7275).
- To Pay in Person, please bring this notice and your payment to any of the following Department of Finance locations:

South 2008 E. 95 th St. Payments & Inquiries: 8AM-6:30PM (M-F) Hearing Hours: 8AM-4PM (M-F)	North 2550 W. Addison Payments & Inquiries: 8AM-6:30PM (M-F) Hearing Hours: 8AM-4PM (M-F)	Central Hearing Facility 400 W. Superior, 1 st Floor Payments & Inquiries: 8AM-4:30PM (M-F) 8AM-3:30PM (SAT) Hearing Hours: 9:30AM-4PM (M-F) Boat Hearings: 9AM-3PM (SAT)	Southwest 4770 S. Kedzie Payments & Inquiries: 8AM-6:30PM (M-F) NO HEARINGS	City Hall 121 N. LaSalle Room 107 Payments & Inquiries: 8AM-5PM (M-F) NO HEARINGS
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Chicago EZ Pay Stations

Pay your tickets at Chicago EZ Pay Stations. The stations accept cash, credit/debit cards, and personal checks. For locations, including pay stations operating twenty-four hours per day, seven days per week, visit www.cityofchicago.org/finance or call 1.866.PAYSTAT (729.7828). También Disponible en Español.

HEARING OPTIONS

Only the registered owner of the vehicle may contest this violation. The Chicago Municipal Code provides for the following grounds to contest this violation:

- The operator of the vehicle was issued a uniform traffic citation for a violation of Section 9-8-020(c) or Section 9-16-030(c); or
- The violation occurred at any time during which the vehicle or its state registration plates were reported to a law enforcement agency as having been stolen and the vehicle or its plates had not been recovered by the owner at the time of the alleged violation; or
- The vehicle was leased to another, and, within 60 days after the notice was mailed to the owner, the owner submitted to the department of revenue the correct name and address of the lessee of the vehicle identified in the notice at the time of the violation, together with a copy of the lease agreement and any additional information as may be required by the department; or
- The vehicle was an authorized emergency vehicle or was a vehicle lawfully participating in a funeral procession; or
- The facts alleged in the violation notice are inconsistent or do not support a finding that Section 9-8-020(c) was violated; or
- The respondent was not the registered owner or lessee of the cited vehicle at the time of the violation.

To **CONTEST BY MAIL**, fill in the CONTEST BY MAIL circle on the notice stub and on the envelope. Enclose in the return envelope a statement signed by the registered owner of the vehicle setting forth facts that establish a defense. Also enclose any supporting evidence (indicating the ticket number), such as photographs, affidavits, your state vehicle registration, or official police vehicle theft and/or recovery reports. Make sure the documents are legible and complete. Send copies, not originals; documents will not be returned. Enclose all evidence needed to support your defense because the hearing officer's decision is final. All contest by mail materials can be mailed using the enclosed return envelope or dropped off at any City of Chicago Department of Finance location, shown above.

To **CONTEST IN PERSON** before an administrative law judge, fill in the IN-PERSON HEARING circle on the return stub and on the envelope. Mail the stub in the return envelope or you may also drop it off at any City of Chicago Department of Finance location, shown above. You will be notified in writing of your hearing date and time options or you may call (312) 744 - PARK (7275).

ADDITIONAL INFORMATION AND CONSEQUENCES FOR FAILURE TO RESPOND

- You may view a video of your violation online at www.cityofchicago.org/finance.
- This ticket was issued because a red light camera recorded your vehicle proceeding into an intersection in violation of a traffic signal. Please note that you can be cited for failing to bring your vehicle to a complete stop before turning right when the light is red. Turning right on red may be prohibited when signs restricting such turns are posted. The ticket appearing on this notice is not a uniform traffic citation. Payment will not impact your driving privileges. Failure to timely pay, however, may subject you to further enforcement including vehicle immobilization.
- If you fail to pay or contest this violation, a determination will be entered against you. If the fine is not paid within 21 days of a determination, a penalty will be assessed in an amount up to the fine amount and the determination will be final. Once a determination is final, you no longer have an opportunity to contest liability. Any unpaid fine or penalty constitutes a debt due and owing to the City. Payment of any fine acts as final disposition of the violation.
- Do you have questions about this notice? Please visit us at www.cityofchicago.org/finance or call 312.744.PARK (7275) or, for the hearing impaired, 312.744.7277.
- If you accumulate any three (3) or more final determinations or two (2) that are at least a year old, any vehicle you own may be bottled and impounded until all fines, costs and penalties have been paid. After ten (10) parking or compliance or a combination of five (5) or more unpaid automated speed enforcement system or automated traffic violation final determinations, the City will seek the suspension of your driving privileges.

DID YOU REMEMBER TO:

- Enclose your check or money order made payable to the CITY OF CHICAGO
- Include your license plate number and notice number on your check or money order
- Enclose all payment stub(s)
- Mail using the enclosed return envelope to: City of Chicago
Department of Finance
P.O. Box 88292
Chicago IL 60680-1292

PLEASE:

- DO NOT send cash
- DO NOT send credit card information
- DO NOT fold the payment stub(s)
- DO NOT staple the check or money order to the payment stub(s)

Ex. B

INSTRUCTIONS FOR READING THIS NOTICE: Please refer to the specific section or sections below referenced on the front of this notice. Each explains your rights and responsibilities as they pertain to the ticket or tickets listed under each section. Please disregard the description of any section not referenced on the front of this notice.

SECTION 1: NOTICE OF DETERMINATION

Determinations of liability have been entered against tickets listed in this section for one of the following reasons: (a) an administrative law judge has entered a liable determination as a result of a hearing; (b) the registered owner or responsible party has failed to respond to either the ticket placed on the windshield or the mailed notice of violation or; (c) the registered owner or responsible party has failed to appear for a scheduled hearing. The registered owner or responsible party is **LIABLE** in the amount of the indicated fines. If payment is not received by the listed **PAY BY DATE**, a late payment penalty that can be equal to the original fine amount will be assessed.

If a determination of liability was entered by an administrative law judge as reflected in reason (a) listed above, you must pay the amount due or appeal the liable decision to the Circuit Court of Cook County within thirty-five (35) days of the date appearing on the original determination order from the Department of Administrative Hearings. If a determination of liability was entered but you have not yet had a hearing, you may attempt to contest the determination. You may petition to re-open the proceedings by appearing before the **PAY BY DATE** and filing a petition to set aside at one of three (3) City of Chicago facilities offering hearing hours. Separate petitions must be filed for each violation you wish to re-open. Grounds for filing a petition are limited to (1) you were not the owner or lessee of the cited vehicle on the date of the ticket; (2) you have already paid the fine, or (3) your failure to respond to the earlier notices was excusable. If your explanation is sufficient, an immediate hearing on the violation will be held before the first available administrative law judge. Therefore, when you appear to present your petition, please bring all materials that you will need to contest liability. Please bring copies as originals will not be returned. If you do not exercise your right to file a petition to set aside by the listed **PAY BY DATE**, you will lose your option to contest the ticket either administratively or judicially. A penalty that can be equal to the original fine amount will be issued followed by a notice of final determination.

SECTION 2: FINAL DETERMINATION

Final determinations of liability have been entered against tickets listed in this section, and penalties have been assessed. Payment is due immediately. The final determinations may be enforced in the same manner as a judgment entered by a court of competent jurisdiction. The tickets may be collected by means including collection agency referral and credit bureau action, and the imposition of liens on real estate and personal estates. The amount owed may increase. Any expenses incurred by the City to enforce the determination, including but not limited to, attorney's fees and court costs, shall be debts due and owing to the City. If you accumulate any three (3) or more final determinations or two (2) at least a year old, any vehicle you own may be booted and impounded until all fines, costs and penalties have been paid. After ten (10) parking or compliance or a combination of five (5) or more unpaid automated speed enforcement system or automated traffic violation final determinations, the City of Chicago will seek the suspension of your driving privileges.

SECTION 3: SEIZURE

If you have tickets listed in this section, any vehicle registered in your name may be booted unless all fines and penalties are paid within twenty-one (21) days of the first seizure notice listing such fines and penalties. If you have previously received a seizure notice, your vehicle(s) may already be eligible for immobilization. You have twenty-one (21) days from the date of your first notice of seizure eligibility to conclusively prove that you did not have at least three (3) unpaid final determinations of parking or compliance violation liability or two (2) unpaid final determinations of parking or compliance violation liability older than 1 year. To challenge the impending seizure, you must appear at a City of Chicago facility offering hearing hours.

Once a vehicle is booted, a boot fee of \$60 (\$400 for truck tractors, semi-trailers or trailers) must be paid in addition to all fines and penalties. All fines and penalties can include any ticket(s) in final determination status issued to any vehicle(s) registered in your name. If a vehicle remains booted for twenty-four (24) hours, or is eligible for immediate tow, it will be towed and impounded. Towed vehicles weighing less than 8,000 pounds (e.g., passenger cars) will be assessed a fee of \$150 plus storage fees of \$20 per day for the first five (5) days and \$35 per day thereafter. Towed vehicles weighing 8,000 pounds or more will be assessed a fee of \$250 plus storage fees of \$60 per day for the first five (5) days and \$100 per day thereafter. All fines, penalties and fees, including any ticket(s) in final determination status issued to any vehicle(s) registered in your name, must be paid to secure the release of a vehicle. All payments for booted or towed vehicles must be made in-person by cash, credit card, or money order issued by the U.S. Postal Service. Other forms of payment will not be accepted.

DO NOT TAMPER WITH OR REMOVE THE BOOT. Tampering with or removal of the boot is illegal and will result in the immediate tow and impoundment of your vehicle and the imposition of a \$750 fee (or \$1000 for vehicles weighing over 8,000 pounds). If you feel you have been booted in error, you may challenge the seizure by appearing at a City of Chicago facility offering hearing hours within twenty-one (21) days after immobilization or within twenty-one (21) days of the date of the notice of vehicle impoundment.

If your vehicle is towed to a City Auto Pound and no interest or action is taken to retrieve it, the pound will take its own action. The pound will keep a vehicle on premises for 15 days after the registered owner is notified by certified mail of the impending action. Failure to retrieve the vehicle or request a hearing within 15 days from the date of notice can result in the vehicle's sale or destruction. A 15 day extension can be requested by calling 312.744.PARK (7275).

SECTION 4: IMPENDING DRIVER'S LICENSE SUSPENSION

If you have tickets listed in this section, you must pay ALL outstanding fines and penalties (including any applicable fines and penalties issued after the mailing of this notice) within forty-five (45) days of the date of the first notice of impending driver's license suspension to prevent the City of Chicago from certifying your driver's license suspension eligibility with the Office of the Secretary of State (Section 5/6-306.5 of the Illinois Vehicle Code). Partial payment will not prevent the suspension of your driving privileges. If you have previously received a notice of impending driver's license suspension for fines and penalties for ten (10) or more unpaid parking or compliance or a combination of five (5) or more unpaid automated speed enforcement system or automated traffic violation final determinations, your driving privileges may already be suspended.

After the City of Chicago certifies your eligibility for suspension, the Secretary of State will initiate suspension proceedings. Proceedings can be terminated (or your license restored) only after the City notifies the Secretary of State that all final determinations of liability, issued to any vehicle(s) registered in your name, have been satisfied, as well as any other required fees, fines or penalties. Payments must be made in-person by cash, credit card, or money order issued by the U.S. Postal Service. Other forms of payment will not be accepted. In addition, on the date the City of Chicago certifies your suspension, a \$20 processing fee will be assessed. This \$20 fee is payable to the City of Chicago and must be paid prior to the City notifying the Secretary of State that your driving privileges may be restored. The Secretary of State charges a separate fee to restore your driving privileges.

Copies of tickets, if available, may be obtained by mailing your request and a self-addressed stamped envelope to the City of Chicago, Attention: Ticket Copies, P.O. Box 6289, Chicago, IL 60680-6289. Ticket copies may only be requested by the registered owner.

If you have questions about this notice or for information about payment plans, please visit us at www.cityofchicago.org/finance or call us at 312.744.PARK (7275) (or 312.744.7277 for the hearing impaired).

IF PAYING BY MAIL, did you remember to:

- Enclose your check or money order made payable to the CITY OF CHICAGO
- Include your license plate number and notice number on your check or money order
- Enclose all payment stubs
- Mail using the enclosed return envelope to:

City of Chicago,
Department of Finance,
P.O. Box 88292, Chicago IL 60680-1292

OTHER PAYMENT OPTIONS: You can pay on-line, by visiting www.cityofchicago.org/finance. You cannot pay tickets in seizure or driver's license suspension status on-line if your vehicle has been seized or your driver's license has been suspended.

TO PAY IN PERSON, bring this Notice to any City of Chicago Department of Finance location:

South
2006 E. 95th St.
Payments & Inquiries:
8AM-6:30PM (M-F)
Hearing Hours:
8AM-4PM (M-F)

North
2550 W. Addison
Payments & Inquiries:
9AM-6:30PM (M-F)
Hearing Hours:
8AM-4PM (M-F)

Central Hearing Facility
400 W. Superior, 1st Floor
Payments & Inquiries:
8:00AM-4:30PM (M-F)
8:00AM-3:30PM (SAT)
Hearing Hours:
8:30AM-4PM (M-F)
Boot Hearings:
9AM-3PM (SAT)

Southwest
4770 S. Kedzie
Payments & Inquiries:
8AM-6:30PM (M-F)
NO HEARINGS

City Hall
121 N. LaSalle
Room 107
Payments & Inquiries:
8AM-5PM (M-F)
NO HEARINGS

Chicago EZ Pay Stations

Pay your tickets at **Chicago EZ Pay Stations**. The stations accept cash, credit/debit cards, and personal checks. For locations, including many operating twenty-four hours per day, seven days per week, visit www.cityofchicago.org/finance or call 1.866.PAYSTAT (729.7328). También Disponible en Español.