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FOR IMMEDIATE RELEASE

Greenville, Illinois

Statement to the Joint Committee on Administrative Rules

Thomas DeVore, Attorney at Law, representing hundreds of Illinois business owners respectfully provides this statement to the Joint Committee on Administrative Rules.

Once again the Governor, who has openly acknowledged he's desperately looking for an enforcement mechanism for his executive orders, presumably one without Court involvement, is seeking to improperly push what is tantamount to legislative action through the administrative rule process to try and illegally expand the power of the Illinois Department of Public Health ("IDPH").

First and foremost, 5 ILCS 100/5-45(b) requires the IDPH must have found that an emergency exists that requires adoption of this emergency rule and must have stated in writing its specific reasons for that finding. I have reviewed the proposed rule and nowhere are the requisite findings adduced to support the use of emergency rule making. It is quite apparent the emergency rule process is being abused by the Governor and IDPH to prohibit the public from being able to participate in the process. For these reasons, the rule must fail and be suspended by your committee as the statutory notice provision of 5 ILCS 100/5-45(b) has not been followed.

Most importantly, what is being proposed to you in this obfuscated proposed rule is an effort to completely strip due process away from our business owners as provided under Illinois law in 20 ILCS 2305/2(c). This proposed rule contains an "enforcement mechanism" against businesses in section (d). Section (d) of the proposed rule is merely an illegal re-write of Section 2(c) of the existing law which contains due process of the Courts. Section (d) includes an automatic "dispersal order" of its patrons if voluntary compliance is not successful. If an order of dispersal doesn't work, then criminal penalties as allowed under 8.1 of the Act apply.

All you have in front of you is a proposed emergency rule intended to strip the due process rights away from businesses as provided to them under 20 ILCS 2305/2(c). A business cannot be closed without a court order. An order of dispersal of patrons as the rule calls it is tantamount to an order of closure and as such cannot be accomplished without due process. The Governor has made public statements this new rule is trying to address the archaic rules which are currently in place. Those archaic rules are called due process of law and this committee should suspend this rule for violating procedural and substantive due process versus our small business owner's being left to defend this illegal action of the Governor and IDPH through the Courts.

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