**Section 1.60 Initiation of Complaints: Formal Complaints and Petitions**

a) Complaints may be initiated by the Department and shall be in the form of a formal complaint.

1) A formal complaint shall:

A) be in writing and be addressed to the person alleged to be in violation of the statute or rules.

B) serve as notice and contain the following:

i) a statement of the date, time, place and nature of the hearing;

ii) a statement of the legal authority and jurisdiction under which the hearing is to be held and the official file number;

iii) a reference to the particular section(s) of the statute(s) and rule(s) of which the respondent is alleged to be in violation;

iv) a statement of when and where the alleged violation(s) occurred;

v) a short and plain statement of facts that the alleged violation(s) occurred;

vi) a statement indicating all possible consequences that the complainant seeks if the allegations in the complaint are proven; and

vii) the names and addresses of the administrative law judge, all affected parties, and all other persons to whom the Department gives notice of the contested case hearing.

C) The Formal Complaint shall be served in the manner as prescribed in the specific enabling Act or as set forth in Section 1.40 of this Part.

2) A respondent may file with the Department a written answer to a formal complaint. The answer must be filed if at all, at least 48 hours prior to the date of hearing. The answer shall contain an explicit admission or denial of each allegation of the pleading to which they relate and a concise statement of the nature of the defense. If a solution or timetable for compliance is mutually agreed to, the Department shall immediately notify the respondent of the cancellation of the hearing.

3) Relevant amendments to pleadings shall be allowed upon proper motion at any time during the pendency of the proceeding.

4) All formal complaints, answers or other pleadings shall be liberally construed with a view toward doing substantial justice between the parties.

b) Complaints may be initiated by persons affected by an adverse decision of the Department. Informal complaints may be instituted in writing or verbally. Such complaints will not be docketed, will not initiate a formal proceeding, and will not arrest the running of any limitation period. Matters informally presented will be taken up by the Director or other duly authorized person by correspondence or conference with the person complained of in an endeavor to bring about a correction of the alleged violation. The method the Director uses to respond to the complaint will depend on the nature of the complaint. A person who is affected by an adverse decision of the Department may initiate a complaint through the petition process in accordance with the provisions of Subpart C of this Part. The form and content of the petition shall be in accordance with Illustration A of the rules of this Part.

(Source: Amended at 16 Ill. Reg. 15850, effective October 5, 1992)