**Section 4435.80 Hearing to Show Good and Sufficient Cause**

a) If the Director determines that a hearing should be held to allow a demonstration of good and sufficient cause pursuant to either Section 4435.50 or Section 4435.70, or if a pension fund subject to penalties under Section 4435.70 requests a hearing, the hearing shall be conducted pursuant to the procedures set forth in 50 Ill. Adm. Code 2402, except that, if more specific procedures are set forth in this Part, then the more specific procedures apply.

b) At the hearing, the burden of proof to show good and sufficient cause for failure to comply with the requirements of the Code and/or Department regulations shall be on the pension fund, governmental unit, or elected or appointed officials of a governmental unit notified pursuant to Section 4435.40.

c) In determining whether the pension fund, governmental unit, or elected or appointed official of a governmental unit has met the burden of proof as required by subsection (b), the Director may consider, but is not limited to, the following:

1) Evidence that, due to no fault of the pension fund, governmental unit, or elected or appointed official of a governmental unit, there was an unforeseeable or unexpected delay or occurrence;

2) Evidence of an uncontrollable circumstance; and

3) Evidence pertaining to Acts of God.

d) The Director, in determining that the pension fund, governmental unit, or elected or appointed official of a governmental unit has failed to meet the burden of proof required by subsection (b), will consider, but is not limited to, the following:

1) Evidence or claims of ignorance of the requirements of the Code and/or Department regulations; and

2) Evidence of irresponsibility and/or mismanagement on the part of the pension fund, governmental unit, or elected or appointed official of a governmental unit notified.

(Source: Amended at 43 Ill. Reg. 417, effective December 21, 2018)