**Section 2530.355 General Procedures of Hearings**

a) Upon timely receipt of a Petition or Complaint for Hearing, the Director of the Department of Natural Resources or his or her designee shall designate a Hearing Officer. The Hearing Officer shall be a licensed attorney. Staff members of the Office of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.

b) The Hearing Officer shall set a date, time and place for a hearing to be held within 90 days after receipt of a timely request for hearing.

c) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall, for stated cause, designate. The Hearing Officer shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.

d) Failure to comply with this Part may not be used as a defense to a proceeding under this Part, but any person adversely affected by a failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

e) Any pleadings, motions or orders shall be served by First Class United States mail or by electronic mail at the address provided by the Hearing Officer, and copies shall be sent to all parties and the Hearing Officer, with proof of service. Proof of service of any paper other than the petition shall be by certificate of service.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)