FIFTH DIVISION
March 1, 2013

No. 1-12-0001

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

MICHAEL NOONAN,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	
	)	No. 11 M1 625387
CITY OF CHICAGO, DEPARTMENT OF	)	
ADMINISTRATIVE HEARINGS and CITY OF	)	
CHICAGO, DEPARTMENT OF REVENUE,	)	Honorable
	)	William G. Pileggi,
Defendants-Appellees.	)	Judge Presiding.

JUSTICE HOWSE delivered the judgment of the court.
Presiding Justice McBride and Justice Palmer concurred in the judgment.

O R D E R

¶ 1 *Held*: Where plaintiff's claims are not legally cognizable and he has provided no report of proceeding by which the determinations of the administrative law judge can be reviewed for error, the agency's ruling that he was required to pay parking fine was affirmed.

¶ 2 Plaintiff Michael Noonan appeals *pro se* the circuit court's decision affirming the order of the City of Chicago Department of Administrative Hearings requiring Noonan to pay a $50

parking ticket. On appeal, Noonan raises several contentions, including that the parking citation impermissibly inhibited his constitutional right to travel and that he was not aware of the amount of his fine. We affirm.

¶ 3 The record on appeal establishes that on April 24, 2011, Noonan received a $50 parking citation for an "expired meter or overstay" at 1108 South Clinton in Chicago. In April and May 2011, Noonan sent three letters to the City of Chicago Department of Revenue asserting that the parking citation violated his constitutionally protected right "to travel freely on the highways" and also that the portion of the citation requiring him to pay $50 was unclear. On June 8, 2011, the city's director of revenue, Bea Reyna-Hickey, sent a letter to Noonan stating that his letters questioning the legality of the parking ticket were being treated as a request for an adjudication of the citation by mail.

¶ 4 On May 18, 2011, an administrative law judge issued an order finding that Noonan was issued the above-described citation and had not asserted a recognizable defense. The order stated that Noonan was "responsible for the fine of $50.00" and would be penalized if he did not pay the fine within 21 days of the order's date.

¶ 5 On June 23, 2011, Noonan filed a *pro se* complaint for administrative review in the circuit court of Cook County. On December 2, 2011, the circuit court affirmed the decision of the administrative law judge. Noonan has appealed that ruling.

¶ 6 On appeal, Noonan reiterates the arguments he previously made in writing to the administrative law judge. He contends that: (1) the administrative law judge and the city erred in referring to him by spelling his name in capital letters; (2) the judge and the city failed to clarify the type of payment demanded from him and failed to make a determination of where his parking violation occurred; and (3) the judge erred in finding him subject to parking regulations, which, according to Noonan, are a violation of his right to travel.

¶ 7 We note at the outset that Noonan's challenges to statements of the administrative law judge in rendering the decision are hampered by the absence of a report of proceedings or a bystander's report. As the appellant, Noonan bears the burden of presenting a sufficiently complete record to support his claims of error, and any doubts arising from the incompleteness of the record will be resolved against him. See *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). In the absence of such a record, the reviewing court must indulge in every reasonable presumption in favor of the judgment and will presume the trial court followed the law and had a sufficient basis for its ruling. *Foutch*, 99 Ill. 2d at 391-92; *Lewandowski v. Jelenski*, 401 Ill. App. 3d 893, 902 (2010). In a review of an administrative proceeding, this court does not reweigh the evidence or substitute its judgment for that of the administrative agency. *Lojek v. Department of Employment Security*, 2013 IL App (1st) 120679, ¶ 31.

¶ 8 Noonan's assertions in this appeal have no merit. First, Noonan states no cognizable cause of action for the spelling of his name in capital letters. He does not deny he owns the car to which the citation was issued or assert that he paid for parking for the relevant time period. Moreover, the record shows the citation issued to Noonan specified that he was parked at an expired meter at the street address of 1108 South Clinton, thus contradicting his assertion that no determination was made of the location of his parking violation. In addition, while Noonan claims he does not know the meaning of the term "American currency," Noonan demonstrates full command of the English language, and the record is unambiguous that the fine assessed against him was $50.

¶ 9 Lastly, Noonan argues he should not be subject to a fine for a parking violation because he was exercising his constitutional right to freely travel on the highways and streets. It is true that the right to travel is a fundamental constitutional right, and citizens may not be punished for exercising that right. *Forsberg v. City of Chicago*, 151 Ill. App. 3d 354, 367 (1986), citing

Shapiro v. Thompson, 394 U.S. 618 (1969). However, a person's fundamental right to travel is implicated only when a law is enacted that actually deters travel or has as its primary aim the impediment of travel, or where it penalizes the exercise of the right to travel. *See Ball v. Village of Streamwood*, 281 Ill. App. 3d 679, 683 (1996), citing *Attorney General of New York v. Soto-Lopez*, 476 U.S. 898 (1986).

¶ 10 Here, Noonan was not impeded from traveling or penalized for traveling; rather, he was penalized for parking improperly. Municipalities may regulate parking in public streets, subject to reasonable regulation as to time and place. *City of Bloomington v. Wirrick*, 381 Ill. 347, 359 (1942). The parking regulations of the city of Chicago do not impede Noonan's right to travel; they simply prevent him from parking in a metered spot and refusing to pay the necessary cost, as is required of his fellow citizens.

¶ 11 Accordingly, the decision of the administrative agency is affirmed.

¶ 12 Affirmed.