

Complaint for Illinois Administrative Review (12/01/20) CCM 0140 A

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
FIRST MUNICIPAL DISTRICT
COMPLAINT FOR ILLINOIS ADMINISTRATIVE REVIEW**

Michael Stoller,
Leo Stoller
Plaintiffs

v.

Dulce Quintero, Secretary
401 S. Clinton St, 7th Floor
Chicago, Illinois 60607
312-793-1547

State of Illinois
Department of Human Services
Appeals DHS Office, Bureau of Hearings
69 W. Washington 4Floor
Chicago, Illinois 60602
DHS.BAS@Illinois.Gov

Karen Ottaviani Roelie
69 W. Washington 4Floor
Chicago, Illinois 60602
DHS.BAS@Illinois.Gov

Patricia Jackowiak
740 N. Sedgwick Street
Chicago, Illinois 60654

Ciera Havey
IDHS
Office of Rehabilitation Services
1151 S. Wood St.
Chicago, Il 60612
Ciera.Havey@Illinois.gov

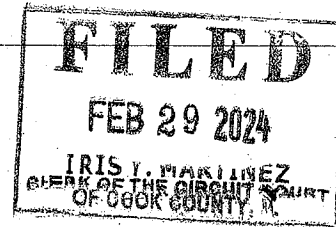
John Schomberg
69 W. Washington 9th Floor
Chicago, Illinois 60602
312-814-2722

Defendants

Case No. 2024 1625043

Appeal No 2300567736
Appeals DHS Office

69 W. Washington Floor 4
Chicago, Illinois 60602
DHS.BAH@Illinois.gov



COMPLAINT FOR ADMINSTRATIVE REVIEW

COMPLAINT FOR ADMINISTRATIVE REVIEW OF A IDHS DECISION DATED 02/14/2024

The Plaintiff(s), Michael Stoller 32, a disabled person¹, and Leo Stoller 77 Michael Stoller's care giver, (who has best friend status"²) an employee of the Home Care Program of the IDHS., pursuant to 735 ILCS 5/3-101 et seq., complains to Defendant(s), the Illinois Department of Human Services (IDHS) et al of Administrative Hearings and retaliation., and state as follows:

1. The Plaintiff(s) reside(s) in Cook County Illinois.

FACTS

FACTS

1. Plaintiff Michael Stoller, 32, has been a customer of the DRS Home Service Program, formally since 03/07/2016. Michael Stoller is 32 year old male diagnosed with Schizo affective Disorder (Depressive Type), Autism Spectrum Disorder w/accompanying intellectual impairment and Diabetes Mellitus. Plaintiff Leo Stoller, 77 is Personal Assistant.

¹

² Leo Stoller 77, has standing . Leo Stoller has article III standing and also has established next friend standing, to Michael Stoller, 32, pro se, and has standing to bring this cause to the Circuit court on behalf of himself, pro se, on the grounds that Leo Stoller has standing in this case under the doctrine of "Next Friend" Standing in relationship to his son Michael Stoller. Leo Stoller has shown that : (1) that the Plaintiff Michael Stoller is unable to litigate his own cause due to mental incapacity and lack of access to court, and/or other similar disabilities; and (2) Leo Stoller, the father of Michael Stoller has a significant relationship with, and is truly dedicated to the best interests of Michael Stoller. See Whitmore, 495 U.S. at 163-65. Nonetheless Leo Stoller is acting pro se and only represents himself in this action and Michael Stoller is present in this case also, acting pro se.

Leo Stoller , 77, the personal care representative for his son Michael Stoller. Leo Stoller also claims standing article III Standing, on the grounds that the unlawful reduction of personal care hours of care from 15 hours a day, 7 days a week (450 hours a month) to 256 hours a month, represents "retaliation", a substantial, unlawful, reduction in Leo Stoller's compensation, for which he is damaged under article III. See *Turner v. Memorial Medical Center*, 233 Ill.2d 494, 911 N.E.2d 369 (2009) (quoting *Palmateer v. International Harvester Co.*, 85 Ill. 2d 124, 421 N.E.2d 876 (1981)). Generally speaking, Illinois courts have determined the existence of a clearly mandated public policy where i.e. reporting of illegal or improper conduct. See *Sutherland v. Norfolk Southern Railway Co.*, 356 Ill.App.3d 620, 826 N.E.2d 1021 (2005) (citing *Geary v. Telular Corp.*, 341 Ill.App.3d 694, 793 N.E.2d 128 (2003)).

2. On August 17, 2023, IDHS Counselor Defendant Ciera Havey issued a final administrative decision (Exhibit 4 Service Plan) after a Don Score redetermination hearing(see transcript(Exhibit 1) in which both Michael Stoller, through his Care Giver Leo Stoller, and IDHS Division of Rehabilitation Services (“DRS”) participated and Leo Stoller submitted evidence (See Exhibit 1).
3. Leo Stoller submitted two court orders (Exhibit 2) from a related civil case pending in DuPage County case No 22AR001369 (see complaint Exhibit 3)
4. As a result of the August 17, 2023 and Counsler/Defendant Ciera Havey final administrative decision contained in her new “Home Services Program Service Plan” Decision(Exhibit 4),,
5. Michael Stoller’s Home Services Program (“HSP”) hours were unlawfully reduced from 450 per in personal assistant hours per month to 256.75 (Exhibit 4) hours per month in personal assistant hours per month to 202.50 personal assistant hours per month. (Ex. A, p. 24.)
6. Additionally, the DRS was ordered to modify Michael Stoller’s Determination of Need (“DON”) score based on the parameters described in the final administrative decision Service plan (Exhibit 4). (*Id.*) in order the justification to reduce his hours of care from 450 to 256.75 per month.
7. The IDHS Home Services Program is designed to prevent the unnecessary institutionalization of individuals who may instead be satisfactorily maintained at home at a lesser cost to the State.
8. The Determination of Need (“DON”) is regulated by 89 Ill. Adm. Code 679.10 which provides that the DON is an assessment tool used to determine an individual’s non-financial eligibility for HSP services based on the individual’s impairment in the completion of the activities of daily living and the individual’s need for care that is not met by existing family and other resources. (*Id.*) The assessment is made to determine whether or not the individual is at imminent risk of institutionalization and, therefore, eligible for placement in a hospital/nursing facility and/or services through HSP. Michael Stoller’s doctors determined that Michael Stoller is entitled to 15 hours of day of personal care. See **Exhibit 5**
9. On October 6, 2024 Plaintiffs caused to be filed an Appeal of Administrative Decision, the Don score August 17, 2023 redetermination care plan (Exhibit 5) in which he, Michael Stoller’s hours of care were contumaciously reduced from 450 per month to 256.75 hours. A 40% reduction of care for Michael stoller and a 40% reduction in income for his care giver Leo Stoller. Thus Leo Stoller and Michel Stoller sought review of the August 17, 2023 Service plan (Exhibit 5) final administrative decision.
10. On February 7, 2024 Plaintiffs filed a Motion for Substitution of Hearing Officer Karen Ottaviani Roellel as a matter of Right 735 ILS 5/2-1001(a)(2) (Exhibit 7).

11. On February 9, 2024, the Plaintiffs received the following decision from the Chief Administrative Law Judge Patricia Jackowick

DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>
Fri 2/9/2024 8:29 AM
To: Leo Stoller <ldms4@hotmail.com>
Good morning,
Per 89 Ill. Adm. Code 510.105(b), the Code of Civil Procedure does not apply to these hearings with regard to substitution of judge. Motion is not proper and is denied by the Chief Administrative Law Judge. Please note there is no mechanism for substitution of judge in these proceedings.
Thank you,

12: On February 13, 2024 a final administrative decision affecting the rights of the Plaintiff(s) was issued by the IDHS Chief Administrative Judge Patricia Jackowick Administrative Hearings denying the Plaintiff's Motion for rehearing, Plaintiffs' Request for a SOJ as a Matter of right, affirming the unconstitutional Administrative Code Per 89 Ill. Adm. Code 510.105(b) which unconstitutionally "states the Code of Civil Procedure does not apply to these hearings with regard to substitution of judge... Please note there is no mechanism for substitution of judge in these proceedings."

13. The Plaintiff(s) desire(s) a judicial review of the Decision, *a copy of which is attached as Exhibit 9*, because it is not in accordance with the law. It violates the Fifth and Fourteen Amendments of the US Constitution. The order shown in Exhibit 9 constitutes a final administrative decision of the Defendant(s) IDHS AGENCY .

14. . This Complaint for Administrative Review is timely in that it is filed

1. Within 5 days after service of the final administrative decision
2. . The decision of the AGENCY must be reversed for one or more of

the following reasons:

- a. it is contrary to law;
- b. it is an abuse of discretion;
- c. the decision is against the manifest weight of the

evidence.

- d. Respondents argue that “Per 89 Ill. Adm. Code 510.105(b), the Code of Civil Procedure does not apply to these hearings with regard to substitution of judge” it is clearly unconstitutional.

15. Amdt14.S1.5.5.2 Impartial Judge and Jury

Fourteenth Amendment, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

16. Bias or prejudice either inherent in the structure of a trial system or imposed by external events can infringe a person’s right to a fair trial. Thus, as in the civil context, procedural due process requires cases to be overseen by an unbiased judge in this case. *Tumey v. Ohio*, the Supreme Court held that it violated due process .
17. Defendants finding that “Per 89 Ill. Adm. Code 510.105(b), the Code of Civil Procedure does not apply to these hearings with regard to substitution of judge” it is unconstitutional.

17. For the Chief Administrative Law Judge Patricia Jaskowick of the IDHS to force the Plaintiffs to have an Appeal Hearing on March 9, 2024 by a bias and prejudice anti-Semitic hearing Officer Karen Ottavian Roelie is a clear violation of the 14th Amendment rights of Leo Stoller and Michael Stoller and a clear violation of the U.S. Constitution. 3

18. The Defendants, IDHS is requested to file their answer(s) consisting of the administrative record of the proceeding resulting in the Decision.

19. The Plaintiff(s) has/have exhausted all available remedies under the Administrative Review Law and has no further plain, speedy, adequate remedy under the law.

20. Defendants maintained a record of the entire proceedings in this cause which should be filed with this court for review.

21. This Complaint for Administrative Review is timely in that it is filed Within 5 days after service of the final administrative decision in accordance with Administrative Review Law or/ statutory authority for the timeliness of the Complaint.

- a. The Defendants are in indirect civil contempt for violating two court orders in DuPage County Case No. 2022 AR001369 (Exhibit 2) which state that Michael Stoller is allowed 15 hours a day of care for seven days a week (450 hours a month) pending resolution of the case.
- b. The Defendants on August 17, 2024 violated the court orders by reducing Michael Stoller's hours of care to 256.75 (see Exhibit 4). This court has jurisdiction to find the Defendants guilty of contempt. Plaintiff's request that the court issue an Order to Show Cause why the defendants should not be held in contempt.

For one or more of the foregoing reasons, the Plaintiffs respectfully prays that 1. this court will review the decision of the Defendants, [DHS], finding that **"Per 89 Ill. Adm. Code 510.105(b), the Code of Civil Procedure does not apply to these hearings, with regard to substitution of judge. Motion is not proper and is denied by the Chief Administrative Law Judge. Please note there is no mechanism for substitution of judge in these proceedings"** and for this court to find that "Per 89 Ill. Adm. Code 510.105(b) is unconstitutional.

- 2 The Defendants are in indirect civil contempt for violating two court orders in DuPage County Case No. 2022 AR001369 (Exhibit 2) which state that Michael Stoller is allowed 15 hours a day of care for seven days a week (450 hours a month). The Defendants on August 17, 2024 violated the court orders by reducing Michael Stoller's hours of care to 256.75 (see Exhibit 4). This court has jurisdiction to find the Defendants guilty of contempt. Plaintiff's request that the court issue an Order to Show Cause why the defendants should not be held in contempt.

3. That the final administrative decision be reversed, and for such other relief as this court deems just and /or transfer this case to be consolidated with DuPage County case no 2022AR001369 Michael Stoller, Leo Stoller v. IDHS et al

Respectfully submitted,

/s/ Michael Stoller

Michael Stoller, Pro Se

/s/ Leo Stoller MA ED³

P.O. Box 60645
Chicago, Illinois 60660
312-545-4554
Ldms4@hotmail.com

EXHIBITS FILED SEPERATELY

§1-109 VERIFICATION BY CERTIFICATION

Under penalties as provided by law pursuant to § 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

/s/Michael Stoller /s/Leo Stoller 02-15-2024

³³ Leo Stoller 77, is the author of several books on the law including the *Pro Se Guide to Litigation* and is also the founder and Director of Americans for the Enforcement of Attorney Ethics (AEAE) and the Americans for the Enforcement of Judicial Ethics (AEJE) SINCE 1974 see www.rentamark.net Michael Stoller, 32 is his son

EXHIBIT 1

Email Order 2-13-24

**Order denying Leo Stoller's Motion Denying a
Rehearing and Continuance of Appeal Hearing
dated March 7, 2024**


RE: Appeal 2300567736 Michael Stoller Motion for Rehearing and Continuance of appeal Hearing

DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>

Tue 2/13/2024 5:08 PM

To: Leo Stoller <ldms4@hotmail.com>

Cc: DHS.Legal <DHS.Legal@Illinois.gov>

 1 attachments (510 KB)

Motion2 For Rehearing.pdf;

Good afternoon,

Motion Denied.

IDHS - Bureau of Hearings

From: Leo Stoller <ldms4@hotmail.com>**Sent:** Tuesday, February 13, 2024 4:39 PM**To:** DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>; DHS.DRSWoodStHSP <DHS.DRSWoodStHSP@Illinois.gov>; DHS.HSPLaborEV@Illinois.gov; DHS.BAH <DHS.BAH@Illinois.gov>; Ciera.Harvey@illinois.go; Reyes, Anastasia <Anastasia.Reyes@Illinois.gov>**Subject:** [External] RE: Appeal 2300567736 Michael Stoller Motion for Rehearing and Continuance of appeal Hearing

Att: Chief Administrative Law Judge

RE: Appeal 2300567736 Michael Stoller Motion for Rehearing and Continuance of appeal Hearing

Respondents Leo Stoller and Michael Stoller move for a rehearing of the Chief Administrative Law Judge denying respondents Motion for a Substitution of the antisemitic hearing officer Chief Administrative Law Judge. See attached Motion

Respectfully

Michael Stoller

Leo Stoller MA ED

Director of the Americans for the Enforcement of Judicial Ethics (AEJE) since 1974

P.O.Box 60645

Chicago, Illinois 60660

312-545-4554

www.rentamark.net



SUE THE BASTARDS

Chicag0 (AEAE) Illinois Depart of Human Services Hearing Officer Attorney Karen Ottaviani Roselle was charged with being an Anti-Semite in a complaint filed before the Illinois Inspector General's...

www.rentamark.net

From: DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>
Sent: Friday, February 9, 2024 8:29 AM
To: Leo Stoller <ldms4@hotmail.com>
Subject: RE: [External] RE: Appeal 2300567736 Michael Stoller Motion for Continuance of appeal Hearing

Good morning,

Per 89 Ill. Adm. Code 510.105(b), the Code of Civil Procedure does not apply to these hearings with regard to substitution of judge. Motion is not proper and is denied by the Chief Administrative Law Judge. Please note there is no mechanism for substitution of judge in these proceedings.

Thank you,

IDHS – Bureau of Hearings

From: Leo Stoller <ldms4@hotmail.com>
Sent: Thursday, February 8, 2024 11:29 PM
To: DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>; DHS.DRSWoodStHSP <DHS.DRSWoodStHSP@Illinois.gov>; DHS.HSPLaborEV@Illinois.gov; Reyes, Anastasia <Anastasia.Reyes@Illinois.gov>; Harvey, Ciera <Ciera.Harvey@Illinois.gov>
Subject: [External] RE: Appeal 2300567736 Michael Stoller Motion for Continuance of appeal Hearing

Karen Ottaviani Roelle Hearing Officer

Re: appeal 2300567736 Michael Stoller

Motion to for Continuance for appointment of a new hearing officer to replace Karen Ottaviani Roelle

Michael and Leo Stoller submit herein a Motion for continece of the Appeal hearing from March 9th, 2024 for 30 days up and until April 9th 2024 and/or for a period of thirty days after a new hearing officer is appointed.

Please find attached motion for a Substitution of Hearing officer Karen Ottaviani Roelle

Please immediately confirm

Respectfully Submitted

Michael Stoller

Leo Stoller MA ED

Director of Americans for the enforcement of Attorney ethics (AEAE) since 1974

www.rentamark.net

From: Leo Stoller <ldms4@hotmail.com>

Sent: Wednesday, February 7, 2024 5:05 PM

To: DHS.HSPAappeals <DHS.HSPAappeals@Illinois.gov>; DHS.DRSWoodStHSP <DHS.DRSWoodStHSP@Illinois.gov>

Subject: RE: Appeal 2300567736 Michael Stoller Motion for SOJ

Karen Ottaviani Roelle Hearing Officer

Re: appeal 2300567736 Michael Stoller

Motion to Substitute Kare Ottaviani Roelle

Please find attached motion for Substitution of Hearing officer Karen Ottaviani Roelle

Respectfully Submitted

Michael Stoller

Leo Stoller MA ED

Director of Americans for the enforcement of Attorney ethics (AEAE) since 1974

www.rentamark.net

SUE THE BASTARDS

Chicago-(AEAE) Kathy Tucker an Indiana Para Legal, for 25 years has been charged in a complaint, filed before the Illiniois Attorney Registration and Disciplinary Commission (ARDC) with the..

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EXHIBIT 2

Email Order 2-16-24

**Order denying Leo Stoller's Motion to Stay
pending Appeal Hearing dated March 7, 2024**

RE: Filing Submitted for Case: 26430339; ; Envelope Number: 26430339

DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>

Fri 2/16/2024 12:51 PM

To: Leo Stoller <ldms4@hotmail.com>

 1 attachments (1 MB)

COMPLAINT FOR ADMINSTRATIVE REVIEW.pdf;

Good afternoon,

Please note the hearing will proceed as scheduled.

Thank you,

IDHS - Bureau of Hearings

From: Leo Stoller <ldms4@hotmail.com>

Sent: Thursday, February 15, 2024 4:37 PM

To: DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>; DHS.DRSWoodStHSP <DHS.DRSWoodStHSP@Illinois.gov>;
DHS.BAH <DHS.BAH@Illinois.gov>; DHS.HSPLaborEV@Illinois.gov; Reyes, Anastasia
<Anastasia.Reyes@Illinois.gov>; Harvey, Ciera <Ciera.Harvey@illinois.gov>

Subject: [External] Fw: Filing Submitted for Case: 26430339; ; Envelope Number: 26430339

MOTION TO STAY PENDING APPEAL

Att: Chief Administrative Law Judge

RE: Appeal 2300567736 Michael Stoller, Motion for a Stay Pending Appeal

Respondents Leo Stoller and Michael Stoller filed their Notice of Appeal today asking for Administrative Review

The IDHS no longer has jurisdiction over Appeal 2300567736 in so far as Michael Stoller and Leo Stoller file their Appeal of the decision of the Chief Judge of Administrative Review

Please confirm that the hearing scheduled for March 9th, 2024 has been canceled.

Respectfully

/s/Michael Stoller

/s/Leo Stoller MA ED

Director of the Americans for the Enforcement of Judicial Ethics (AEJE) since 1974

P.O.Box 60645

Chicago, Illinois 60660

312-545-4554

www.rentamark.net

dhs

From: no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>
Sent: Thursday, February 15, 2024 4:20 PM
To: Ldms4@hotmail.com <Ldms4@hotmail.com>
Subject: Filing Submitted for Case: 26430339; ; Envelope Number: 26430339



ODYSSEY
eFileLL™

Filing Submitted

Envelope Number: 26430339
Case Number: 26430339
Case Name:

The filing below has been submitted to the clerk's office for review and assigned **Envelope Number: 26430339**. You will be notified by email in 24-48 hours if your filing has been accepted or rejected.

Filing Details	
Court	Cook County - Municipal Civil - District 1 - Chicago
Date/Time Submitted	2/15/2024 4:19 PM CST
Filing Type	EFile
Filing Description	Complaint
Filing Code	Complaint / Petition - Administrative Review - Ordinance Violation - Fee
Filed By	Leo Stoller
Filing Attorney	

Fee Details	
<p>Your account is never charged until your filing is accepted. If you see any pending charges on your account prior to acceptance, this is an authorization hold to ensure the funds are available so your filing can be accepted without delay.</p> <p>If the filing is canceled or rejected these funds will be released and will return to your account according to your financial institution's policies (typically 3-10 business days).</p>	
Waiver Selected	
Case Fees	\$0.00
Complaint / Petition - Administrative Review - Ordinance Violation - Fee	\$0.00
Grand Total	\$0.00
Total:	\$0.00

Document Details	
Lead Document	COMPLAINT FOR ADMINSTRATIVE REVIEW.pdf
Lead Document Page Count	7

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EXHIBIT 3

Email Order 2-09-24

**Order denying Leo Stoller's Motion for
Substitution of Hearing Officer**

RE: [External] RE: Appeal 2300567736 Michael Stoller Motion for Continuance of appeal Hearing

DHS.HSPApeals <DHS.HSPApeals@Illinois.gov>

Fri 2/9/2024 8:29 AM

To: Leo Stoller <ldms4@hotmail.com>

Good morning,

Per 89 Ill. Adm. Code 510.105(b), the Code of Civil Procedure does not apply to these hearings with regard to substitution of judge. Motion is not proper and is denied by the Chief Administrative Law Judge. Please note there is no mechanism for substitution of judge in these proceedings.

Thank you,

IDHS – Bureau of Hearings

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Karen Ottaviani Roelle Hearing Officer

Re: appeal 2300567736 Michael Stoller

Motion to for Continuance for appointment of a new hearing officer to replace Karen Ottaviani Roelle

Michael and Leo Stoller submit herein a Motion for continence of the Appeal hearing from March 9th, 2024 for 30 days up and until April 9th 2024 and/or for a period of thirty days after a new hearing officer is appointed.

Please find attached motion for a Substitution of Hearing officer Karen Ottaviani Roelle

Please immediately confirm

Respectfully Submitted

Michael Stoller

Leo Stoller MA ED

Director of Americans for the enforcement of Attorney ethics (AEAE) since 1974

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From: Leo Stoller <ldms4@hotmail.com>
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Subject: RE: Appeal 2300567736 Michael Stoller Motion for SOJ

Karen Ottaviani Roelle Hearing Officer

Re: appeal 2300567736 Michael Stoller

Motion to Substitute Kare Ottaviani Roelle

Please find attached motion for Substitution of Hearing officer Karen Ottaviani Roelle

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Michael Stoller
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SUE THE BASTARDS

Chicago-(AEAE) Kathy Tucker an Indiana Para Legal, for 25 years has been charged in a complaint, filed before the Illinois Attorney Registration and Disciplinary Commission (ARDC) with the...

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