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FIFTH DIVISION  
December 23, 2016

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IN THE APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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SAFARI CHILDCARE, INC.,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellant,	)	Cook County.
	)	
v.	)	No. 16 CH 7438
	)	
ILLINOIS DEPARTMENT OF CHILDREN AND	)	
FAMILY SERVICES, and GEORGE H. SHELDON,	)	
Director,	)	The Honorable
	)	Franklin U. Valderrama,
Defendants-Appellees.	)	Judge Presiding.

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JUSTICE LAMPKIN delivered the judgment of the court.  
Presiding Justice Gordon and Justice Reyes concurred in the judgment.

**ORDER**

¶1 *HELD:* The circuit court properly denied plaintiff’s emergency motion to stay defendant’s final administrative decision revoking plaintiff’s license where plaintiff could not establish “good cause” for the stay.

¶2 Plaintiff, Safari Childcare, Inc., appeals the circuit court’s order denying its emergency motion to stay the enforcement of the final administrative decision of defendant, the Illinois Department of Children and Family Services (DCFS), determining that plaintiff committed

several violations of the Child Care Act (225 ILCS 10/1 *et seq.* (West 2012)) and its corresponding regulations (89 Ill. Admin. Code §§ 383.10 *et seq.*(eff. Aug. 15, 2012)) and revoking plaintiff’s license to operate its East Dundee facility. Plaintiff contends the circuit court erred in denying its emergency stay motion where it established “good cause” to stay the administrative decision. Based on the following, we affirm.

¶3

### FACTS

¶4 In May 2013, defendant filed charges against plaintiff for several violations of section 8 of the Child Care Act and its regulations and sought revocation of plaintiff’s license at its facility located in East Dundee, Illinois. A hearing was conducted before an Administrative Law Judge (ALJ) over the course of nine days from February 5, 2016, through April 28, 2016, which encompassed more than 12 witnesses and more than 100 exhibits. At the conclusion of the hearing, the ALJ recommended that plaintiff’s license be revoked. In so doing, the ALJ found defendant proved by a preponderance of the evidence that plaintiff committed violations that were “continuous, serious and dangerous to children” and “threatened the health and safety of the children who attended Safari.”

¶5 On May 27, 2016, George Sheldon, the director of DCFS (Director), adopted, as the agency’s final administrative decision, the ALJ’s findings of fact and conclusions of law, along with the recommended decision to revoke plaintiff’s license. Plaintiff was advised that its East Dundee facility would be closed on June 3, 2016.

¶6 On June 1, 2016, plaintiff filed a complaint with the circuit court seeking review of the Director’s final decision under the Administrative Review Law (735 ILCS 5/3-101 *et seq.* (West 2014)). In addition, on June 1, 2016, plaintiff filed an emergency motion pursuant to section 3-

111(a) of the Administrative Review Law (735 ILCS 5/3-111(a) (West 2016)) to stay the enforcement of the Director's decision pending resolution of the court's administrative review.

¶7 On June 2, 2016, the circuit court held a hearing on the emergency motion to stay. Ultimately, the circuit court denied the motion. In so doing, the court noted the three requirements a movant must demonstrate to establish "good cause" to stay an administrative decision. Applying those factors to the evidence presented at the hearing, the trial court found that plaintiff failed: (1) to establish that preservation of the status quo would not endanger the public; (2) to demonstrate that granting the stay would not be contrary to public policy; and (3) to show a reasonable likelihood of success on the merits of its administrative review action. The trial court entered a written order on the same date denying plaintiff's emergency stay motion "for the reasons stated in open court."

¶8 Plaintiff's East Dundee facility was closed on June 3, 2016. Plaintiff filed this interlocutory appeal.

¶9 ANALYSIS

¶10 In this interlocutory appeal, plaintiff contends the circuit court abused its discretion in denying plaintiff's request for a stay of defendant's final administrative decision revoking plaintiff's license.

¶11 Section 3-111(a) of the Administrative Review Law provides:

"(a) The Circuit Court has power:

(1) with or without requiring bond (except if otherwise provided in the particular statute under authority of which the administrative decision was entered), and before or after answer filed, upon notice to the agency and good cause shown, to stay the decision of the administrative agency in whole or in part pending the final disposition of the case.

For the purpose of this subsection, ‘good cause’ requires the applicant to show (i) that an immediate stay is required in order to preserve the status quo without endangering the public, (ii) that it is not contrary to public policy, and (iii) that there exists a reasonable likelihood of success on the merits.” 735 ILCS 5/3-111(a) (West 2016).

A trial court has “broad discretion to stay an administrative decision pending review. [Citation.] Given this broad discretion, our standard of review is highly deferential and the circuit court’s decision to grant or deny a stay will be reversed only upon a finding of abuse of discretion.”

*Metz v. Department of Professional Regulation*, 332 Ill. App. 3d 1033, 1035 (2002). An abuse of discretion will be found only when a circuit court’s ruling is arbitrary, fanciful, or unreasonable, or where no reasonable person would take the view adopted by the court. *Favia v. Ford Motor Co.*, 381 Ill. App. 3d 809, 816 (2008). The party seeking the stay bears the burden of proving adequate justification for the relief sought. *Parikh v. Division of Professional Regulation of Department of Financial & Professional Regulation*, 2012 IL App (1st) 121226, ¶ 24.

¶12 We find plaintiff cannot justify its request for an emergency motion to stay. As an initial matter, because the emergency motion to stay was denied, plaintiff’s Dundee facility was closed. Accordingly, the status quo that existed at the time of plaintiff’s motion no longer exists. Status quo is “the last actual, peaceful, non-contested status which preceded the pending controversy.” *Markert v. Ryan*, 247 Ill. App. 3d 915, 918 (1993). Where the facility has already been shuttered, we cannot preserve the “last actual, peaceful, non-contested status” which preceded defendant’s final administrative decision. We, therefore, find the appeal is moot. See *Commonwealth Edison Co. v. Illinois Commerce Comm’n*, 2016 IL 118129, ¶ 10 (“[a]n appeal is moot if no actual controversy exists and when events have occurred that make it impossible for the reviewing court to render effectual relief”).

¶13 To the extent plaintiff argues its appeal is not moot where a finding that the circuit court abused its discretion in denying the emergency motion to stay would allow plaintiff to reopen its doors, we consider the merits. Turning again to the first element of “good cause” for relief, we find plaintiff failed to demonstrate an immediate stay was necessary to preserve the status quo without endangering the public. In light of the highly deferential standard, we cannot find the circuit court abused its discretion in considering the ALJ’s findings of fact and conclusions of law upon which defendant relied in issuing its ultimate decision to revoke plaintiff’s license. Following nine days of witnesses and exhibits, the ALJ concluded plaintiff’s violations of the Child Care Act and its regulations were “continuous, serious and dangerous to children” and “threatened the health and safety of the children who attended Safari.” Based on the record before us, particularly the transcript from the hearing on plaintiff’s emergency motion to stay, we cannot find an abuse of the circuit court’s discretion.

¶14 Because it is sufficient to affirm the denial of plaintiff’s emergency motion for stay based on the lack of necessity to preserve the status quo, we need not consider whether the motion to stay was appropriate based on public policy nor plaintiff’s likelihood of success in its administrative review action. In order to establish “good cause,” plaintiff was required to establish all of the elements recited in section 3-111(a). See *Metz*, 332 Ill. App. 3d at 1037. Plaintiff’s failure to establish that an immediate stay was necessary to preserve the status quo without endangering the public was fatal to its claim.

¶15 **CONCLUSION**

¶16 We affirm the denial of plaintiff’s emergency motion to stay the enforcement of defendant’s final administrative decision to revoke plaintiff’s license.

¶17 Affirmed.