

IN THE CIRCUIT COURT OF THE 3RD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED

AUG 31 2017

CLERK OF CIRCUIT COURT #60
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

CITY OF COLLINSVILLE ILLINOIS,

Plaintiff,

vs.

Case No.: 17-MR-199

PHILIP ASTRASKAS, SR.
MARY ASTRASKAS, AND
PHILIP ASTRASKAS, JR.,

Defendants.

Combined Motion to Dismiss Plaintiff's Complaint Pursuant to 735 ILCS 5/2-619.1

Come now Defendants, Philip Astraskas, Sr., Mary Astraskas, and Philip Astraskas, Jr., by and through their attorneys of HEPLERBROOM LLC and for their Combined Motion to Dismiss pursuant to 735 ILCS 5/2-619.1, state as follows:

I. Plaintiff fails to sufficiently plead facts to establish its cause of action for Count I – Zoning Violation of its Complaint pursuant to 735 ILCS 5/2-615

1. Plaintiff's Complaint Count I – Zoning Violation, is insufficient as a matter of law and should be dismissed, pursuant to 735 ILCS 5/2-615, because it fails to plead facts sufficient to support its claims. Specifically, Plaintiff's Count I fails to include any dates in regard to Defendants alleged zoning violations. Count I merely states, "[t]hat for long time prior hereto, the Defendants have used the real estate.... as a legal, non-conforming, four- unit family residential dwelling unit." See Plaintiff's Complaint ¶8. Plaintiff's vagueness continues in ¶9 stating, "That the Defendants are presently, and have for long time prior hereto, unlawfully using the real estate... as a six-unit multi-family residential unit."

2. "A plaintiff must allege facts, not mere conclusions, to establish his or her claim as a viable cause of action." Napleton v. Village of Hinsdale, 229 Ill.2d 296, 305, 891 N.E.2d 839,

845 (2008). Liberal construction will not save a complaint containing legal or factual conclusions unsupported by specific factual allegations. Pooh-Bah Enterprises, Inc. v. County of Cook, 232 Ill.2d 463, 473, (2009); Mlade v. Finely, 112, Ill.App.3d 914, 918, 445 N.E.2d 1240, 1243-44 (1st Dist. 1983). Conclusions of fact will not suffice to state a cause of action regardless of whether they generally inform the defendant of the nature of the claim. Grund v. Donegan, 298 Ill.App. 3d 1034, 1039 (1st Dist. 1998).

3. Here, Plaintiff's allegations fail to provide any relevant facts giving notice as to the dates regarding: (1) when the real estate was zoned as a legal, non-conforming, four- unit family residential dwelling unit; (2) when the Defendants allegedly began unlawfully using the real estate six-unit family residential dwelling; and (3) when Plaintiff had notice of such allegedly unlawful usage. Such factual deficiencies are not sufficient to support Plaintiff's claim and allowing such deficiencies to remain will result substantial prejudice to Defendants.

WHEREFORE, Defendants respectfully request this Honorable Court enter an order in favor of Defendant and against Plaintiff requiring Plaintiff to plead a more definite statement of fact in Count I or dismissing the action against Defendants and for such further relief this Court deems just and equitable.

II. Plaintiff's Count III – Landlord Business License should be dismissed with prejudice pursuant to 735 ILCS 5/2-619(a)(9)

4. On June 6, 2017, Defendants received a letter from the Office of the City License Clerk, Carrie Carlisle regarding the expiration of their Landlord Business License (the "License").

See Defendants' Exhibit A. The letter stated:

Please complete and return this form if necessary, along with this letter and your payment to the attention of Carrie Carlisle at the address below no later than 14 days from the date of this letter. Failure to renew by this date may result in the issuance of a citation.

5. On or around June 12, 2017, Defendant Philip Astrauskas completed and return the form and remitted the payment for the license. On June 23, 2017, Defendants received their license in the mail. See Defendants' **Exhibit B**.

6. On June 15, 2017, prior to the expiration of the fourteen (14) day deadline to remit the completed renewal form and payment and after Defendants had renewed their license, Plaintiff filed its Complaint against Defendants for failing to obtain a landlord's business license.

7. As such, Plaintiff's claim should be dismissed as the claim is meritless.

WHEREFORE, Defendants respectfully request this Honorable Court enter an order in favor of Defendants and against Plaintiff dismissing Plaintiff's Complaint Count III with prejudice and for such further relief this Court deems just and equitable.

III. Plaintiff's Count I – II for Zoning Violations and Building Code Violations should be dismissed pursuant to 735 ILCS 5/2-619(a)(8)

8. Plaintiff's Count I – II for Zoning Violation and Building Code Violations should be dismissed pursuant to 735 ILCS 5/2-619(a)(8) because Plaintiff has failed to act in accordance with the Code of Ordinances of the City of Collinsville, Illinois, (the "Code") Chapter 15.48 titled "Hearing Procedures for Building, Housing, Solid Waste, and Zoning Violations."

9. Pursuant to §15.48.030, the Code establishes a Code Hearing Department, the function of which is to expedite the presentation and correction of Code violations in the manner set out in Division 31.1 of Article 11 of the Illinois Municipal Code (65 ILCS 5/11-31.1 et seq.) and this Chapter. Collinsville Code of Ordinances (IL) §15.48.030 (2017).

10. Generally when a building inspector finds a Code violation, he shall note the violation on a multiple copy violation notice and report form. Collinsville Code of Ordinances (IL) §15.48.040 (2017). After submitting the violation report to the Code Hearing Department, the

violation will be docketed and a hearing date will be set not less than 30 days nor more than 40 days after the violation is reported by the building inspector.

11. Pursuant to §15.48.100, at the conclusion of the hearing the hearing officer shall make a determination on the basis of the evidence presented at the hearing whether or not a Code violation exists. Collinsville Code of Ordinances (IL) §15.48.100 (2017). The findings, decision, and order of the hearing officer shall be subject to review in the Circuit Court of Madison County, Illinois and the provisions of the Illinois administrative review law (735 ILCS 5/3-101 et. seq.). Collinsville Code of Ordinances (IL) §15.48.120 (2017).

12. After expiration of the period within judicial review under the administrative review law may be sought for a final determination of the Code violation, the City may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the findings, decision and order. Collinsville Code of Ordinances (IL) §15.48.130 (2017).

13. In this case, Plaintiff failed to adhere to any of the aforesaid Ordinances. No hearing was held for the alleged violations and not one of the Defendants received a copy of the violation notice and report from the building inspector. Rather, Plaintiff decided to forgo the Collinsville Code of Ordinances and file its Complaint against the Defendants.

WHEREFORE, Defendants respectfully request that this Honorable Court enter judgment in favor of Defendants and against Plaintiff dismissing Plaintiff's Complaint with prejudice for its failure to abide by the Code of Ordinances and for such further relief this Court deems just.

IV. Plaintiff's Complaint should be dismissed pursuant to the Citizen Participation Act 735 ILCS §110/1, et seq.

Introduction

14. The City of Collinsville has filed this meritless action against the Defendants as a direct response to Defendant Philip Astrauskas Sr.'s (1) attendance and participation at Collinsville

City Council Meetings; (2) opposition to City Council members Donna Green and David Jerome and their position on numerous issues; and (3) support of Green and Jerome's political opponents Nancy Moss and Jeff Kypta. The purpose of this action is to impose financial burdens upon the Defendants, namely Astrauskas Sr. These financial burdens include not only the costs of defending the suit, but also to interfere with the Defendants rental property income.

Law

1. The Illinois' Citizen Participation Act, also known as the "Anti-SLAPP Act," 735 ILCS 110, is legislation aimed at curbing so-called "Strategic Lawsuits Against Public Participation" and addresses these types of civil actions for money damages. Satkar Hosp., Inc. v. Fox Television Holdings, 767 F.3d 701, 704 (7th Cir. 2014). The Act is designed to protect defendants from what are termed "Strategic Lawsuits Against Public Participation" (SLAPPs), which are "meritless lawsuit[s] utilized to retaliate against a party for attempting to participate in government by exercising first amendment rights such as the right to free speech or the right to petition." Garrido v. Arena, 2013 IL App (1st) 120466, ¶ 15, 993 N.E.2d 488, 495; quoting Chicago Regional Council of Carpenters v. Jursich, 2013 IL App (1st) 113279, ¶ 15, 369 Ill.Dec. 248, 986 N.E.2d 197.

2. "SLAPPs are lawsuits 'aimed at preventing citizens from exercising their political rights or punishing those who have done so.'" Stein v. Krislov, 2013 IL App (1st) 113806, ¶ 14, 999 N.E.2d 345, 352; citing Sandholm v. Kuecker, 2012 IL 111443, ¶ 33, 962 N.E.2d 418, 427 (quoting Wright Development Group, LLC v. Walsh, 238 Ill.2d 620, 630, 345 Ill.Dec. 546, 939 N.E.2d 389 (IL. Sup. Ct. 2010)). "SLAPPs masquerade as ordinary lawsuits and may include myriad causes of action, including defamation, interference with contractual rights or prospective economic advantage, and malicious prosecution." Sandholm 2012 IL 111443, ¶ 35.

3. “SLAPPs are lawsuits deployed to directly deter citizens from exercising their political rights by burdening them with expensive litigation.” Satkar Hosp., Inc. v. Fox Television Holdings, 767 F.3d 701, 704 (7th Cir. 2014). “The point of the strategic lawsuit is not necessarily to win it, but rather to impose litigation costs.” *Id.* “Under the normal rules of civil procedure, even a meritless lawsuit can survive to the summary-judgment stage, requiring expensive discovery and motion practice.” *Id.* “The point of anti-SLAPP laws is to allow defendants in strategic lawsuits to win early dismissal before substantial litigation costs are incurred.” *Id.*

4. Plaintiff's lawsuit may only be dismissed due to immunity under the Act if (1) the defendants' acts were in furtherance of their rights to petition, speak, associate, or otherwise participate in government to obtain favorable government action; (2) plaintiff's claims were solely based on, related to, or in response to defendants' acts in furtherance of their rights of petition, speech, association, or other participation in government; and (3) plaintiff failed to produce clear and convincing evidence that defendants' acts were not genuinely aimed at procuring favorable government action. Stein, 2013 IL App (1st) 113806, ¶ 15.

Argument
Astrauskas Senior's Public Participation

5. Here, Astrauskas Sr. regularly attends and participates in the City Council meetings. As citizen and small business owner owning approximately ninety-three (93) rental properties, the actions taken by the City Council directly impact Astrauskas. During the year of 2017, Astrauskas has attended every City Council bi-monthly meeting and has participated by speaking during the four minute time period allotted to speakers from the floor. Astrauskas Sr. spoke during seven of the eleven City Council meetings held between January 9, 2017 and June 26, 2017. The issues addressed by Astrauskas include generally:

- a. opposing the actions taken by City Council;

- b. opposing City Council members Green and Jerome;
- c. opposing the spending of TIF funds for building maintenance, for the south west corridor, for taverns located on main street;
- d. opposing the one cent increase in sales tax for the sale of goods in the areas receiving TIF funds;
- e. opposing the increase of taverns permitted to operate on Main street;
- f. opposing the increase of taxes and fees levied on landlords and citizens;
- g. the character and fitness of Donna Green whether it is prudent to allow her to be responsible for City funds as she has filed for bankruptcy in the past;
- h. David Jerome's poor performance in driving economic development on Main Street and his support for spending TIF funds on St. Louis Road
- i. Mayor John Miller's non-payment of real estate taxes and fees causing a burden on the residents and tax payers as well as voting on TIF tax increases that Miller is not subjected to.
- j. Councilman Cheryl Brombolich's election to the city council based on the allegations that she misappropriated city funds through the use of city credit cards.

6. Further, Astrauskas Sr. actively opposed the election of the City Council Donna Green and David Jerome by displaying over seventy-five (75) signs across the city stating that the candidates had bad ideas for landlords and citizens alike.

7. Green and Jerome were subsequently elected and are now sitting members of the Collinsville City Council.

City of Collinsville's Retaliatory Acts and Omissions against Astrauskas Sr., the Defendants as a whole, and the Citizens of Collinsville

8. Plaintiff's Count III- Landlord Business License is a meritless and malicious claim aimed at financially burdening the Defendants and contractually interfering with the Defendants lease agreements in retaliation against Astrauskas Sr.'s public participation as demonstrated by the following.

9. The City's Business License claim is meritless because the Defendants had renewed their business license prior to the filing of the claim against them.

10. The business license claim is malicious because it was not only filed prior to the expiration of the fourteen (14) day time period for the renewal of the license, but also because the City's actions taken in previous cases where landlords fail to renew their licenses. These actions include filing a complaint against the delinquent landlord after waiting six months and limiting the relief requested to fines against the landlord.

11. In this case, in addition to fines, the City seeks an order "[r]equiring Defendant (sic) to immediately cease the rental of all units in the City of Collinsville. See Plaintiff's Complaint ¶21A-B. As such, Plaintiff seeks to not only contractually interfere with the Defendants' leasing business, but also put out ninety-three (93) of its own citizens into the streets without any housing. Such a demand will not only impose a financial burden upon Defendants, but also the ninety-three (93) residents of Collinsville who will be forced to relocate.

12. The demand to cease the rental of all units is not only extremely misguided, but also not in accordance with previous actions taken against landlords whose business licenses have expired. On December 28, 2016, the City of Collinsville filed a complaint against Dan Cadagin for his alleged failure to renew his business license. See Defendants' Exhibit C. In that case,

Defendant Cadagin failed to renew his business license on June 1, 2016 and continued to rent his property without a license. *Id.* The City waited more than six months before filing a complaint against Cadagin. *Id.* No demand or any other attempt was made by the City to require the Cadagin's tenants to relocate or to prevent him from renting his property. Further, a comparison between the two complaints reflects that the City has gone out of its way to make an exception in this case to prosecute the alleged violations of the Defendants. As such, it's clear the actions the City took in this matter are drastically different and that it merely seeks to impose a financial burden against the Defendants at all costs, including the costs of its ninety-three (93) residents, in retaliation to Astrauskas Sr.'s public participation.

13. In regard to Count I – Zoning Violation, the vagueness of the allegations set forth above reflects the City's claim is either (1) meritless or (2) malicious as the City is purposely withholding pertinent information regarding the alleged violations of the Defendants. The allegation "that the Defendants are presently, and have for a long time prior hereto, unlawfully using the real estate at 2106 Vandalia... as a six-unit multi-family dwelling" reflects the City (1) has known about this alleged violation for a long period of time and chose not to prosecute the Defendants of the alleged violation, or (2) is maliciously withholding information regarding the violations to cover up the meritless nature of the claim or to prevent the Defendants from receiving knowledge of the claims against them. Plaintiff's Complaint ¶9 (emphasis added). The City's knowledge of the alleged violation for such a long period of time begs the question of why it only now decided to enforce the alleged violations by filing a complaint full of meritless and vague allegations. In any event, the City's vague allegations and withholding of information is clearly calculated to financially burden the Defendants.

14. Lastly, as stated herein, the City's failure to act in accordance with Section 15.48 of the Collinsville Code of Ordinances, reflects that the Defendants are not receiving the same due process given to other similarly situated defendants. Such disparity of treatment demonstrates the City is maliciously prosecuting any alleged violations.

15. In conclusion, the actions and omissions on the part of the City reflects the Complaint filed against the Defendants is not only meritless, but also malicious, in retaliation for and to punish Astrauskas Sr. for his public participation.

WHEREFORE, Defendants respectfully move request that this Court stay all discovery in these proceedings, conduct an immediate hearing on the Defendants concurrently filed motion to dismiss, and award Defendants reasonable attorney's fees and costs.

Respectfully Submitted:

HEPLER BROOM LLC

BY:



Andrew K. Carruthers, #6289184

Chad J. Richter, # 6316878

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Edwardsville, IL 62025

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IN THE CIRCUIT COURT OF THE 3RD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

CITY OF COLLINSVILLE ILLINOIS,

Plaintiff,

vs.

Case No.: 17-MR-199

PHILIP ASTRAUSKAS, SR.
MARY ASTRAUSKAS, AND
PHILIP ASTRAUSKAS, JR.,

Defendants.

AFFIDAVIT OF DEFENDANT PHILIP ASTRAUSKAS SR.

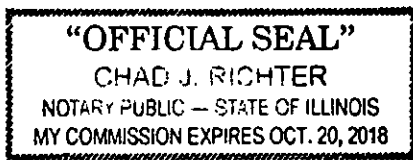
I, Philip J. Astrauskas, Sr., being first duly sworn on oath, depose and state that I have read the Motion to Dismiss pursuant to the Citizen Participation Act 735 ILCS §110/1, et seq. contained herein and all the factual allegations contained therein are correct and true based upon my information and belief.



Philip J. Astrauskas, Sr., Defendant

State of Illinois)
) SS.
County of Madison)

Subscribed and sworn to before me on this 31st day of August, 2017.



(seal)

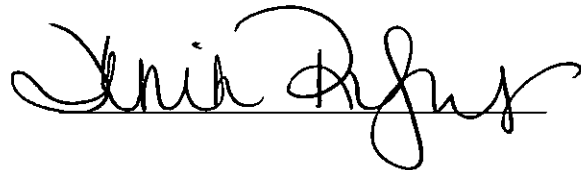


Notary Public
My Comm. Exp. Oct. 20, 2018

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the foregoing document to counsel of record at the following addresses, by placing same in the United States mail, postage prepaid, at Edwardsville, Illinois on the 31st day of August, 2017.

Steven Giacoletto
Attorney for Plaintiff
30 Summer Tree Lane
Collinsville, IL 62234
Tele: 618-346-8841
Fax: 618-346-8843
Sgiacoletto@scglawoffice.com

A handwritten signature in black ink, appearing to read "Steven Giacoletto", written over a horizontal line.



OFFICE OF THE CITY CLERK

June 6, 2017

Phil, Mary & Linda Astrauskas
 105 Lexington Dr.
 Collinsville, IL. 62234

Dear Licensed Landlord:

City ordinance requires all licensed landlords to renew their license annually. Your landlord license expired on 05/01/2017 and you were sent a renewal packet on 04/07/2017. To date, we have not received your renewal paperwork and fees. The amount due according to our records is \$2,350 based on your ownership of the following 93 properties:

Adress	# Units	Adress	# Units	Adress	#Units
1002 W. Clay	1	103 E. Washington	1	105 E Washington	1
205 Hill	1	213 S. Chestnut	1	226 S. Clinton	1
301 S. Chestnut	1	303 S. Chestnut	1	305 S. Chestnut	1
307 S. Chestnut	1	316 S. Aurora	1	701 Rose	1
806 N. Center	1	901 W. Main	1	206 * O'Farrell	1
517 E. Main	1	519 E. Main	1	521 N. Combs	1
521 (R) N. Combs	1	615 N. Center	1	616 N. Clinton	1
1265 Keebler	1	1418 A Alice	1	1418 B Alice	1
416 N. Center	1	418 N. Center	2	1105 W. Main	3
103 Summit	4	229 N. Clinton	4	403 Short	4
612 N. Center	4	413 Vandalia	5	509 E. Clay	5
2106 Vandalia	6	724 N. Summit	8	129 W. Washington	1
632 Burroughs	1	802 Rose	1	810 N. Center	1
819 High	1	1214 Constance	1	207 N. Aurora	2
221 S. Clinton	1	308 Mill	1	719 Summit	1
147 W. Wickliffe	1	520 Burroughs	1	527 Burroughs	1
726 W. Clay	3	300 E. Church	4	801 Indian	1
611 N. Combs	1				

I have enclosed another Landlord License Amendment form for your use if you have had any changes to the information previously provided, such as the purchase or sale of a property. Please complete and return this form if necessary, along with this letter and your payment to the attention of Carrie Carlisle at the address below no later than 14 days from the date of this letter. Failure to renew by this date may result in the issuance of a citation.

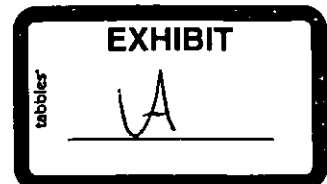
If you have any questions, please contact me at 618-346-5200 ext. 1132 or by email at ccarlisle@collinsvilleil.org. Thank you for your compliance with the Collinsville Landlord Licensing & Crime Free Program.

Sincerely,

Carrie Carlisle
 License Clerk

The City of Collinsville – Office of the City Clerk
 125 South Center, Collinsville, IL 62234

Case NO. 17-MR-199



PARCEL NO. 13-1-21-22-12-203-008

COMMERCIAL PROPERTY RECORD CARD

CARD NO. OF

MAP

BLOCK

LOT

TAX LOT

TAX DIST.

ADDRESS OF PROPERTY

2106 Vandalia

1149

CLASS OF PROPERTY

097

RECORD OF OWNERSHIP

NAME	DATE	SALE PRICE	BOOK/PAGE
Philip J. Mary, Philip Jr Astrauskas	11/94	65,000	3925/791
Philip J. Mary, Philip Jr Astrauskas	5/97	None	4134/1196

DESCRIPTION

Tax Lot 1149
Section 22

.42 acre

2002

MEMORANDA

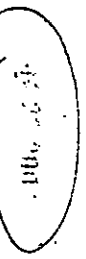
LAND VALUE COMPUTATIONS AND SUMMARY

FRONTAGE	DEPTH	FT/2	UNIT VALUE	DEPTH FACTOR	TRUE VALUE	ZONING
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CORNER INFO		LOCATION		ASSESSMENT RECORD	
FRONTAGE	DEPTH	LAND	BLDGS	LAND	BLDGS
20	10	20930	6360	27290	
30	15	37290	6360	43650	
40	20	50930	6360	57290	
50	25	64570	6360	70930	
60	30	78210	6360	84570	
70	35	91850	6360	98210	
80	40	105490	6360	111850	
90	45	119130	6360	125490	
100	50	132770	6360	139130	
110	55	146410	6360	152770	
120	60	160050	6360	166410	
130	65	173690	6360	180050	
140	70	187330	6360	193690	
150	75	200970	6360	207330	
160	80	214610	6360	220970	
170	85	228250	6360	234610	
180	90	241890	6360	248250	
190	95	255530	6360	261890	
200	100	269170	6360	275530	
210	105	282810	6360	289170	
220	110	296450	6360	302810	
230	115	310090	6360	316450	
240	120	323730	6360	330090	
250	125	337370	6360	343730	
260	130	351010	6360	357370	
270	135	364650	6360	371010	
280	140	378290	6360	384650	
290	145	391930	6360	398290	
300	150	405570	6360	411930	
310	155	419210	6360	425570	
320	160	432850	6360	439210	
330	165	446490	6360	452850	
340	170	460130	6360	466490	
350	175	473770	6360	480130	
360	180	487410	6360	493770	
370	185	501050	6360	507410	
380	190	514690	6360	521050	
390	195	528330	6360	534690	
400	200	541970	6360	548330	
410	205	555610	6360	561970	
420	210	569250	6360	575610	
430	215	582890	6360	589250	
440	220	596530	6360	602890	
450	225	610170	6360	616530	
460	230	623810	6360	630170	
470	235	637450	6360	643810	
480	240	651090	6360	657450	
490	245	664730	6360	671090	
500	250	678370	6360	684730	
510	255	692010	6360	698370	
520	260	705650	6360	712010	
530	265	719290	6360	725650	
540	270	732930	6360	739290	
550	275	746570	6360	752930	
560	280	760210	6360	766570	
570	285	773850	6360	780210	
580	290	787490	6360	793850	
590	295	801130	6360	807490	
600	300	814770	6360	821130	
610	305	828410	6360	834770	
620	310	842050	6360	848410	
630	315	855690	6360	862050	
640	320	869330	6360	875690	
650	325	882970	6360	889330	
660	330	896610	6360	902970	
670	335	910250	6360	916610	
680	340	923890	6360	930250	
690	345	937530	6360	943890	
700	350	951170	6360	957530	
710	355	964810	6360	971170	
720	360	978450	6360	984810	
730	365	992090	6360	998450	
740	370	1005730	6360	1012090	
750	375	1019370	6360	1025730	
760	380	1033010	6360	1039370	
770	385	1046650	6360	1053010	
780	390	1060290	6360	1066650	
790	395	1073930	6360	1080290	
800	400	1087570	6360	1093930	
810	405	1101210	6360	1107570	
820	410	1114850	6360	1121210	
830	415	1128490	6360	1134850	
840	420	1142130	6360	1148490	
850	425	1155770	6360	1162130	
860	430	1169410	6360	1175770	
870	435	1183050	6360	1189410	
880	440	1196690	6360	1203050	
890	445	1210330	6360	1216690	
900	450	1223970	6360	1230330	
910	455	1237610	6360	1243970	
920	460	1251250	6360	1257610	
930	465	1264890	6360	1271250	
940	470	1278530	6360	1284890	
950	475	1292170	6360	1298530	
960	480	1305810	6360	1312170	
970	485	1319450	6360	1325810	
980	490	1333090	6360	1339450	
990	495	1346730	6360	1353090	
1000	500	1360370	6360	1366730	

EXHIBIT B

Case NO. 17-MR-199



1104

Direct Elec

Direct Elec

COMPLAINT FOR VIOLATION OF CITY ORDINANCE

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT
MADISON COUNTY, ILLINOIS

THE CITY OF COLLINSVILLE, ILLINOIS

vs.

Dan Joseph Cadagin
5797 Old Keebler Rd
Collinsville, IL 62234

NO. 16OV200377

DOB 5/7/71

FILED

DEC 28 2016

CLERK OF CIRCUIT COURT #28
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

COMPLAINT

Complainant, CEO S. Verstraete on oath charges:
that on or about 28 December, 2016, in the City of Collinsville, Illinois,
Dan J. Cadagin

Committed the offense of: Failure to renew a business license in that
the owner of 803 Pennsylvania, being Dan J. Cadagin has an expired
business license as of 6/1/2016 and continues to operate his business in
renting out this property to the tenant of 803 Pennsylvania being David
Edsall.

In violation Ordinance Number 5.04.040 of the
City of Collinsville, Illinois.

CEO Sheri Verstraete

(Complainant)

SWORN TO before me this 28th day of December, 20 16

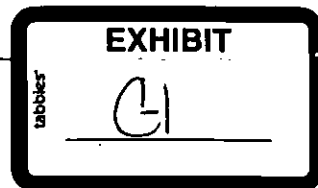
(Judge-Clerk)

Document Control Number:

Police Case # V025689

Officer #

Case NO. 17-MR-1909



160V200377

NOTICE TO APPEAR

Case #:

STATE OF ILLINOIS
COUNTY OF MADISON,
CITY OF COLLINSVILLE

SS.

NOTICE TO APPEAR

TO: Name: Dan Joseph Cadagin

Address: 5797 Old Keebler Rd

City, State, Zip: Collinsville, IL 62234

You are hereby requested to appear before the Circuit Court of the Third Judicial Circuit, Madison County, Illinois, in the Magistrate Court at 155 N. Main St., Edwardsville, Illinois, in the courtroom usually occupied by the Magistrate Division of said Court at:

9:00 AM PM, on Monday, the 23 day of January,

20 17, on the following charge(s) of:

Failure to renew a Business License - Landlord

being a violation of Article / Paragraph _____, Chapter _____ Illinois Compiled Statutes:

OR

Ordinance No. 5.04.040; City of Collinsville.

FILED

DEC 28 2016

CLERK OF CIRCUIT COURT #28
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

If you fail to appear, a warrant of arrest or summons for your appearance will be issued.

ISSUED THIS 26th DAY of Dec, 20 16

Signature of Peace Officer Shari Urstrante

Title Code Enforcement Dfc

COLLINSVILLE POLICE DEPARTMENT

Copy to Court

Copy to Defendant

Case NO. 17-MR-1907 C-2

Defendant: CADAGIN DAN J

Case # 16OV200377

D.O.B. 19710507 IL

Offense: FAIL TO RENEW BUSINESS LICENSE

DL #

CDL: N

9103000

Attorney

Balance \$0.00

Bond Bal \$ 0.00

ORDER

Accident:

- Defendant fails to appear for 2nd appearance.
 - Ex Parte conviction entered. Total fine & cost: \$ _____
 - Reset on appearance docket.
 - Issue warrant Bond _____
 - QUASH WARRANT

- Defendant appears and is advised of the charges, penalties, rights and trial in absentia.
- Defendant pleads not guilty and Request Jury Trial Waives Right To Jury Trial Set for Trial

Defendant's Signature _____ CASE STATUS : CSO

DISPOSITION

- Defendant pleads GUILTY and waives rights and trial open plea neg. plea 4 hr Traffic Safety School

Defendant's Signature _____

- CONVICTION SUPERVISION _____ days _____ months _____ years

FINES AND COSTS \$ _____ FINES AND COSTS \$ _____

TOTAL FINES AND COSTS \$ 250- TOTAL FINES AND COSTS \$ _____

THE OFFENDER SHALL PAY RESTITUTION IN THE AMOUNT OF \$ _____

TO _____

FILED

APR 04 2017

CLERK OF CIRCUIT COURT #23
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

- Pay Today From Bond POA _____

- DEF to perform _____ hours of public service. Copy to Probation Department.

- Transfer remaining bond to _____

- DEF FOUND NOT GUILTY DEF FOUND GUILTY Jury Trial Bench Trial In Absentia

- NOLLE PROS motion of CASE DISMISSED motion of State Municipality

Per: PLEA INSUFFICIENT EVIDENCE COMPLIANCE PROOF OF INS.

- ANY OUTSTANDING FINES AND COSTS ARE FOUND TO BE UNCOLLECTIBLE. CLOSE FILE.

- TAKE BOND (BAL FORFEITED FOR FTA) CLOSE FILE

- FINE & COSTS HAVE BEEN SATISFIED BY PSW. CLOSE FILE

CONTINUANCES

CONT motion of Pros Deft Agreement Court Reset NAD _____

DEFENDANT FAILS TO APPEAR / PAY PER ORDER:

- Reset NAD _____ ISSUE WARRANT bond _____

- Revoke Supervision; Conviction Entered; Judgment Unsatisfied; Clerk to Notify SOS. _____

- Prior order vacated; fee paid/waived.

CFY
ASSISTANT STATES ATTY B. Marshall

DEFT / DEFENDANTS ATTY _____

FILED 3/27/2017 MADISON 3rd JUDICIAL CIRCUIT

JUDGE [Signature]

Case No. 17-MR-1991 C-3