**Section 230.520 Procedure for Assessment of Civil Penalties**

a) The Department shall conduct investigations, conferences or hearings for the purpose of assessing penalties as provided under Section 40 of the Act.

b) When the Department finds, upon evidence resulting from an investigation, that an employer has violated the Act or regulations, the Director may issue a notice to the employer of a civil penalty, if any, to be assessed for the violation.

c) The Department may convene an informal investigative conference for the purpose of obtaining evidence, identifying the issues in dispute and exploring the possibility of a negotiated settlement. Notice of the conference shall be given to the employer at least 10 days prior to the conference and shall identify the individuals requested to attend, along with any books, records or documents the employer must produce at the conference. The Department shall consider the matter resolved in the event a settlement has been reached prior to the conference date.

d) An employer may be accompanied at the informal conference by an attorney and by a translator if necessary. The employer may bring witnesses to the conference in addition to those whose attendance may be specifically requested by the Department, but the Department employee conducting the conference shall decide which witnesses shall be heard and the order in which they will be heard. The Department employee conducting the conference may exclude witnesses and other persons from the conference when they are not giving evidence, except that the employer's counsel and translator, if necessary, may be permitted to remain throughout. The Department employee shall conduct and control the proceedings. No tape recording, stenographic report or other verbatim record of the conference shall be made.

e) If any person becomes disruptive or abusive, the Department employee shall exclude the person from the conference and shall continue the conference without the excluded individual.

f) If the informal conference is held but did not resolve the dispute, a final determination on the amount of civil penalties may be made in an administrative hearing pursuant to Section 230.710.