FIFTH DIVISION
September 4, 2015

No. 1-14-0528

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

KRONA TAYLOR,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 13 M1 450306
	)	
CITY OF CHICAGO,	)	Honorable
	)	Joseph M. Sconza,
Defendant-Appellee.	)	Judge Presiding.

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

O R D E R

¶ 1 ***Held:*** Denial of plaintiff's motion to set aside the default judgment entered by the City of Chicago Department of Administrative Hearings affirmed.

¶ 2 Plaintiff Krona Taylor, *pro se*, appeals from an order of the circuit court of Cook County affirming the denial of her motion to set aside the default judgment that was entered against her by the City of Chicago Department of Administrative Hearings (DOAH). In her brief, plaintiff does not address the propriety of the DOAH ruling, but rather, raises questions that relate to the underlying merits of the case.

¶ 3 The common law record filed on appeal shows that on January 11, 2013, Chicago police officers conducted a traffic stop of a vehicle being driven by John Clark, and discovered crack cocaine. Because the vehicle contained a controlled substance, it was subject to impoundment. Chicago Municipal Code § 7-24-225(a) (added March 9, 1995). A title search revealed that the vehicle was owned by plaintiff, and the arresting officer issued a "vehicle impoundment/seizure report," and affixed a warning notice to the driver's side front door window of the vehicle which read, in pertinent part, that the vehicle was "subject to seizure for purposes of impoundment" in accordance with section 2-14-132(10) of the Chicago Municipal Code (Code). Chicago Municipal Code § 2-14-132(10) (added April 29, 1998). That section makes it a "strict liability offense" against the "vehicle's owner of record" for "anyone other than an authorized agent of the city to remove or relocate" a vehicle that bears an impoundment warning label. *Id*.

¶ 4 On January 16, 2013, the Chicago Department of Streets and Sanitation Bureau of Traffic Services issued a "Request for Hearing" and a "Gone on Arrival Notification" to Clark at his address, and to plaintiff at her address, which was the same as that reflected on the vehicle registration. In the Request for Hearing, notice was given that the owner of record of the vehicle could contest the charge by filing a written request for a full hearing before the DOAH within 15 days of the date the owner notification was sent by the City. The notice also included a form for doing so, and advised the owner that failure to request a hearing within 15 days would result in a default finding against her. The "Gone on Arrival Notification" read, in pertinent part, that a vehicle in plaintiff's name was determined to be subject to impoundment, and that, as the owner of record, she was subject to a penalty in accordance with the Code because the vehicle was removed or relocated prior to being towed to a city facility.

¶ 5 On February 15, 2013, an administrative law judge (ALJ) for the DOAH transferred the cause to the "failure to request a hearing call." On March 20, 2013, before a DOAH ALJ, an attorney for the City of Chicago motioned to dismiss Clark as an improperly named party, and implead plaintiff, as the owner of the vehicle. The ALJ granted the motions and entered a default judgment against plaintiff stating that the City had made a *prima facie* case against her that had not been rebutted. On March 25, 2013, the DOAH mailed a "Findings, Decisions, & Order" notice to Clark at his address and to plaintiff at her address indicating that Clark was dismissed from the case, but that plaintiff was liable for the judgment of $3,000. She was also advised that she had 21 days to file a motion to set aside the default order.

¶ 6 On April 26, 2013, Clark filed a motion to set aside the default because the "vehicle was never impounded." The caption to the motion references both Clark and plaintiff, but indicates that Clark had been dismissed from the case. Clark was present at the DOAH hearing before an ALJ on April 30, 2013, and presented a document from plaintiff giving him "power of attorney."

¶ 7 The ALJ explained that plaintiff was defaulted for failing to request a hearing, that the notice of the default was dated March 25, 2013, and mailed to plaintiff's registered address, but that no motion to set aside the default was filed until April 26, 2013, which was more than 21 days from the date the notice was mailed. Chicago Municipal Code § 2-14-108(a) (added April 29, 1998). The ALJ asked Clark to explain why the motion was filed late and Clark replied that when he received the documents stating that he was dismissed from the case, he "assumed it was over." The ALJ explained that the case was dismissed as to Clark, but that the default judgment was entered against plaintiff because she failed to request a hearing. The ALJ concluded that plaintiff's motion to set aside the default was untimely, and denied it.

¶ 8 On June 3, 2013, plaintiff filed a complaint for administrative review of the decision of the DOAH in the circuit court of Cook County. That court affirmed the decision, and this appeal follows.

¶ 9 Before proceeding, we observe that plaintiff has completely failed to adhere to the supreme court rules governing appellate review. Ill. S. Ct. R. 341 (eff. Feb. 6, 2013); Ill S. Ct. R. 342 (eff. Jan 1, 2005); *Twardowski v. Holiday Hospitality Franchising, Inc*., 321 Ill. App. 3d 509, 511 (2001). Most importantly, plaintiff has failed to raise any argument addressing the ruling by the DOAH, which is the subject of the appeal.

¶ 10 The record clearly shows that plaintiff's motion to set aside the default was untimely because it filed outside the 21-day time limitation. In her *pro se* brief, however, plaintiff questions "the legality of the city to pursue a case that has been discharged as an 'illegal search and seizure,' *** the release of the vehicle *** to the rightful owner by the arresting officer never informing [plaintiff] that the vehicle was subject to impoundment," and whether she could "be considered guilty as a matter of law." The City points out that these matters do not relate to the default or the denial of the motion to set aside the default, and, as a result, plaintiff has waived any challenge to the ruling on review. We agree.

¶ 11 Although we are cognizant of the basic elements of fairness and procedural due process, a party appealing *pro se* must still comply with the established rules of procedure. *Lill Coal Co. v. Bellario,* 30 Ill. App. 3d 384, 385 (1975). Here, plaintiff filed a notice of appeal from the order entered by the circuit court affirming the denial of her motion to vacate the default judgment entered against her. In her brief, however, plaintiff failed to raise any argument regarding the

motion or ruling, and instead asserted matters relating to the impoundment and other underlying merits of her case.

¶ 12 Our review of an administrative proceeding is limited to the propriety of the agency's decision (*Odie v. Dep't of Emp't Sec.*, 377 Ill. App. 3d 710, 713 (2007)), and, thus, the only issue before this court is whether the DOAH properly denied plaintiff's motion to set aside the default. However, since plaintiff did not raise any issue concerning that ruling on review or present any basis to reverse it, we find that she has waived any challenge to it (Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013); *Express Valet, Inc. v. City of Chicago*, 373 Ill. App. 3d 838, 855 (2007)), and, as a consequence, we affirm the order entered.

¶ 13 Affirmed.