

This page was down this morning and I'm not sure my email got through.

This is written as a concerned citizen, customer and Chicago taxpayer. I served on a Park Advisory Council for a couple of years. I teach boating safety under Coast Guard Auxiliary and IDNR certifications. I served as Secretary for Chicago Harbor Safety Committee. (This is written personally, not for those organizations). I testified in Springfield about the boater safety certificate law. I even checked the bona fides of a future charter with Westrec/Suntec regarding the boat owner's permit. So I am all for good harbor management and boating safety.

The Harbor System has made great strides since the days of "Dirty Waters". I am happy with my harbor permit and the services provided.

I observe a trend in the last few months for government to adopt procedures to disenfranchise and otherwise diminish personal rights, deny due process and vastly increase government powers. It has mostly been at the Federal level, and local government appeared to be a bastion of hope. Hiding notice and comment and effectively removing appeal make me wonder, though.

The amendment appears to take away the right of appeal and make it ineffective.

When I look up "common law writ of certiorari" it comports with what I am familiar with in the US Supreme Court "it is discretionary. The "common law" part appears to mean that some unspecified court "not necessarily the US Supreme Court" has discretion to turn down the case.

This raises two problems:

(1) If Supreme Court history is any indication, certiorari is rarely granted. This means there is no "right" to an appeal, just a right to ask.

(2) A more specific question relates to that "common law" term.

a. Does this mean that Cook County Chancery can't hear the case, because it's "common law"?

b. Does it mean it goes into Municipal rather than Law Division depending on jurisdictional amount?

c. If the permittee is outside of Cook County is the court their choice "you have a contract with them and parties to a contract can sometimes choose their venue?"

Better would be to provide for some administrative review or make sure you submit to appeal as a matter of right to a court. If you want some ideas from a citizen, taxpayer, long time harbor customer and credentialed Captain and Adjunct Professor of Law (UIC School of Law) just ask.

Respectfully
Dave Brezina