**Section** **251.320 Procedures for Citations**

This Section provides the procedures for citations and citation appeals under Section 83 of the Act [225 ILCS 217/83].

a) Issuance of a citation

1) Citations may be issued independently, or in addition to any other criminal or civil action or penalties provided for in the Act or this Part.

2) A citation may be issued for a single violation or multiple violations.

3) The Office may issue a citation pursuant to Section 83 of the Act [225 ILCS 217/83] and serve the citation by personal service or certified mail to the licensee at the licensee's last known address as listed with the Office or to the unlicensed person at the person's last known address. *The citation shall be issued to the licensee or other person doing business without the required license and shall contain the person's name and address, the licensee's license number, if applicable, a brief factual statement, the Sections of the law or rules allegedly violated, and the penalty imposed* in accordance with Section 251.310. *The citation must clearly state that the person may choose, in lieu of accepting the citation, to request a hearing to appeal the citation. If the person does not file a written appeal of the citation with the* Office of the *State Fire Marshal within 20* calendar *days after the citation is served, then the citation shall become a final order and shall constitute discipline.* A written appeal will be deemed timely if it is postmarked no later than 20 calendar days after the date the citation was served. Failure to timely satisfy the penalty assessed may result in a censure, suspension, or other disciplinary action on the license for the violations noted.

4) Payment of the citation penalty does not absolve the licensee and its licensed employees from the responsibility to correct any outstanding violations related to its licensing or other regulatory obligations. Citations and penalties issued under this Section shall not limit the authority of the Office under other sections of law to take any other appropriate enforcement action.

b) In the event of a timely written appeal, the Office shall conduct an administrative hearing governed by this Section. Notice of the time and place for any hearing shall be given to any party concerned at least 30 calendar days prior to the hearing date. If an attorney, through written communication, is known to represent any party to a hearing, then notice is to be given to that attorney. A corporation, limited liability company, professional limited liability company, or partnership must appear by legal counsel, licensed to practice in the State of Illinois or appearing pro hac vice, who must file an appearance with the Office. Notice sent to the last known address by U.S. mail, registered or certified, addressed to all parties or their agents appointed to receive service of process, or their attorneys when applicable, is sufficient.

1) The notice of hearing shall include the following:

A) The date, time, place, and nature of the hearing.

B) A statement of the legal authority and jurisdiction under which the hearing is to be held.

C) A reference to the particular Sections of the substantive and procedural statutes and rules involved.

D) A short and plain statement of the matters asserted, the consequences of a failure to respond, and the case number or file number.

E) To the extent such information is available, the names, phone numbers, email addresses, and mailing addresses of the parties and designated agency contact, and if known, of any assigned hearing officer.

2) Document Exchange. At any pre-hearing conference, or if none, prior to the start of the hearing, the parties shall exchange a list of those witnesses who may testify at hearing and any exhibits or documents that may be identified at hearing.

3) Continuances. A hearing officer may, for good cause, grant a continuance at the request of a party or a continuance on the hearing officer's own motion.

4) Default. Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Office shall constitute a default and the citation appealed from shall become final. Appeals, petitions, motions or other requests for relief that are not prosecuted diligently may be dismissed for want of prosecution.

5) At the close of the evidence, or upon receiving the recommended decision of the hearing officer with findings of fact and conclusions of law, the Office shall enter an order to sustain, modify, or revoke the citation. Any appeal by the petitioner from the final order of the Office shall be *subject to judicial review under the provisions of the Administrative Review Law* [735 ILCS 5/Art. III] *and* this Part. [225 ILCS 217/100] Proceedings *for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides* or, if *the party applying for review is not a resident of Illinois,* shall be commenced in the circuit court *in Sangamon County.* [225 ILCS 217/100]

6) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, or consent order. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section; however, notice of such an informal disposition must be presented to the Office within 20 calendar days of the citation being served.

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)