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# CITY OF CHICAGO

## RULES

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# REHABILITATION OF EX-OFFENDERS RULES

Last Updated: December 1, 2008



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Mayor Rahm Emanuel

Commissioner Maria Guerra Lapacek

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BY AUTHORITY VESTED IN THE COMMISSIONER OF THE DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION PURSUANT TO **CHAPTER 2-25**, THE FOLLOWING RULES REGARDING **REHABILITATION OF EX-OFFENDERS** ARE ADOPTED HEREIN.

By Order of the Commissioner:

Signed:   
Commissioner Maria Guerra Lapacek

Date: July 29, 2015

Published: **December 1, 2008**

Effective: **December 1, 2008**

**CITY OF CHICAGO**

**DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION  
and  
DEPARTMENT OF BUILDINGS**

**RULES AND REGULATIONS  
for  
REHABILITATION OF EX-OFFENDERS**

**As promulgated by the Commissioner of Business Affairs and Consumer Protection  
pursuant to the General Provisions of Section 2-25-050(b) of the Municipal Code of  
the City of Chicago**

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- Rule No. 1.** *Scope.* The rules and regulations promulgated herein apply to those Title IV licensing ordinances that: (1) are administered by the department of business affairs and consumer protection or by the department of buildings; and (2) prohibit a license from being issued to persons ("ineligible persons") who have been convicted or found liable of certain crimes or offenses ("the disqualifying act"); and (3) allow for the possibility of license issuance if the ineligible person has been sufficiently or substantially rehabilitated to warrant the public trust.
- Rule No. 2.** *Process.* If a license application is denied on the grounds that the applicant for such license has been convicted or found liable of certain crimes or offenses (i.e. is an "ineligible person"), the procedures set forth in Section 4-4-060 of the Chicago Municipal Code shall apply. Provided, however, that if the applicable licensing ordinance allows for the possibility of rehabilitation, the written notice required under Section 4-4-060 shall also advise the ineligible person of the fact that rehabilitation may be sought by requesting a hearing before the mayor or his designee in accordance with the requirements of Section 4-4-060.
- Rule No. 3.** *Burden of proof.* The burden of proof at a rehabilitation hearing shall be on the person seeking such rehabilitation. Any evidence on which a reasonably prudent person would rely may be considered at such hearing. The burden of proof at such hearing is the same regardless of whether the ordinance authorizing rehabilitation requires proof of "substantial" or "sufficient" rehabilitation.
- Rule No. 4.** *Standard of proof.* The standard of proof in rehabilitation cases shall be clear and convincing evidence of conduct indicating that the person seeking rehabilitation

warrants the public trust and that such person's engaging in the proposed licensed activity will not be incompatible with the public safety or welfare. The standard of proof is the same regardless of whether the ordinance authorizing rehabilitation requires proof of "substantial" or "sufficient" rehabilitation.

**Rule No. 5.** Rehabilitation prohibited when. Rehabilitation is not available:

- (1) if the person seeking rehabilitation is in custody, under parole or under any other non-custodial supervision resulting from a conviction for the commission of the disqualifying act; or
- (2) if the person seeking rehabilitation is under indictment or has been charged-with a disqualifying act; or
- (3) unless two years have passed since the date of imposition of the penalty imposed for commission of the disqualifying act or the date of completion of the terms of the sentence, conditions or payment of any fine imposed for commission of the disqualifying act, whichever comes later.

**Rule No. 6.** Personal statement required. Each person seeking rehabilitation must submit a signed and dated personal statement indicating: (1) the sentence, conditions and/or penalty, including any fine, imposed by the adjudicating body in connection with the disqualifying act; (2) what steps such person has taken toward personal rehabilitation since the time the disqualifying act occurred; and (3) the presence of any factor(s) set forth in Rule No. 10 that support a finding of rehabilitation.

**Rule No. 7.** Certified copy of the conviction or finding of liability required. Each person seeking rehabilitation must submit, along with the personal statement required by Rule No. 6, a certified copy of the final judgment of conviction or finding of liability, as applicable, made in connection with the disqualifying act(s). Provided, however, that the mayor may waive this requirement upon submission of a signed affidavit attesting to the fact that such certified copy of the conviction or finding of liability no longer exists.

**Rule No. 8.** Copies of "no contact" court orders required. If the person seeking rehabilitation is under a current order for protection, restraining order or other no contact order prohibiting such person from contacting any victim of the disqualifying act, or if there has ever been a prior order for protection or restraining order or other no contact order prohibiting such person from contacting any victim of the disqualifying act, a copy of such order shall be submitted along with the personal statement required by Rule No. 6.

**Rule No. 9.** *Character references required.* Persons seeking rehabilitation must submit at least five character references from upstanding members of the community. Such character references should:

- (1) be submitted directly to the department of business affairs and consumer protection by the person providing the character reference;
- (2) be recently dated;
- (3) state the name, address, telephone number and title of the person providing the character reference;
- (4) state the length of time that the person providing the character reference has known the ineligible person both before and after the disqualifying act occurred;
- (5) describe the nature of the relationship between the person providing the character reference and the ineligible person both before and after the disqualifying act occurred;
- (6) indicate that the person providing the character reference understands the nature and duties of the occupation, trade, vocation, profession, business or activity for which a license is being sought by the ineligible person;
- (7) indicate, by way of concrete example or illustration, why the person providing the character reference believes (or does not believe) that the ineligible person has been rehabilitated;
- (8) indicate, by way of concrete example or illustration, why the person providing the character reference believes (or does not believe) that the ineligible person warrants the public trust and will not pose a threat to the public safety or welfare if the license being sought is issued to such ineligible person;
- (9) indicate whether the person providing the character reference "strongly recommends", "recommends" or "does not recommend" the ineligible person for the license being sought; and
- (10) contain any other information that the person providing the character references believes will be useful in assisting the mayor or his designee to reach a correct decision on the question of whether the ineligible person has, in fact, been rehabilitated.

**Rule No.10.** Mitigating and aggravating factors. The factors which will be taken into account by the mayor or his designee when deciding whether an ineligible person has been rehabilitated include, but are not limited to, the following:

- (1) the nature and seriousness of the disqualifying act;
- (2) the age of the ineligible person at the time the disqualifying act was committed;
- (3) the sentence, conditions and/or penalty, including any fine, imposed by the adjudicating body in connection with the disqualifying act;
- (4) the circumstances surrounding the commission of the disqualifying act;
- (5) the social conditions that may have contributed to the commission of the disqualifying act;
- (6) the amount of time that has passed since the disqualifying act occurred;
- (7) whether the disqualifying act was an isolated or repeated incident;
- (8) the ineligible person's criminal or offense history since the disqualifying act occurred;
- (9) the ineligible person's work history since the disqualifying act occurred;
- (10) the ineligible person's treatment history for any condition that may have contributed to the commission of the disqualifying act, such as treatment for alcoholism, drug addiction or anger management;
- (11) the ineligible person's record of public service since the disqualifying act occurred (other than under court order or as a condition of sentence, probation or parole);
- (12) the number and quality of the ineligible person's character references; and
- (13) other evidence in mitigation or aggravation.

**Rule No.11.** When determining whether an ineligible person has been rehabilitated, the mayor may take into consideration information relevant to such determination provided by city departments, governmental agencies, the victims of the disqualifying act or other interested persons.

**Rule No. 12.** If, following a hearing conducted in accordance with the requirements of Section 4-4-060 and these rules, the mayor determines that the person seeking rehabilitation has not been sufficiently or substantially rehabilitated to warrant the public trust or that such person's engaging in the proposed licensed activity is incompatible with the public safety or welfare, such person shall be ineligible, for a period of two years from the date that such determination is made, to seek rehabilitation under any city license that provides for rehabilitation.

**Rule No. 13.** Any order of the mayor issued under these rules shall be deemed to be a final order of the department of business affairs and consumer protection.