

2012 IL App (1st) 112237-U

FOURTH DIVISION
July 12, 2012

No. 1-11-2237

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

STEVEN J. HEIN,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellant,)	Cook County.
)	
v.)	No. 11 M2 691
)	
VILLAGE OF NORTHFIELD, NORTHFIELD)	
POLICE DEPARTMENT,)	Honorable
)	Jeffrey L. Warnick,
Defendant-Appellee.)	Judge Presiding.

JUSTICE STERBA delivered the judgment of the court.
Presiding Justice Lavin and Justice Pucinski concurred in the judgment.

ORDER

¶ 1 *Held:* The finding of the village that plaintiff disobeyed a posted No Turn on Red sign was not contrary to the manifest weight of the evidence.

¶ 2 Plaintiff Steven Hein filed a *pro se* complaint for administrative review of a decision by the Village of Northfield (Northfield) finding that he disobeyed a posted "No Turn on Red" sign, in violation of a village ordinance. The circuit court affirmed Northfield's finding, and Hein, *pro se*, now challenges the propriety of that order on appeal.

¶ 3 On March 1, 2012, this court, on its own motion, found that Northfield failed to file a brief within the time prescribed by Supreme Court Rule 343(a) (eff. July 1, 2008), and ordered that the case be taken for consideration on the record and Hein's brief only. Notwithstanding Hein's failure to comply with the supreme court rules governing the content of appellate briefs (Ill. S. Ct. Rs. 341 (eff. July 1, 2008), 342 (eff. Jan. 1, 2005)), we will consider the propriety of the decision rendered in this case because the record before us is short and sufficient, and the issue is simple. *Marzano v. Department of Employment Security*, 339 Ill. App. 3d 858, 861 (2003).

¶ 4 The record here shows that a red light violation notice was issued by Northfield on February 9, 2011. This included two photographs of Hein's vehicle taken on February 8, 2011, at 11:48 a.m., as it approached a red light at an intersection marked "No Turn on Red" and turned while vehicles in the other lanes remained stopped, and a close-up photograph of the vehicle's license plate. The notice apprised Hein that a vehicle registered in his name was photographed disobeying a posted No Turn on Red sign, which is a violation of Northfield Ordinance No. 11-306(c)3. The notice also stated that "[i]t is sufficient evidence for the purpose of enforcing Northfield Ordinance No. 11-306(c)3 that the person registered as the owner of the vehicle was operating the vehicle at the time of the violation."

¶ 5 Hein contested the violation in-person at an administrative hearing on April 12, 2011. Hein did not dispute that he was the registered owner of the vehicle photographed by the automated red light camera at Willow and Waukegan Roads. He stated, "I didn't even see that sign. I couldn't even see it because it was at the corner," and "I coasted through and I was in the intersection, but I had my foot on the brakes." He also pointed out that the No Turn on Red sign had been subsequently removed.

¶ 6 The hearing officer took Hein's statements into consideration and concluded as follows:

"So first of all, I'm going to make a finding of liability, and it's going to be based on several factors. First of all you made a right turn on red where there was signs...several signs posted saying you couldn't make a right on red. Also based upon the fact that you made a right turn on red without stopping. So you went through a red light without stopping, even if there had been no signs stating no turn on red."

¶ 7 The circuit court subsequently denied Hein's *pro se* complaint for administrative review and affirmed Northfield's finding that Hein disobeyed a posted No Turn on Red sign. Hein now appeals from that order.

¶ 8 In actions under the Administrative Review Law, we review the decision of the agency, not the circuit court, as the hearing officer is responsible for overseeing testimony, making credibility determinations and weighing statements made by witnesses. *Emergency Treatment, S.C. v. Department of Employment Security*, 394 Ill. App. 3d 893, 901 (2009). Factual findings by the administrative agency are considered *prima facie* true and correct and must be upheld on review unless they are against the manifest weight of the evidence. *Arroyo v. Chicago Transit Authority*, 394 Ill. App. 3d 822, 829-30 (2009). " 'Administrative decisions are against the manifest weight of the evidence when the court, viewing the evidence in the light most favorable to the administrative agency, determines that no rational trier of fact could have agreed with the agency's decision and that an opposite conclusion is clearly evident.' " *Arroyo*, 394 Ill. App. 3d at 830 (quoting *Lapp v. Village of Winnetka*, 359 Ill. App. 3d 152, 167 (2005)). Simply because the opposite conclusion is reasonable, or that this court might have ruled differently, is not enough to justify a reversal. *Mingus v. Board of Trustees of Police Pension Fund of Peoria*, 2011 IL App (3d) 110098, ¶ 11.

¶ 9 Viewing the evidence in the light most favorable to the administrative agency, we conclude that Northfield's finding, that Hein disobeyed a posted No Turn on Red sign, was not contrary to the manifest weight of the evidence. *Marconi v. Chicago Heights Police Pension Board*, 225 Ill. 2d 497, 532 (2006). Hein was ticketed pursuant to Northfield's local ordinance No. 11-306(c)3, which was authorized by Illinois red light camera legislation that specifically provided for ticketing the registered owner of a vehicle photographed by an automated red light camera, regardless of its driver. *Fischetti v. Village of Schaumburg*, 2012 IL App (1st) 111008, ¶ 14. Hein acknowledged that he was the registered owner of the vehicle photographed by the automated red light camera at Willow and Waukegan Roads, and merely submitted that he did not see the No Turn on Red sign. Northfield nonetheless found that Hein disobeyed the sign, and we cannot say that an opposite conclusion is clearly evident on the record before this court. *Arroyo*, 394 Ill. App. 3d at 830. Accordingly, we affirm Northfield's finding to that effect.

¶ 10 Affirmed.