

RETURN P-TICKET MONEY TO DRIVERS, SUIT ASKS

[CHICAGOLAND FINAL Edition]

Chicago Tribune - Chicago, Ill.

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Date: Mar 11, 2000
Start Page: 6
Section: NEWS
Document Types: News
Text Word Count: 417

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When municipalities such as Schaumburg issued P-tickets, they were cutting errant drivers a deal: Pay a fine of \$25 to \$75 for minor traffic offenses and avoid seeing a judge or getting a blemish on your driving record.

Cale Feilen, a Bartlett man who got a \$30 P-ticket in 1994, has an idea for a new deal: How about giving all the drivers who got P- tickets their money back?

Feilen is asking for that relief in a lawsuit filed Thursday in Cook County Circuit Court against clerks in five villages-- Schaumburg, Hanover Park, Northfield, Kenilworth and McCook--that until recently issued P-tickets.

Feilen, who hopes to represent other P-ticketed drivers in a class- action suit, contends that now that an appeals court has found the villages had no power to write P-tickets, drivers who paid the tickets are due a refund.

"The fruits of the illegal practice have to be given back," said Feilen's attorney, Vincent DiTommaso.

Ironically, the 1st District Appellate Court that found P-tickets illegal was reacting to a lawsuit brought by the secretary of state's office, which thought P-ticketing was too lenient on drivers. The secretary of state's office complained that because municipalities did not report P-tickets to the state, the tickets hurt efforts to keep tabs on bad drivers.

Feilen's lawyers say that's not relevant. Nor does it matter if the drivers committed the offenses for which they were ticketed, the lawyers contend.

"If it's an illegal ticket, then the money should go back" to the driver, DiTommaso said.

Clerk Penny Dietrich of Schaumburg, where Feilen got his P- ticket, said Friday she had not seen the lawsuit and could not comment.

Attorney Jack Siegel, who represented Schaumburg against the secretary of state's office, also declined to comment on the suit.

But Siegel said no driver had to take a P-ticket. "The arrangement was that if they didn't want to pay the P-ticket, they could take a regular ticket," he said.

Feilen's attorneys said thousands of drivers could join the suit if a judge certifies it for class-action status. The P-tickets were a lucrative business for some municipalities.

The villages have defended a police officer's authority to issue a P-ticket, or "parking-style" ticket, as no different from a police officer's discretion to give a driver a warning rather than a citation. Siegel has asked the Illinois Supreme Court to review the appeals court ruling.

The P-tickets were a break for drivers, Siegel said. Of the lawsuit, he quipped, "No good deed goes unpunished."