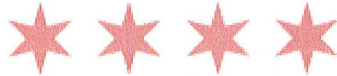

CITY OF CHICAGO

RULES



**RULES REGARDING THE SUSPENSION AND REVOCATION OF
LICENSES, REGISTRATIONS AND CERTIFICATIONS**

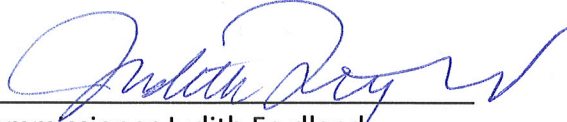


Mayor Rahm Emanuel

Commissioner Judith Frydland

BY AUTHORITY VESTED IN THE COMMISSIONER OF BUILDINGS PURSUANT TO SECTIONS 2-22-040(4), SECTION 13-8-140(f) AND THE GENERAL PROVISIONS OF THE MUNICIPAL CODE OF CHICAGO, THE FOLLOWING RULES REGARDING THE SUSPENSION AND REVOCATION OF LICENSES, REGISTRATIONS AND CERTIFICATIONS ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed: 
Commissioner Judith Frydland

Date: 3/29/17

Published: 03/29/17
Effective: 04/08/17

RULES REGARDING THE SUSPENSION AND REVOCATION OF LICENSES, REGISTRATIONS AND CERTIFICATIONS

ARTICLE I – DEFINITIONS

Rule No. 1. As used in these rules, unless the context clearly indicates otherwise:

“Board” means the respective board that governs the respective license, registration or certification including the Board of Plumbing Examiners, Board of Examiners of Mason Contractors, Board of Examiners of Stationary Engineers and Board of Crane Operators Examiners established pursuant to Chapter 2-116 of the Municipal Code of Chicago.

“Chicago Building Code” or “building code” has the meaning ascribed to the term in Section 1-4-090 of the Code.

“Code” or “Municipal Code” has the meaning ascribed to the term in Section 1-4-090 of the Municipal Code of Chicago.

“Commission” means the respective commission that governs the respective license, registration or certification including the Electrical Commission established pursuant to Section 2-120-050 of the Code.

“Commissioner” means the Commissioner of Buildings or his or her designee.

“Department” means the Department of Buildings.

“Person or entity licensed or registered, or required to be licensed or registered under this Code” has the meaning ascribed to the term in Section 13-8-140(e) of the Code.

“Substantial defect, error or deficiency” has the meaning ascribed to the term in Section 13-8-140(e) of the Code.

ARTICLE II – BASIS FOR SUSPENSION OR REVOCATION

Rule No. 2. The basis for suspending or revoking a license, registration or certification shall be in accordance with Section 13-8-140(a) of the Code.

Rule No. 3. Pursuant to Section 13-8-140(b) of the Code, the Commissioner shall have the power to suspend a license, registration or certification issued to any person licensed or registered or certified under this Code, or required to be licensed, registered or certified under this Code, for up to three hundred and sixty-five (365) days.

Rule No. 4. Prior to suspending or revoking any license, registration or certification, the Commissioner has elected to use progressive remediation. Provided, however, that the Commissioner, in his or her discretion, reserves the right to immediately seek to suspend or revoke such license, registration or certification in accordance with these rules in cases where the action that is the basis for the suspension or revocation:

- (1) resulted in great bodily harm or the loss of life to any natural person; or
- (2) resulted in the damage or loss of property in an aggregate amount of one-hundred thousand dollars (\$100,000) or more; or
- (3) was the result of or resulted in a conviction or finding of liability by a court or administrative tribunal of competent jurisdiction for an act or underlying act: (i) related to bribery or attempted bribery of a government official or government vendor; or (ii) related to fraud or theft or attempted fraud or theft involving a government project, government program, government procurement or government.

ARTICLE III – NOTICE OF SUSPENSION OR REVOCATION

Rule No. 5. The notice of suspension or revocation of a license, registration or certification shall: (i) be in accordance with the provisions of Section 13-8-140(c) of the Code; and (ii) notify the licensee, registrant or certificate holder of the opportunity to request a preliminary hearing to contest the suspension or revocation in accordance with Article IV of these Rules.

ARTICLE IV – NOTICE OF OPPORTUNITY TO REQUEST A PRELIMINARY HEARING

Rule No. 6. Pursuant to Article III of these Rules, the notice of suspension or revocation from the Commissioner shall notify the licensee, registrant or certificate holder of the opportunity to request a preliminary hearing in accordance with this Article IV.

Rule No. 7. The notice of suspension or revocation from the Commissioner shall also state that:

- (1) the suspension or revocation shall not be effective until ten (10) calendar days from the date on the notice or from the date on the proof of mailing, whichever is later;
- (2) within said ten (10) calendar days, the licensee, registrant or certificate holder subject to suspension or revocation may file a written request with the Commissioner for a preliminary hearing to contest the suspension or revocation;

(3) upon receipt of a timely written request for preliminary hearing, the Commissioner shall hold a preliminary hearing within two (2) business days, excluding weekends and City Holidays;

(4) the licensee, registrant or certificate holder is entitled to appear at the preliminary hearing to testify, present witnesses, and present any other evidence regarding the petition, and may be represented by counsel at his or her sole expense, and in lieu of an in-person appearance may contest the suspension or revocation through the submission of written documentation;

(5) neither the request for or the outcome of a preliminary hearing is a final adjudication for purposes of appeal to a court of competent jurisdiction and shall not impact or diminish the licensee, registrant or certificate holder's right to seek a full hearing to contest the suspension or revocation pursuant to Section 13-8-150 of the Code.

ARTICLE V – FULL HEARING AND APPEAL PROCESS

Rule No. 8. The full hearing process to contest the suspension or revocation of a license, registration or certification (as opposed to the preliminary hearing process provided for in Article IV of these Rules) shall be in accordance with the provisions of Section 13-8-150 of the Code.

Rule No. 9. The decision and order of the Commissioner, Commission or Board following a full hearing shall constitute a final decision for purpose of judicial review by a court of competent jurisdiction.

ARTICLE VI – PUBLICATION OF SUSPENDED AND REVOKED LICENSEES, REGISTRANTS AND CERTIFICATE HOLDERS

Rule No. 10. In addition to removing a suspended or revoked licensee, registrant or certificate holder from the City's public databases of active licensees, registrants or certificate holders, the Department reserves the right to maintain a public listing of individuals or entities whose license, registration or certificate is or has been suspended or revoked.

ARTICLE VII – GENERAL PROVISIONS

Rule No. 11. Nothing in these Rules is intended to limit the powers or authority of the City of Chicago or the powers authority of other City departments; nor are these Rules intended to

relieve a person or entity from full compliance with other provisions of the Municipal Code of Chicago or other rules promulgated by the department or any other City department.

Rule No. 12. The Commissioner reserves the right to suspend, repeal or amend these Rules at any time in accordance with law.

Rule No. 13. The provisions of these Rules are severable. If any part of these Rules, in whole or in part, is declared invalid or unconstitutional, that declaration shall not affect the part or parts which remains.