

that decision. Plaintiffs attach and incorporate a copy of the April 14, 2017 City of Chicago Department of Administrative Hearings decision to the Complaint as “Exhibit 1.”¹ Contained within the April 14, 2017 Department of Administrative Hearings’ decision is a “Summary of the Arguments.” In the final administrative order, the Administrative Law Judge held that:

“The Appellant sets forth various Constitutional arguments under the first (sic) and eighth (sic) Amendments to the U.S. Constitution, as well as under Article 1 section 5 of the Illinois Constitution and the Illinois Homeless Bill of Rights. This body does not have jurisdiction to decide Constitutional issues and therefore the Constitutional arguments were permitted to allow the parties to make and preserve the record for possible appeal.”

In accordance with 28 U.S.C. §1446(a), a copy of all process, pleadings and orders received by the City are attached hereto and incorporated herewith as Exhibit A.

2. The Complaint seeks judicial review of the April 14, 2017 final determination, which involved an appeal of a Notification of Public Assembly denial by CDOT². At the request of Petitioner Andy Thayer, a hearing was held on April 12, 2017, at the City of Chicago Department of Administrative Hearings, whereby Petitioner Andy Thayer presented testimony and evidence as to why CDOT’s denial should be overturned. The City also presented testimony and evidence as to the validity of the denial.

3. At the hearing, Petitioner alleged that the City denied the Notification of Public Assembly in violation of the First Amendment of the U.S. Constitution in that the denial violated his right to free speech and assembly. Additionally, Petitioner alleged that the City does not provide alternative means of shelter for the City of Chicago’s homeless population, thus

¹ Because the final administrative order is incorporated into Plaintiffs’ Complaint, it is part of the pleading, and the facts stated in the final administrative order are considered the same as having been alleged in the Complaint. See FRCP 10(c), “(c) ADOPTION BY REFERENCE; EXHIBITS. A statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion. A copy of a written instrument that is an exhibit to a pleading is a part of the pleading for all purposes.” See also, *Ford v. University of Illinois Board of Trustees*, 55 Ill.App.3d 744, 747 (1st Dist. 1977) (“Exhibits attached to the complaint become part of the pleadings...and facts stated in such exhibits are considered the same as having been alleged in the complaint...factual matters in such exhibits which conflict with the allegations of a complaint negate such allegations.”).

² The Municipal Code of Chicago §10-8-334 governs Public Assemblies.

subjecting the homeless to Eighth Amendment violations prohibiting cruel and unusual punishment. These issues were preserved in the final administrative order, which is attached to the Complaint.

II. This Notice of Removal is Timely Filed

4. This lawsuit is a civil action within the meaning of the Acts of Congress relating to removal of causes.

5. The City of Chicago Department of Administrative Hearings received a copy of the initial pleading captioned "Complaint for Illinois Administrative Review" via certified mail on May 23, 2017. The City of Chicago Department of Transportation received a copy of the initial pleading on May 23, 2017.

6. The removal of this action to this Court is timely under 28 U.S.C. §1446(b) because this Notice of Removal is filed within thirty (30) days after May 23, 2017, which is the date Defendants first received the summons and complaint in this action.

7. The United States District Court for the Northern District of Illinois, Eastern Division is the proper place to file this Notice of Removal under 28 U.S.C. §1441(a) because it is the federal district court that embraces the place where such action is pending.

III. This Court has Federal Question Jurisdiction

8. Plaintiffs have requested a review of the administrative decision affirming the denial of the Notification of Public Assembly and have raised First and Eighth Amendment U.S. Constitutional violations at the original hearing. Those matters are preserved for review pursuant to the April 14, 2017 final administrative order. Plaintiffs incorporated the final administrative order as part of their Complaint, which summarizes the U.S. Constitutional issues raised by Plaintiffs. Because both state and federal courts have adopted the rule that exhibits attached to

the complaint become part of the pleadings, these U.S. Constitutional issues are now raised as allegations by Petitioner as if they were specifically set forth in the Complaint.

Any review of the final administrative order will require a review of those U.S. Constitutional arguments raised by Plaintiffs. Therefore, federal question jurisdiction exists over Plaintiffs' claims under 28 U.S.C. §1331 because the resolution of those claims will require adjudication of those disputed questions involving the U.S. Constitution.

9. To the extent that the Complaint alleges statutory, state, municipal, common law or other non-federal claims, this Court has supplemental jurisdiction over any such claims under 28 U.S.C. §1367 because those claims arise out of the same operative facts as Plaintiffs' U.S. Constitutional claims and "form part of the same case or controversy under Article III of the United States Constitution." 28 U.S.C. §1367(a).

10. Because Plaintiffs' First and Eighth Amendment claims are raised, removal of this entire cause of action is therefore appropriate under 28 U.S.C. §1441(a)(c).

IV. Consent of Defendants

11. All named Defendants to this action are actually one Defendant, the City of Chicago, a municipal corporation. *Ferguson v. Patton*, 2013 IL 112488 (2013) (holding that City departments are organizational divisions of the City and do not enjoy independent legal status). To that end, consent of other defendants is not applicable.

V. Notice of Removal to the Circuit Court of Cook County, Illinois, First District

12. Concurrently with this Notice of Removal, the City will file a copy of this Notice with the Clerk of the Circuit Court of Cook County, Illinois, First District. A copy of the written notice of the Notice of Removal to Federal Court is attached hereto and incorporated herewith as

Exhibit B. In accordance with 28 U.S.C. §1446(d), the City will give written notice to Plaintiffs by contemporaneously serving this Notice of Removal on Plaintiffs.

13. If any questions arise as to the propriety of this removal action, the City respectfully requests the opportunity to present a brief and oral argument in support of its position that this case is removable. *See Sierminski v. Transouth Fin. Corp.*, 216 F.3d 945, 949 (11th Cir. 2000) (citing general rule that post-removal evidence in assessing removal jurisdiction may be considered by the Court and a district court may elicit or review evidence outside of the removal petition.) *See also Harmon v. OKI Sys.* 115 F.3d 477 (7th Cir. 1997) (where district court relied upon post-removal answers to interrogatories to determine whether removal jurisdiction was proper).

VI. Conclusion

For the foregoing reasons, the City respectfully requests that this civil action be, and is hereby, removed to the United States District Court for the Northern District of Illinois, Eastern Division, that this Court assume jurisdiction of this civil action, and that this Court enter such other and further orders as may be necessary to accomplish the requested removal and promote the ends of justice.

June 7, 2017

/s/ Kelley A. Gandurski
Kelley A. Gandurski
Senior Counsel
Illinois ARDC No. 6282925
City of Chicago, Law Department
30 N. LaSalle St., Ste. 1720
Chicago, IL 60602
312-744-0688 (direct)
312-744-8842 (fax)
Kelley.Gandurski2@cityofchicago.org
Attorney for Defendants City of Chicago

Administrative Review Cover Sheet

(5/27/16) CCM 0142

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIRST MUNICIPAL, CIVIL DIVISION

Tent City Alt. to LSD Viaducts, Andy Thayer

Plaintiff

v.

City of Chicago Department of Transportation

Defendant

No.

20171450151

CALENDAR/ROBN 1111

TIME 10:30

Ordinance Violation

CERTIFIED MAIL

ADMINISTRATIVE REVIEW COVER SHEET

An Administrative Review Cover Sheet shall be filed with the complaint in Administrative Review actions. The information contained herein is for administrative purposes only and cannot be introduced into evidence. Please check the box in front of the appropriate general category and then check the subcategory there under, if applicable, which best characterizes your action.

☒ Non-Parking Ordinance Violation

- ☐ Animal Care & Control (AC)
- ☐ Buildings Nuisance (BN)
- ☐ Buildings Standard (BS)
- ☐ Buildings Target (BT)
- ☐ Chicago Police (CP)
- ☐ Consumer Services (CS)
- ☐ Dept. of Health (DH)
- ☐ Dept. of Streets & Sanitation (DS)
- ☒ Dept. of Transportation (DT)
(effect road or sidewalks)
- ☐ Dept. of Environment (E)
- ☐ Gun Registration (GR)
- ☐ Revenue and/or Dept. of Business Affairs & Licensing (RV)
- ☐ Property Damage (PD)
- ☐ Vehicle Impoundment Dept. of Streets and Sanitation (VP)
- ☐ Wage Garnishment (WD)

☐ Parking Tickets

- ☐ Ticketing Agent Issued Tickets (90)
- ☐ Police Officer Issued Tickets (00)
- ☐ Red Light Camera Ticker (700)
- ☐ Boot, Tow and Pre-seizure Cases
(License Plate #)
- ☐ Post-Tow (PT)

By:

☒ Atty. No.: 58732 ☐ Pro Se 99500

Name: Susan Ritacca + Additional Counsel

Atty. for: Plaintiffs

Address: 601 S. California Ave.

City/State/Zip: Chicago, IL 60612

Telephone: 872-222-6960

Primary Email: susan@susanritaccalaw.com

Secondary Email:

Tertiary Email:

Pro Se Only: ☐ I have read and agree to the terms of the Clerk's Office Electronic Notice Policy and choose to opt in to electronic notice from the Clerk's office for this case at this email address:

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

EXHIBIT

A

tabbles

Plaintiffs' Counsel

Jeffrey Frank
Attorney-at-Law
3418 W. Medill Ave.
Chicago, IL 60647
312-206-5253
Atty No. 31567
jhfrank52@gmail.com

Molly Armour
Law Office of Molly Armour
4050 N. Lincoln Avenue
Chicago, IL 60618
(773) 746-4849
Atty No. 46612
armourdefender@gmail.com

Alan Mills
Uptown People's Law Center
4413 N. Sheridan
Chicago, IL 60640
773-769-1411
Atty No. 70272
Alan@uplcchicago.org

Complaint for Illinois Administrative Review

UNRECORDED MAIL
20171450131
CALENDAR/ROOM 11
TIME 10:30
Ordinance Violation
17PA000002IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIRST MUNICIPAL DISTRICTTent City Alternative to LSD Viaducts and Andy Thayer
Plaintiff(s)

v.

City of Chicago Department of Administrative Hearings and
City of Chicago Department of Transportation
(Insert name of issuing department) and

(Insert names of other parties)

Defendant(s)

Administrative Agency Docket Number

Property Address, if applicable

Court Room: 1111

Court time: 10:30 a.m. - Non Parking Appeals
2:00 p.m. - Parking and Non
Parking Appeals

COMPLAINT FOR ILLINOIS ADMINISTRATIVE REVIEW

The Plaintiff(s), Tent City Alternative to LSD Viaducts and Andy Thayer, pursuant to 735 ILCS
5/3-191 et seq., complains to Defendant(s), the City of Chicago Department of Administrative Hearings,

and

as follows:

1. The Plaintiff(s) reside(s) at 4745 N. Beacon St. #3S Chicago, IL 60640
2. On April 14, 2017, a final administrative decision affecting the rights of the Plaintiff(s) ("Decision") was issued by the City of Chicago Department of Administrative Hearings.
3. The Plaintiff(s) desire(s) a judicial review of the Decision, a copy of which is attached as Exhibit 1, because it is not in accordance with the law.
4. The City of Chicago Department of Administrative Hearings is requested to file an answer consisting of the administrative record of the proceeding resulting in the Decision.
5. The Plaintiff(s) has/have exhausted all available remedies under the Administrative Review Law and has no further plain, speedy, adequate remedy under the law.

WHEREFORE, the Plaintiff(s) request(s) that the record be judicially reviewed.

(Please print)

Name: Tent City Alternative to LSD Viaducts, Andy Thayer



Plaintiff(s) (Signature)

Address: 4745 N. Beacon St. #3S

City/State/ Zip: Chicago, IL 60640

Telephone No. 773-209-1187

License Plate No:

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Summons in Administrative Review

(Rev. 11/03/14) CCM 0141

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIRST MUNICIPAL, CIVIL DIVISION

Tent City Alternative to LSD Viaducts, Andy Thayer

Plaintiff(s)

v.

City of Chicago Department of Administrative Hearings and
City of Chicago Department of Transportation
(Insert name of issuing department)

and

(Insert names of other parties)

Defendant(s)

No.

17PA000002

Administrative Agency Docket Number

Property Address, if applicable

Court Room: 1111

Court Time: 10:30 a.m. - Non-Parking Appeals

2:00 p.m. - Parking and Non-
Parking Appeals20171450131
CALENDAR/ROOM 111
TIME 10:30
Ordinance Violation

SUMMONS IN ADMINISTRATIVE REVIEW

To Each Defendant:

YOU ARE HEREBY SUMMONED AND REQUIRED to file an answer in this case or otherwise file your appearance within thirty-five (35) days after the date of this summons, in the Office of the Clerk of the Circuit Court located in Room 602, Richard J. Daley Center, Chicago, Illinois 60602.

This summons is served upon you by registered or certified mail pursuant to the provisions of the Administrative Review Law.

WITNESS

DOROTHY BROWN MAY 17 2017
Clerk of Court

(SEAL)

Plaintiff Name: Tent City Alternative to LSD Viaducts and Andy Thayer

Address: 4745 N. Beacon St. #3S Chicago, IL 60640

Telephone: (773) 209-1187

Facsimile Telephone: ()

CERTIFICATE OF SERVICE

Andy Thayer

_____, certify under penalties as provided in 735 ILCS 1-109 that I served
the following parties by registered or certified mail on May 17, 2017

May 17

2017

Signature

Date

SERVICE LIST

1. City of Chicago, Department of Transportation, 30 N. LaSalle St., Suite 800 Chicago, IL 60602
(Insert name of issuing department)
2. City of Chicago Department of Administrative Hearing, 740 N. Sedgwick, 6th Fl, Chicago, IL 60610
3. City of Chicago Law Department, 30 N. LaSalle St., Suite 800 Chicago, IL 60602
4. Other: _____

Plaintiff Signature

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 1 of 1

IN THE CITY OF CHICAGO, ILLINOIS
DEPARTMENT OF ADMINISTRATIVE HEARING
MUNICIPAL DIVISION

In re the Denial of the Notification of Public Assembly of	)	
	)	
	)	
Tent City Alternative to LSD Viaducts	)	No. 17 PA 000002
Andy Thayer, Public Assembly Organizer	)	
	)	

FINDINGS DECISION AND ORDER

This matter comes before this Administrative Law Judge on the Public Assembly Organizer's appeal from the denial of a Notification of Public Assembly submitted on behalf of the Tent City Alternative to LSD Viaducts (hereinafter "Appellant").

BACKGROUND

On March 30, 2017, at 2:55 p.m., a Notification of Public Assembly was submitted by Appellant. Appellant's proposed Assembly was to commence on Friday, April 14, 2017, at 10:00 a.m. and end on Wednesday November 22, 2017 at 12:00 noon. The location of the Assembly is described as the "Pedestrian Mall between N. Kenmore Avenue at N. Broadway Avenue and N. Kenmore Street where the pavement begins ½ block south of W. Wilson Avenue—4525 N. Kenmore Avenue". The Proposed Route on Sidewalk is stated as "We will erect tents on the public right of way of the pedestrian mall, but not on the sidewalks, but we anticipate brief obstructions of the public sidewalks as our people congregate and move tents". The Estimated Number of Participants is given as "40".

By letter dated April 3, 2017, Mr. Michael Simon, Assistant Commissioner, Public Way Permit Division, Division of Infrastructure Management, for the City of Chicago's Department of Transportation (CDOT) advised Appellant that the submitted Notification was "Denied". The reason provided stated "You did not provide the required Public Way Use permits required under M.C.C. Section 10-28-010(b)(10) with your notification for the erection of tents. Consequently, your notification of a public assembly is denied as the stated purpose of the assembly is expressly for an unlawful purpose prohibited under the Municipal Code of Chicago". The letter further provided "As an alternate to your public assembly, you may engage in a public assembly at your requested location at the "Pedestrian mall between N. Kenmore Avenue at N. Broadway Avenue and N. Kenmore Street where the pavement begins ½ block south of W. Wilson Avenue—4525 N. Kenmore Avenue," for your requested date and time, Friday, April 14, 2017 at 10:00 a.m. to Wednesday, November 22, 2017, at 12:00 p.m. for any lawful purpose subject to reasonable time, place, and manner restrictions as may be applicable."

On April 6, 2017, Appellant filed a timely notice of appeal of the denial of the Notification of Public Assembly. A hearing was conducted on April 12, 2017.

SUMMARY OF THE TESTIMONY

The Appellant requested a continuance for the purpose of preparing a response to the City's Motion to Dismiss that was filed and served upon Appellant on April 11, 2017. Disposition of the Motion was reserved pending brief argument on the City's Motion. The City's Motion to Dismiss was denied and therefore the Appellant's Motion to continue was unnecessary and also denied. The Appellant's Motion to Subpoena Michael Simon to provide testimony in support of

his Affidavit and to be cross examined was denied as unnecessary to present evidence that is relevant and relates to a contested issue in the case.

The City first called Luis Benitez to testify. Mr. Benitez was questioned as to his employment history, educational background, and professional licenses and it was stipulated by Appellant that Mr. Benitez was qualified as an expert witness in the field of structural engineering. After further questioning Mr. Benitez opined that tents are structures; that a permit is required to erect tents on the public way; and that erecting tents on the public way without a Public Way Use permit poses a danger to public safety. Upon cross examination Mr. Benitez stated that he knows of no homeless individuals that have applied for and received Public Way Use permits, that he is aware of tents that have been erected on public property and under certain viaducts, and that he has no knowledge of citations issued by CDOT for problems with tents or of harm to individuals concerning tents. On redirect Mr. Benitez indicated that he is not involved with CDOT citations and that citations are issued by Public Way Inspectors. On re-cross Mr. Benitez stated that he has no knowledge of citations issued for violations for tents erected under the viaducts. The City then rested its case reserving the opportunity to call rebuttal witnesses. City's exhibits A, the resume of Luis Benitez, B, the Notification of Public Assembly, C, the City's denial letter, and D, the Affidavit of Michael Simon were marked as City's exhibits and admitted in evidence.

The Appellant first called Andy Thayer to testify. Mr. Thayer was questioned as to his employment, his current housing status, and his history in submitting Notifications for Public Assemblies. Mr. Thayer stated that he is a member of an organization that advocates for the rights of the homeless. Mr. Thayer was questioned concerning an incident at the mall in September 2016 and Appellant offered several photos. The City objected based on relevancy and

the objection was sustained. Further direct examination of Mr. Thayer revealed that he believes that the homeless now living under the viaducts at Wilson and Lake Shore Drive will be displaced by the reconstruction of the viaducts scheduled for this year and that there is very little space for the homeless to stay. Mr. Thayer stated that he put the erection of tents in the Notification of Public Assembly because he wanted a safe place for the displaced homeless to go and be free from the interference of City workers. Mr. Thayer testified that the language of the ordinance does not make specific reference to any erections on the public assembly or restrictions as to what can be built or maintained as part of the public assembly. His direct examination concluded with his statement that he has not witnessed any danger to public safety at the Stewart School mall, the Wilson viaduct, or the Lawrence area. Upon cross examination, Mr. Thayer states that there is no reference to 10-28-010 in 10-8-334 but there is reference to other laws, but not any dealing with graffiti, murder, or theft. Mr. Thayer also testified on cross examination that no one from the City told him that the City was unable or unwilling to house the homeless. Mr. Thayer acknowledged that the purpose of the Notification is because he and others want to erect tents at 4525 N Kenmore for the homeless. He believes that there would be ongoing obstructions of pedestrian traffic around the entrances as people move in and out. Mr. Thayer testified that he has not nor does he know of anyone that has applied for a Public Way Use permit at the location. On redirect Mr. Thayer testified that he is an advocate for the homeless, that he is known to some City employees, that he has not been contacted by the City, that he has not been notified that the ordinance requires a Public Way Use permit, that the wording of the ordinance does not require it, and that the denial is the only notice he received.

The City next called rebuttal witness Alisa Sanchez-Rodriguez. Ms. Sanchez-Rodriguez was questioned as to her employment history and educational background. Ms. Sanchez-Rodriguez stated that she is currently employed by the City of Chicago's Department of Family and Support Services (DFSS) as the Deputy Commissioner for Homeless Programs. Under direct examination, Ms. Sanchez-Rodriguez testified as to the various programs the City has in place and is developing that provide support services for the homeless. Ms. Sanchez-Rodriguez further testified that the main concerns for homeless encampments known as tent cities is sanitation related. Water, toilet facilities, and the accumulation of garbage. She indicated that the City offers shelter to anyone who asks, that she knows of no instances where anyone has been denied shelter, and that if necessary the City will go to outside providers for additional space. City exhibits E through J were marked and admitted as evidence. On cross examination Ms. Sanchez-Rodriguez acknowledged that different methodologies are used for counting the number of homeless but that the City uses the one day count which is the method approved by HUD. When asked the hypothetical question if the total number of known homeless requested housing could the City provide shelter for them the witness answered no. Ms. Sanchez-Rodriguez answered further questions on cross concerning various exhibits. Finally, when asked if she knew of any applications from the homeless for a Public Way Use permit Ms. Sanchez-Rodriguez answered no. Petitioner's exhibits A through G were marked and admitted as evidence. No further witnesses were called.

FINDINGS OF FACT

1. Appellant submitted the Notification of Public Assembly on March 30, 2017 at 2:55 p.m.
2. The Municipal Code of Chicago section 10-8-334 governs Public Assemblies and defines a Public Assembly in subsection (a) in pertinent part as "a company of persons collected together in one place on the sidewalk, or any organized march or procession of persons upon the sidewalk, which is reasonably anticipated to interfere with or impede the flow of pedestrian traffic..."
3. The Municipal Code of Chicago section 9-64-010 defines "sidewalk" as "that portion of a public way between the curb, or the lateral lines of the roadway, and the adjacent property lines, intended for the use of pedestrians".
4. The Municipal Code of Chicago section 1-4-090(f) defines public way as "any sidewalk, street, alley, highway or other public thoroughfare".
5. The Assembly was to start on Friday April 14, 2017 at 10:00 a.m. and continue through Wednesday November 22, 2017 at 12 noon.
6. The location and address of the Assembly was "the pedestrian mall between N. Kenmore Avenue at N. Broadway Avenue and N. Kenmore Street where the pavement begins 1/2 block south of W. Wilson Avenue -- 4525 N Kenmore".
7. The proposed route on sidewalks was described as "we will erect tents on the public right of way of the pedestrian mall, but not on the sidewalks, but we anticipate brief obstructions of the public sidewalks as our people congregate and move tents".
8. The estimated number of participants was "40".
9. On April 3, 2017, a letter written by Michael Simon, the assistant Commissioner, Public Way Permit Division, Department of Infrastructure Management was served on

Appellant and advised Appellant that the Notification of Public Assembly was denied "as the stated purpose of the Assembly is expressly for an unlawful purpose under the Municipal Code of Chicago" because no Public Way Use permits as required under M.C.C. Section 10-28-010(b)(10) were submitted with the Notification.

10. The denial letter dated April 3, 2017 provided that as an alternate Appellant may engage in a Public Assembly at the exact same requested location and address for the exact same requested date and time for any lawful purpose subject to reasonable time, place, and manner restrictions as may be applicable.
11. On April 6, 2017 Appellant filed a timely Notice of Appeal with the Department of Administrative Hearing.
12. The Municipal Code of Chicago section 10-8-334(c) provides that "any public assembly organizer who wishes to appeal the commissioner's decision regarding an alternate date, time, location or route may appeal by notifying the department of administrative hearings of the person's intent to appeal..."
13. I find that the alternate date, time, location or route as given in the denial letter from Michael Simon dated April 3, 2017 will to the extent practicable, have comparable public visibility, and a similar route, location, and date to that of the proposed public assembly.

SUMMARY OF THE ARGUMENTS

The Appellant contends that the Notification of Public Assembly was wrongly denied because the City is requiring Public Way Use Permits for the erection of tents that is not found in the ordinance governing Public Assemblies. The Appellant sets forth various Constitutional arguments under the first and eighth Amendments to the U.S. Constitution, as well as under

Article 1 section 5 of the Illinois Constitution and the Illinois Homeless Bill of Rights. This body does not have jurisdiction to decide Constitutional issues and therefore the Constitutional arguments were permitted to allow the parties to make and preserve the record for possible appeal.

The City argues that the Appellant cannot use the guise of a Public Assembly to circumvent ordinances that govern public safety and the use of the public ways concerning the erection of structures such as the tents proposed to be used here. The City also argues that the alternate offered by the City gives the Appellant comparable public visibility, and a similar route, location, and date to that of the proposed public assembly.

CONCLUSION

Based on the evidence contained in the record of the hearing conducted on April 12, 2017 the decision of the Commissioner is affirmed.

A handwritten signature in cursive script, appearing to read "Frank Lombardo", is written over a horizontal line.

Frank Lombardo, Administrative Law Judge

Number 49 April 14, 2017

This Order may be appealed to the Circuit Court of Cook Co. (Daley Center 6th Fl.) within 35 days by filing a civil law suit and by paying the appropriate State mandated filing fees.

SERVICE LIST

Jeffrey Frank
3418 W. Medill Ave.
Chicago, IL 60647

Molly Armour
Law Office of Molly Armour
4050 N. Lincoln Ave.
Chicago, IL 60618

Alan Mills
Uptown People's Law Center
4413 N. Sheridan
Chicago, IL 60640

Susan Ritacca
601 S. California Ave.
Chicago, IL 60612