

APPENDIX E
IN THE CITY OF CHICAGO
DEPARTMENT OF ADMINISTRATIVE HEARINGS

CITY OF CHICAGO,
Health Department
V.

Petitioner,

NOV. No.: 04LP000

Respondent,
Address:

NOTICE OF VIOLATIONS AND SUMMONS

YOU ARE HEREBY NOTIFIED THAT THE Health Department HAS CITED THE ABOVE PROPERTY FOR ALLEGED VIOLATION(S) OF THE CHICAGO MUNICIPAL CODE, EXISTING ON _____ AND ON EACH SUCCEEDING DATE THEREAFTER, AND THAT THE DEPARTMENT OF ADMINISTRATIVE HEARINGS WILL CONDUCT A HEARING ON THE MATTER AT 400 W. SUPERIOR ST., ROOM , CHICAGO, IL., ON: _____ AT 12:00 NOON.

You, your attorney or an authorized representative must appear at the hearing at the date and time scheduled above and be prepared to proceed to a hearing. Hearing dates and times cannot be rescheduled by telephone. This hearing is your opportunity to answer and defend against the alleged violations. You are required to have all evidence and/or witnesses with you on the above hearing date and may present evidence (i.e. photos, repair invoices or paid receipts, etc.) and/or testimony as to the existence, non-existence or correction of the violations.

If a violation is determined to exist, the administrative law officer may issue an order to correct the violations and impose fines, costs and/or other penalties that will attach to the property and the property owner. Each violation may carry a fine of up to FIVE Hundred Dollars (\$500.00) per day for each day the violation exists.

Evidence of full correction of the violations as of the hearing date may be presented as a valid defense at the hearing. Evidence of substantial steps towards full correction (i.e., permit applications, repair work contracts, as of the hearing date, will not avoid a finding of liability, but may be considered in whether to grant addition time to complete the work prior to the determination on the amount of fines and/or penalties imposed.

Failure of an owner, or other party, or authorized representative to appear at the hearing may result in a finding of liability and imposition of the maximum fines, costs, compliance orders and/or penalties under law entered against you in your absence.

Copies of the Rules and Regulations--for the conduct of hearings before the Department of Administrative Hearing are available at 400 W. Superior, Chicago, IL during regular business hours. Copies of the Rules and Regulations regarding abatement of lead paint hazards are available by calling 312-746-_____.

If you have any questions regarding the violations, why they were issued, the building inspections or how to schedule a follow-up building inspection you must contact the Health Department at 312-746-_____.

**IN THE CITY OF CHICAGO, ILLINOIS
DEPARTMENT OF ADMINISTRATIVE HEARINGS**

CITY OF CHICAGO, a Municipal Corporation,
Petitioner

Docket #

v.

_____)
_____)
_____) Respondent(s))

Issuing City Dept.:
Health

COMPLAINT AND SUMMONS

You are hereby notified that the Department of Health has cited you for alleged violations of rules and regulations promulgated on 6/26/00 by said Department under Chapter of the Chicago Municipal Code at the property located at _____, observed on _____, and that the Department of Administrative Hearings will conduct a hearing on the matter in Room 112, 400 W. Superior, Chicago, Illinois, on _____ at _____ p.m. The violations alleged are as follows:

___ Failure to allow an authorized representative of the City of Chicago with the enforcement of this ordinance. Upon presentation of the appropriate credentials, to inspect the unit or building.

___ Conducting mitigation, abatement, or lead-bearing-substance removal activities at a site classifiable as Level 1-4 without either having obtained training from the Department of Health or being a duly licensed lead worker, lead contractor/supervisor, or lead abatement contractor.

___ Failing to carry out mitigation, abatement, or lead-bearing-substance removal activities at a site classifiable as Level 1 according to the most current Owner Mitigation Checklist of the Environmental Lead Program of the Chicago Department of Health, as listed below:

___ Participating in, or permitting anyone other than duly licensed lead workers, lead contractors/supervisors, or lead abatement contractors to mitigate or abate a lead hazard or remove a lead-bearing substance at a site classifiable as Level 2 as listed below.

___ Participating in, or permitting anyone other than duly licensed lead abatement contractors to mitigate or abate a lead-hazard or remove a lead-bearing substance at a site classifiable as Level 3 or 4 as listed below:

No Mitigation Plan

Improper containment

Improper worker protection

Improper resident location

Improper treatment of unmovable items other than furniture

Improper treatment of moveable items other than furniture

Conducting exterior work when wind speed exceeds 20 m.p.h.

Conducting exterior work during rain

Improper treatment of
furniture

Improper clean up

Use of prohibited methods

Improper security or barriers

Improper warning signs

Improper Ventilation

Exceeding time limit

Failure to admit inspector

Failing to clean up exterior work area before rainfall or nightfall begins
More specifically the inspector observed:

I, _____, an employee of the City of Chicago, Department of Health, certify that I have conducted an inspection of the above-referenced premises on the date indicated. I further certify that I have observed the alleged violations cited and believe that the violations as set forth in this instrument are true and correct.

You, your attorney, or an authorized representative must appear at the hearing indicated on the front of this Complaint and Summons, on the date and time indicated there, and be prepared to proceed to a hearing. Hearing dates and times cannot be rescheduled by telephone. This hearing is your opportunity to answer and defend against the violations alleged on the front of this Complaint and Summons, and you are required to have all evidence and/or witnesses with you on the above hearing date. You may present evidence (i.e., photographs, repair invoices, paid receipts, etc.) and/or testimony as to the existence, nonexistence, or correction of the violations alleged.

If one or more violations are determined to exist, the Administrative Law Officer may issue an order to correct the violation(s) and impose fines, costs, and/or other penalties that will attach to the property and the property owner, and/or to the violator. Each violation may carry a fine of up to \$500 dollars per day for each day the violation exists.

Failure to appear at, or to send an authorized representative to, the scheduled hearing may result in a finding of liability and imposition of the maximum fines, costs, compliance orders, and/or penalties under law entered against you in your absence.

Copies of the Rules and Regulations governing the conduct of hearings before the Department of Administrative Hearings are available at 400 W. Superior, Chicago, Illinois, during regular business hours. You may contact the Department of Health for copies of the Rules and Regulations promulgated on 6/26/00 by calling (312) 746-6585. For questions regarding hearing procedures only please call (312) 742-0433

IF YOU HAVE ANY QUESTIONS REGARDING THE VIOLATIONS, WHY THEY WERE ISSUED, THE INSPECTION, OR HOW TO SCHEDULE A FOLLOW-UP INSPECTION, YOU MUST CONTACT THE DEPARTMENT OF PUBLIC HEALTH AT (312)-746-6585

PROOF OF SERVICE

I, _____, an employee of the City of Chicago Department of Health, under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, certify that I served a Complaint and Summons form upon each person named in the List below, at the address indicated below, in a manner specified below, on _____ date. If service was made by mail, it was deposited in the United States Mail a 333 S. State Street, Chicago, Illinois with postage prepaid.

INTERESTED PARTIES SERVICE LIST

RESPONDENT NAME	ADDRESS	DELIVERY
(1) _____	_____ _____	__ PERSONAL SERVICE __ US MAIL
(2) _____	_____ _____	__ PERSONAL SERVICE __ US MAIL
(3) _____	_____ _____	__ PERSONAL SERVICE __ US MAIL

LEAD

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DISTRICT – FIRST DISTRICT**

CITY OF CHICAGO, a municipal corporation,

Plaintiff,

v.

et al.,

Defendants*

Case No.

Property Address:

**Amount claimed per day of
Violation: \$20,000.00**

**Courtroom 1101
Richard J. Daley Center**

COMPLAINT FOR EQUITABLE AND OTHER RELIEF

Plaintiff, the City of Chicago (“Chicago”), by its attorney, Mara S. Georges, Corporation Counsel, states the following:

COUNT ONE

1. Located within the corporate limits of Chicago is a parcel of real estate commonly known by the above address.**
2. Upon information and belief, at all times set forth in paragraph three (3) below, defendants owned, maintained, operated, collected rents for, or had an interest in the premises.

* refer to attached addendum one for defendants.

** refer to attached addendum two for legal description.

3. On 01-26-01 the date this complaint was filed, and on numerous other occasions, the following violations of Chapter 7-4 of the Municipal Code of Chicago existed at the premises and said violations have not been corrected:

#101045 The dwelling located at
following location:

has defective lead-bearing paint found in the

1st Floor

VESTIBULE

1. East Exterior Window System

LIVING ROOM

2. East Exterior Window System

BEDROOM #1

3. East Wall
4. South Interior Window System
5. West Interior Window System
6. South Exterior Window System
7. West Exterior Window System

DINING ROOM

8. North Exterior Window System
9. South Exterior Window System
10. West Exterior Window System

BATHROOM

11. South Interior Window System
12. South Exterior Window System

BEDROOM #2

13. North Interior Window System
14. North Exterior Window System
15. East Wall

STORAGE

16. South Wall

REAR PORCH

17. Deck
18. Pickets
19. Uprights
20. Steps

2nd Floor

SUNROOM

21. North Interior Window System
22. East Interior Window System
23. South Interior Window System
24. North Exterior Window System
25. East Exterior Window System
26. South Exterior Window System

LIVING ROOM

27. East Exterior Window System
28. South Exterior Window System
29. East Interior Window System
30. South Interior Window System

DINING ROOM

31. West Interior Window System

BEDROOM #2

32. East Interior Window System
33. South Interior Window System
34. West Interior Window System
35. East Exterior Window System

- 36. South Exterior Window System
- 37. West Exterior Window System

BEDROOM #3

- 38. North Interior Window System
- 39. North Exterior Window System

KITCHEN

- 40. North Interior Window System
- 41. North Exterior Window System

BATHROOM

- 42. South Interior Window System

OPEN REAR PORCH

- 43. Rails
- 44. Pickets
- 45. Uprights

End of Violations

4. John L. Wilhelm, M.D., M.P.H., is the Commissioner of the City of Chicago, Department of Health. Through reports of environmental lead inspectors of that department, she or the undersigned knows the facts stated in this complaint.
5. This lawsuit is brought pursuant to the police powers inherent in the state, delegated to the municipality pursuant to Illinois Compiled Statutes, Chapter 65, Sec. 5-11-31-1, 5-11-31-2, and 5-11-13-15, and the Municipal Code of Chicago.

Wherefore, plaintiff requests the court fine the defendant(s) who possess or control the premises in the amount claimed for each day the violations described have existed and/or exist.

COUNT TWO

As a second and further cause of action, plaintiff:

6. Re-alleges the allegations of paragraphs one through five as if pleaded in full, and further alleges;
7. The levying of a fine is not an adequate remedy for the abatement of a nuisance. Instead, a temporary and permanent injunction should issue to bring the subject premises into compliance with the Municipal Code of Chicago;
8. John L. Wilhelm, M.D., MPH, Commissioner of the City of Chicago Department of Health, has determined the premises are dangerous and unsafe.

Wherefore, plaintiff requests the court:

- A. Enter a temporary and permanent injunction requiring defendants to correct the enumerated violations and to restrain future violations permanently;
- B. Appoint a receiver, if necessary, to correct the conditions alleged in the complaint with the full powers of receivership, including the right to issue and sell receiver's certificates pursuant to Section 5-11-31-2 of Chapter 65 of the Illinois Compiled Statutes, as amended;
- C. Enter an order permitting foreclosure of a statutory lien obtained in this proceeding of such a statutory lien is obtained
- D. Render such further relief as may be necessary and which the court shall deem proper and just;
- E. Award reasonable attorneys fees and court costs.

CITY OF CHICAGO, a municipal corporation
Corporation Counsel

By: _____
Assistant Corporation Counsel

The undersigned, being first duly sworn on oath, states he is the duly authorized agent of the plaintiff for the purpose of making this affidavit; he has read the foregoing Complaint, knows the contents thereof, and states the matters set forth therein are true in substance and in fact, and as to matters alleged on information and belief, he believes them to be true.

Department of Public Health
Lead Poisoning Prevention Program

Subscribed and sworn to

Before me on _____, 2004

Notary Public
Cook County, Illinois

My commission expires:_____

For further information, contact:

Department of Public Health
Lead Poisoning Prevention Program
(312) 746-6585

Mara S. Georges, Atty. #90909
By: Joe Ramano/Demetris Kare
Assistant Corporation Counsel
Attorney for Plaintiff
30 N. LaSalle St., Suite 700
Chicago, IL 60602
(312) 744-8791

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT – FIRST DISTRICT**

CITY OF CHICAGO,	)	
A municipal corporation,	)	Case No: _____
Plaintiff	)	
	)	Address: _____
v.	)	
	)	Courtroom 1101, Daley Center
Defendant(s).	)	Chicago, IL

MANDATORY ORDER

This cause coming on to be heard on the set call, the Court having jurisdiction over the Defendant(s) and the subject matter, being fully advised in the premises and having heard evidence and testimony:

THE COURT ENTERS A MANDATORY ORDER THAT Defendant(s) _____

- ☐ **Must personally appear before this Court at the next scheduled hearing.**
- ☐ **Must arrange with the Department of Health an interior inspection of the entire subject premises**
- ☐ **Must complete all work to correct violations on the Plaintiff's complaint in according to the standards set forth in Department of Health's Rules and Regulations governing the removal of lead paint.**
- ☐ **Must insure that no children under 12 years of age or pregnant women be present while lead abatement is in progress.**
- ☐ Shall have an ex-parte judgment entered against said defendant(s) in the amount of \$ _____ plus court costs of \$60.00 for a total amount of \$ _____
- ☐ Shall have a finding of guilty entered against said defendant(s) in the amount of \$ _____ plus court costs of \$60.00 for a total amount of \$ _____
- ☐ Must board and secure the premises in question.
- ☐ Shall be subject to a preliminary injunction not to rent, use, lease, or occupy _____ until further order of court.
- ☐ **This matter is sent for case management.**
- ☐ **This matter is set for trial, settlement, or dismissal.**
- ☐ _____

IT IS FURTHER ORDERED THAT this cause to be continued to _____ at 9:30 a.m., courtroom 1101, Daley Center, without further notice.

HEARING DATE: _____

By: _____
Assistant Corporation Counsel
Mara S. Georges, Corporation Counsel #90909
30 N. LaSalle St., Room 700
Chicago, IL (312) 744-8791

_____ Judge	_____ Room 1101
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