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## Village of Lake in the Hills v. Niklaus, 2014 IL App (2d) 130654 (May 15, 2014)

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### Administrative Adjudication

Illinois Appellate Courts

[\*Village of Lake in the Hills v. Niklaus\*](#), 2014 IL App (2d) 130654 (May 15, 2014).

#### Overview

The village -- a home rule municipality that established a system of administrative adjudication -- had the statutory authority to enforce the judgments entered by the village's hearing officer in the circuit court.

#### Summary

The village is a home rule municipality and, pursuant to Division 2.1 of the Illinois Municipal Code, the village established a system of administrative adjudication. The village's hearing officer found the defendant liable for various municipal ordinance violations and assessed fines against the defendant. Thereafter, the village sought to enforce the hearing officer's orders in the circuit court pursuant to Division 2.1 of the Code. The circuit court denied the village's petitions, finding it did not have the statutory authority in either the Municipal Code or the Code of Civil Procedure to enforce the hearing officer's orders in the circuit court. The appellate court reversed.

The appellate court determined that the plain reading of Section 1-2.1-8 of the Municipal Code demonstrates that the legislature clearly intended orders entered by a hearing officer pursuant to Division 2.1 of the Code to be enforceable. Subsection (b) of Section 1-2.1-8 labeled "Enforcement of judgment" expressly provides that "the findings, decision, and order of the hearing officer may be enforced in the same manner as a judgment entered by a court of competent jurisdiction." This is made even clearer when Section 1-2.1-8 is examined in conjunction with the appropriate provisions of the Code of Civil Procedure. Subsection (a) of Section 1-2.1-8 provides:

Any fine, other sanctions, or costs imposed, or part of any fine, other sanction, or costs imposed, remaining unpaid after the exhaustion of or the failure to exhaust judicial review procedures under the Illinois Administrative Review Law are a debt due and owing the municipality and may be collected in accordance with applicable law.

In Illinois, "applicable law" relating to collections includes supplementary proceedings under Section 2-1402 of the Code of Civil Procedure. Thus, a home rule municipality that has established a system of administrative adjudication under Division 2.1 of the Municipal Code has the express authority to enforce judgments made by a hearing officer in the circuit courts.