**Section 1000.170 Administrative Procedures**

a) OSFM may assess a penalty against any person, other than a conveyance owner, who violates the Act or this Part or any of the standards listed in Section 1000.60.

b) It shall be a violation of this Part for any licensed contractor, mechanic or inspector to:

1) fail to conduct an inspection of any conveyance that determines the condition of all portions of the conveyance required to be inspected by the standards adopted in Section 1000.60;

2) to willfully conceal a deficiency known to the mechanic or inspector;

3) conduct a fraudulent, negligent or incomplete inspection of a conveyance or to allow an employee to conduct a fraudulent, negligent or incomplete inspection of a conveyance.

c) Issuance of Administrative Citation

1) OSFM may issue a written administrative citation. The citation shall specifically describe the nature of the violation and its location and shall include a reference to the particular Section of the Act or this Part or the specific standard alleged to have been violated. The citation shall also state the amount of the fine levied in accordance with subsection (e) and the process for appeal.

2) The person alleged to have committed the violation shall have 30 days from the date of service of the notice to notify the Board in writing of any intent to appeal the citation and fine. If no notice of appeal is filed, the citation and penalty shall be deemed a final order of OSFM.

3) Administrative citations and penalties issued under this Section shall not limit the authority of OSFM to issue orders, revoke permits, stop work on construction and/or order the electrical power to be disconnected, or take any other appropriate enforcement action.

d) Appeal of a Citation

1) A person who appeals a citation issued by OSFM shall be entitled to a hearing before the Board or the Board's designee within 90 days after filing the notice of appeal. The 90 day time frame may be extended, with OSFM approval, if the appellant requests in writing additional time to prepare for the hearing.

2) The Board shall provide a hearing notice to the appellant that shall include the following information:

A) A statement of the 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 Sections of the Act and this Part involved and/or the specific State code involved;

D) A short and plain statement of the matters at issue.

3) The Board may appoint a hearing officer to hear evidence on any appeal, prepare findings and recommend a decision.

4) The appellant may appear at the hearing with counsel, and may present evidence and cross-examine witnesses.

5) An opportunity shall be given all parties to respond and present evidence and arguments on all issues involved.

6) At the close of the evidence, the Board shall issue a written decision with findings of fact and conclusions of law determining whether a violation has occurred and the amount of any penalty, if any, to be assessed.

7) Nothing in this Section shall prohibit the informal disposition of a citation by stipulation, agreed settlement, consent order, or default. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.

e) Administrative Penalty/Fine

1) *Any owner or lessee who violates any of the provisions of* the *Act or this Part* shall *be subject to a fine not to exceed $1,500 per day for each violation* [225 ILCS 312/110(b)]. Violation of the Act by any licensee shall be subject to the penalties under Section 65 of the Act.

2) Licensure Violation

A) The fine shall not exceed $2,000 for each instance for any person or business that performs elevator work without being properly licensed as required by this Part.

B) The fine shall not exceed $2,000 for each instance for any contractor that allows an individual who does not possess a valid license required by this Part to perform work on a conveyance covered by the Act.

C) OSFM may suspend or revoke any license when the licensee fails to pay assessed penalties or willfully or repeatedly violates the Act or this Part.

(Source: Amended at 36 Ill. Reg. 13131, effective October 1, 2012)