2017 IL App (1st) 160845-U

No. 1-16-0845

Order filed April 19, 2017

Third Division

IN THE

APPELLATE COURT OF ILLINOIS

FIRST DISTRICT

ATIQ U. KHAN, Plaintiff-Appellant, v. CITY OF CHICAGO DEPARTMENT OF ADMINISTRATIVE HEARINGS, and CITY OF CHICAGO DEPARTMENT OF BUSINESS AFFAIRS AND CONSUMER PROTECTION, Defendants-Appellees.	)	Appeal from the Circuit Court of Cook County. No. 15 M1 450400 Honorable Mark J. Ballard, Judge, presiding.

PRESIDING JUSTICE SMITH delivered the judgment of the court.
Justices Lavin and Pucinski concurred in the judgment.

ORDER

¶ 1 *Held*: When appellant fails to adequately explain his claims of error or support them with reasoned argument and citation to legal authority, he has forfeited those claims on appeal. Department of Administrative Hearings decision was not entered in violation of applicable ordinances or due process.

¶ 2 Following a hearing, the City of Chicago Department of Administrative Hearings (DOAH), found that plaintiff Atiq U. Khan violated rules prohibiting a taxi driver from using

abusive language and from picking up a passenger if a taxi is not clean, and assessed plaintiff $400 in fines. Plaintiff sought, *pro se*, administrative review in the circuit court. The circuit court affirmed the judgment of the DOAH. Plaintiff now appeals *pro se* contending that the first attempt to notify him about this proceeding was "lost in the mail," that the complaint against him was only four lines, and that the case was continued. We affirm.

¶ 3 The record reveals that plaintiff, a taxi driver, received an administrative notice of violation of the of the City of Chicago's Department of Business Affairs and Consumer Protection Public Vehicle Operations Division's Public Chauffeur Rules and Regulations (Chauffeur Rules), after passenger John Lent filed a complaint alleging that the interior of the taxi smelled like "fresh gasoline," and that plaintiff, who was wearing a gas mask, used profanity. The hearing notice was dated June 2, 2015 and stated that the hearing date was June 26, 2015.

¶ 4 Plaintiff appeared *pro se* at the June 26, 2015 hearing and asked for a continuance. The Administrative Law Judge (ALJ), granted plaintiff's request and continued the case until August 18, 2015.

¶ 5 A hearing was held on August 18, 2015. Lent testified via telephone that he hailed a taxi on the evening of April 8, 2015. The taxi was "White American United" taxi number 3036. When he got inside, he noticed a strong smell of "fresh gasoline." After giving the driver his destination, Lent noticed that the driver was wearing a gas mask. He described the mask as a "full on mask" with "two like round cylinders." During the subsequent ride, the driver drove "very fast" and yelled "f*** or mother***" at pedestrians. Lent filed a complaint because he did

not think that the taxi should be on the road considering the "smell of burnt gasoline and the gas mask."

¶ 6 Plaintiff testified that he did not remember "this person in my cab," and that the taxi is never dirty, that is, "[a]ll of these allegations are wrong." He did wear a mask because "sometime there are allergies in the air." Plaintiff then showed the ALJ a mask, which the ALJ described for the record as a "Lone Ranger type of mask without the holes in it." Plaintiff also presented a letter from Dr. Ronald Steven, Ph.D. regarding treatment which required plaintiff to wear the mask. This letter was entered into evidence.

¶ 7 During cross-examination, plaintiff testified that he used to wear a gas mask, but that he had worn the other mask for "almost a year now." He then denied that the item was a "gas mask." He wears the "Long Ranger looking mask" to alleviate "sensations" he experiences.

¶ 8 The ALJ found that plaintiff had violated Chauffeur Rules 508(b) and 905(b), and imposed $400 in fines. See Rule 5.08(b) (eff. Dec. 3, 2012) ("Chauffeurs shall not assault, threaten, abuse, insult, provoke, interfere with, impede, obstruct or use profane language or obscene gestures around any person in connection with the operation of their vehicles."); Rule 905(b) (eff. Dec. 3, 2012) ("No chauffeur shall solicit or accept passengers in a vehicle unless it is in a clean condition.").

¶ 9 Plaintiff then filed a *pro se* complaint for administrative review in the circuit court, and the court affirmed the DOAH's judgment. Plaintiff now appeals *pro se.*

¶ 10 In the case at bar, plaintiff has failed to comply with our supreme court's rules governing appellate court briefs in numerous respects. The brief does not contain a proper summary

statement, introductory paragraph, or statement of the issues presented for review as required by Illinois Supreme Court Rule 341(h) (eff. Jan. 1, 2016).

¶ 11 Our review of plaintiff's appeal is hindered by his failure to comply with our supreme court's rules. It is well established that a court of review is entitled to briefs that conform to supreme court rules. *Schwartz v. Great Central Insurance Co*., 188 Ill. App. 3d 264, 268 (1989) (appellants' briefs are to provide cohesive legal arguments in conformity with supreme court rules). Here, plaintiff's brief is devoid of any citations to the record or legal authority (see Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016)), and fails to explain what claims of error are being presented or exist on appeal.

¶ 12 Plaintiff's *pro se* status does not excuse him from complying with supreme court rules governing appellate procedure (*Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010)), and he is expected to meet a minimum standard before this court can adequately review the trial court's order (*Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462 (1993)). Although a reviewing court is entitled to have all the issues clearly defined and be provided with coherent argument and citation to pertinent authority (Ill. S. Ct. R. 341(h)(7) (eff. Jan. 1, 2016)), plaintiff has failed to articulate a legal argument which would allow any meaningful review of his appeal. This court may, in its discretion, strike a brief and dismiss an appeal based on the failure to comply with the applicable rules of appellate procedure. *Holzrichter v. Yorath*, 2013 IL App (1st) 110287, ¶ 77. Considering the form and content of plaintiff's brief, it would be well within our discretion to dismiss the instant appeal. However, despite these shortcomings, we choose, in our discretion and in the interests of judicial economy, to review plaintiff's claims. See *Id.* ¶ 77.

¶ 13 Here, we are able to glean from plaintiff's brief that the first attempt to notify him about the complaint was "lost in the mail," that the complaint against him was only four lines of text and that the cause was continued because Lent was out of town.

¶ 14 Although plaintiff contends that the first attempt to notify him about the complaint was "lost in the mail," the record reflects that plaintiff appeared on June 26, 2015, and he does not allege before this court that he did not receive notice of the complaint. Plaintiff is correct that Lent's complaint was only four lines, but Lent testified in detail at the hearing and plaintiff does not provide this court with any authority indicating that the complaint was insufficient. See Ill. S. Ct. R. 341 (h)(7) (eff. Jan. 1, 2016) (a party's argument "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on").

¶ 15 Finally, plaintiff challenges the fact that continuances were granted because Lent was unavailable. However, the record reveals that on June 26, 2015, plaintiff requested, and was granted, a continuance. Plaintiff cannot now argue on appeal that the grant of his request for a continuance was improper. See *In re Marriage of Samuel*, 394 Ill. App. 3d 398, 401 (2009) ("A party who argues that the trial court erred by acceding to the party's own suggestion cannot be heard to complain of the invited error.")

¶ 16 To the extent plaintiff raises other arguments, they are forfeited on appeal, as he fails to adequately explain his claims of error or support them with reasoned argument and citation to legal authority. See *Vancura v. Katris*, 238 Ill. 2d 352, 369-70 (2010) (because both argument and citation to relevant authority are required, "[a]n issue that is merely listed or included in a vague allegation of error is not 'argued' and will not satisfy the requirements of" Rule 341(h)).

¶ 17 Because the record on appeal does not support any of plaintiff's allegations of error and he has forfeited any other allegations of error by failing to argue them, we affirm the judgment of the circuit court of Cook County affirming the judgment of the DOAH.

¶ 18 Affirmed.