

No. 1-12-0448

**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).

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**IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT**

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LAITH SHAHIR-EL ex rel. LEROY BANKS, JR., )	Appeal from the
)	Circuit Court of
Plaintiff-Appellant, )	Cook County
)	
v. )	No. 11 M1 450448
)	
CITY OF CHICAGO DEPARTMENT OF )	
ADMINISTRATIVE HEARINGS and CITY OF )	
CHICAGO DEPARTMENT OF STREETS AND )	
SANITATION, )	The Honorable
)	Patrick T. Rogers,
Defendants- Appellees. )	Judge Presiding.

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PRESIDING JUSTICE Harris delivered the judgment of the court.  
Justices Connors and Simon concurred in the judgment.

**ORDER**

¶ 1 **Held:** The imposition of \$1,540 in penalties and fees is affirmed where the driver was operating a vehicle with a suspended license, the vehicle was registered to and owned by the driver, and the vehicle was properly impounded pursuant to statute.

¶ 2 Plaintiff Laith Shahir-El appeals the order of the circuit court affirming the administrative law officer's determination that the police had probable cause to impound Shahir-El's vehicle, and the imposition of a \$1,540 judgment against him for penalties and fees. On appeal, Shahir-El contends the trial court erred in affirming the agency's determination because (1) as a member of the Moorish Science Temple of America (MSTA) he is not subject to the laws of the state of Illinois; and (2) the impoundment of his vehicle for driving under a suspended license interferes with his right to travel in an automobile on public roads. For the following reasons, we affirm.

¶ 3 JURISDICTION

¶ 4 The trial court affirmed the decision of the administrative agency on January 26, 2012. Shahir-El filed a notice of appeal on February 7, 2012. Accordingly, this court has jurisdiction pursuant to Illinois Supreme Court Rules 301 and 303 governing appeals from final judgments entered below. Ill. S. Ct. R. 301 (eff. Feb. 1, 1994); R. 303 (eff. May 30, 2008).

¶ 5 BACKGROUND

¶ 6 At the administrative hearings, Officer Leighton testified that on August 12, 2011, he observed a vehicle cross the median into oncoming traffic in order to pass another vehicle. Officer Leighton pulled over the passing vehicle. Shahir-El was the driver of that vehicle. A driver abstract identified the driver as Leroy Banks, Jr., and also identified Banks as the owner of the vehicle. Shahir-El later testified that his former name was Leroy Banks, Jr. When Shahir-El failed to produce a driver's license or proof of insurance, Officer Leighton placed him into custody. A search of the Law Enforcement Agencies Data System (LEADS) revealed that Shahir-El's driver's license was suspended. Officer Leighton cited him for operating a vehicle on

a suspended license and for driving without insurance.<sup>1</sup> Shahir-El's vehicle was impounded.

¶ 7 The administrative law officer found that Shahir-El was driving a vehicle on the streets of Chicago which was registered to him, and while on a suspended license. He determined that Shahir-El violated Chicago Municipal Code § 9-80-240 (Sept. 12, 2012) (Municipal Code), and assessed to him penalties and fees totaling \$1,540. Upon administrative review, the trial court affirmed the administrative decision. Shahir-El filed this timely appeal.

¶ 8 ANALYSIS

¶ 9 Shahir-El contends that the trial court erred in affirming the administrative agency's decision. On appeal, this court reviews the determination of the agency, not that of the trial court. *Marconi v. Chicago Heights Police Pension Board*, 225 Ill. 2d 497, 531 (2006). The fact findings of the agency are deemed *prima facie* true and correct. *Livingston v. Department of Employment Security*, 375 Ill. App. 3d 710, 714 (2007). This court will not overturn such findings unless they are against the manifest weight of the evidence. *Lyon v. Department of Children & Family Services*, 209 Ill. 2d 264, 271 (2004). "An administrative agency decision is against the manifest weight of the evidence only if the opposite conclusion is clearly evident." *Abrahamson v. Illinois Department of Professional Regulation*, 153 Ill. 2d 76, 99 (1992). However, questions of law are reviewed *de novo*. *Lyon*, 209 Ill. 2d at 271.

¶ 10 Section 9-80-240(a) of the Municipal Code provides:

"(a) The owner of record of any motor vehicle that is operated by a person with a

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<sup>1</sup>The driving without insurance charge was subsequently dismissed.

suspended or revoked driver's license shall be liable to the city for an administrative penalty of \$1,000 plus any applicable towing and storage fees. Any such vehicle shall be subject to seizure and impoundment pursuant to this section."

¶ 11 Officer Leighton testified that he pulled over the vehicle Shahir-El was driving because it crossed the median into oncoming traffic in an attempt to pass another vehicle. Officer Leighton discovered that the vehicle was registered to and owned by Leroy Banks, Jr., which was Shahir-El's former name. He also conducted a search on LEADS which revealed that Shahir-El's driver's license had been suspended. Officer Leighton took Shahir-El into custody for driving with a suspended license and without proper insurance, and impounded Shahir-El's vehicle. Although Shahir-El argues that he conveyed the vehicle to the MSTA, he submitted no evidence or documentation showing that he changed the vehicle's registration. These findings are not against the manifest weight of the evidence. Applying these facts to section 9-80-240(a), the administrative law officer did not err in assessing \$1,540 in penalties and fees to Shahir-El, which includes costs associated with the impoundment of his vehicle.

¶ 12 In his appellant brief which he filed *pro se*, Shahir-El's arguments are confusing and not sufficiently supported by citations to authority in violation of Illinois Supreme Court Rule 341(h)(7) (Ill. S. Ct. R. 341(h)(7) (eff. July 1, 2008)). Although Shahir-El is appealing *pro se*, he must still comply with this court's rules. *Epstein v. Galuska*, 362 Ill. App. 3d 36, 39 (2005). Nevertheless, his arguments, to the extent they can be discerned, have no merit. Shahir-El's contention that as a member of the MSTA he is not subject to the state laws has been addressed and rejected by other courts. See *United States v. Toader*, 409 Fed. Appc. 9, 13 (7th Cir. 2010);

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*Pitt-Bey v. District of Columbia*, 942 A. 2d 1132, 1135 (D.C. App. 2008). Furthermore, his argument that the impoundment of his vehicle for driving under a suspended license interferes with his right to travel in an automobile on public roads is not supported by case law. See *Guerrero v. Ryan*, 272 Ill. App. 3d 945, 951 (1995) ("the fundamental right to travel and reach a given destination does not imply a fundamental right to drive").

¶ 13 For the foregoing reasons, the judgment of the circuit court is affirmed.

¶ 14 Affirmed.