**Section 120.130 Filing and Service**

a) Documents and requests permitted or required to be filed with the Director or the Department in connection with a hearing shall be addressed and mailed or delivered to the Department's Chicago office, 160 N. LaSalle, C-1300, Chicago IL 60601. The Department's Chicago office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday, except for national and State legal holidays. When the Act or this Part requires the filing of a motion, brief, exception or other paper in any proceeding, the document must be received by the Department or the officer or agent designated to receive that matter before the official closing time of the receiving office on the last day of the time limit, if any, for the filing or extension of time that may have been granted. Filings received after 5:00 p.m. will be considered filed on the following business day..

b) In computing any period of time prescribed or allowed by this Part, the day of the act, event or default after which the designated period of time begins to run is not to be included. The period of time shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. A request for an extension of time to file a document shall be filed no later than 5:00 p.m. at the Chicago Office on the date on which the document is due. Requests for extensions of time filed within three days after the due date must be grounded upon circumstances not reasonably foreseeable in advance.

c) Documents may be filed with the Department by certified or First Class mail, by messenger service, private delivery service, or personally at the Department's Chicago office. Filing by electronic transmission, such as telefax machine or electronic mail (e-mail), will not be accepted, except when specifically requested or ordered by the ALJ.

d) The date of service shall be the day when the matter served is deposited in the United States mail, or is deposited with a private delivery service that will provide a record showing the date the document was tendered to the delivery service, or is delivered in person. When service is made by facsimile transmission or e-mail, the date of service shall be the date on which transmission is sent. The date of filing shall be the day when the matter is received by the Department as provided by subsection (b). Service of documents by a party on other parties may be made personally, by certified mail, regular mail, e-mail (if the document was filed electronically) or private delivery service. Unless otherwise specified in this Part, service on all parties shall be made in the same manner as that utilized in filing the document with the Department, or in a more expeditious manner; however, when filing with the Department is done by hand, the other parties shall be promptly notified of that action by telephone or electronic mail, followed by service of a copy in a manner designed to insure receipt by the close of the next business day following the filing with the Department.

e) When service is made by certified mail, the return post office receipt shall be proof of service. When service is made by a private delivery service, the receipt from that service showing delivery shall be proof of service. However, these methods of proof of service are not exclusive. Any sufficient proof may be relied upon to establish service.

f) Failure to comply with the requirements of this Section relating to timeliness of service on other parties shall be a basis for either:

1) rejection of the document; or

2) withholding or reconsidering any ruling on the subject matter raised by the document until after service has been made and the served party has had reasonable opportunity to respond.

g) The person or party serving the papers or process on other parties shall submit to the Department a written statement of service stating the names of the persons served and the date and manner of service. Proof of service shall be required by the Department only if, subsequent to the receipt of the statement of service, a question is raised with respect to proper service.

h) Whenever this Part requires or permits the service of pleadings or other papers upon a party, service shall be deemed satisfied by service on the attorney or other representative of the party who has entered a written appearance in the proceeding on behalf of the party. If a party is represented by more than one attorney or representative, service upon any one of those persons, in addition to the party, shall satisfy this requirement. Service by the Department or its agents of any documents upon any attorney or other representative may be accomplished by any means of service permitted by this Section, including regular mail.

(Source: Amended at 38 Ill. Reg. 17631, effective August 15, 2014)