**Section 280.60 Complaints, Investigation and Formal Charges**

a) Complaints. All complaints concerning violations regarding licensees or unlicensed activity shall be submitted to the Office of the State Fire Marshal, Division of Fire Prevention, in writing, and signed by the complainant.

b) Investigation

1) Allegations of wrong doing on the part of the distributor or its employee shall be investigated by the Office.

2) *The Office may summarily suspend a license under the Act, without a hearing, simultaneously with the filing of a formal complaint and notice of hearing if the State Fire Marshal finds that the continued operations of the individual would constitute an immediate danger to the public. In the event the Office suspends a license under this subsection* (b)(2)*, a hearing by the hearing officer designated by the Office shall begin within 20 days after the suspension begins, unless continued at the request of the licensee.* (Section 90(b) of the Act)

3) *The Office, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State, may apply for injunctive relief in any court to enjoin from practicing a licensed activity:*

A) *any person who has not been issued a license or whose license has been suspended, revoked or not renewed; or* (Section 10 of the Act)

B) any person found to be guilty of the offenses outlined in Section 280.70.

c) Formal Charges

1) *Following the investigative process, the Office may file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that make up the basis of the charge and that are specific enough to enable the licensee to defend himself or herself.* (Section 85(a) of the Act)

2) *Each licensee whose conduct is the subject of a formal charge, if the Office seeks to impose disciplinary action against the licensee, shall be* *served notice of the formal charge* and hearing date *at least 30 days before* *the date of the hearing.* (Section 85(b) of the Act)

3) *The notice of formal charges shall consist at a minimum of the following information:*

A) *The time, place and date of the hearing;*

B) *That the licensee shall appear personally at the hearing and may be represented by counsel;*

C) *That the licensee shall have the right to produce witnesses and evidence in his or her behalf and shall have the right to cross-examine witnesses and refute evidence produced against him or her;*

D) *That the hearing could result in disciplinary action being taken against his or her license;*

E) *That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy;*

F) *That a hearing officer authorized by the State Fire Marshal shall preside at the hearing and, following the conclusion of the hearing, shall make findings of fact, conclusions of law, and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee; and*

G) *That the State Fire Marshal may continue the hearing* based on grounds outlined in 41 Ill. Adm. Code 210.80. (Section 85(c) of the Act)

4) *Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Office.* (Section 85(b) of the Act)

(Source: Amended at 32 Ill. Reg. 4191, effective March 5, 2008)