**Section 130.1102 Notice of Hearing**

a) The Notice of Hearing shall include:

1) A statement of the time, place and nature of the hearing;

2) A statement of the legal authority, and jurisdiction under which the hearing is held;

3) A short and plain statement of the matters alleged;

4) A statement of financial sanction or relief sought; and

5) A concise statement to each respondent that:

A) the respondent may be represented by legal counsel, may present evidence, may cross-examine witnesses and otherwise participate;

B) failure by any respondent to appear shall constitute default by such respondent; and

C) delivery of notice to the designated representative of any respondent constitutes service upon such respondent.

b) Unless otherwise required, and except for subsection (c) of this Section, each respondent shall be given a Notice of Hearing at least 45 days prior to the first date set for any hearing hereunder. Once such notice is given, the Securities Department shall notify each respondent in writing at the last known address of each respondent of any subsequent hearing date.

c) In the case of a request for hearing by a respondent on a Temporary Order of Prohibition or Suspension, such request shall immediately toll any time limitations on the effectiveness of the Temporary Order of Prohibition or Suspension for 60 days from the date the request is received by the Department and each respondent shall be given a Notice of Hearing which shall state that by requesting a hearing the respondent agrees to a tolling of the time limitation on the effectiveness of the Temporary Order of Prohibition or Suspension for 60 days from the date the request is received by the Department.

d) When a respondent timely requests a hearing on a Temporary Order of Suspension or Prohibition pursuant to Section 11(F)(2) of the Illinois Securities Law of 1953, or Stop Order or Order of Denial under Section 11(F)(4) of the Act issued by the Secretary, the Securities Department shall issue a Notice of Hearing in the form prescribed herein.

e) Any contention that improper notice was given shall be deemed waived unless it is raised by the respondent in its answer, special appearance, or other responsive pleading.

f) Proper notice is given by depositing a Notice of Hearing with the United States Postal Service, either by certified or registered mail, return receipt requested, or by the personal service, to the last known address of the respondent.

(Source: Amended at 22 Ill. Reg. 1933, effective January 1, 1998)