**Section 250.710 Assessing Penalties**

a) The administrative determination of an amount of civil penalties, not to exceed $5,000 for each violation of the Act and the regulations, shall be based on the available evidence of the violation(s) and shall consider the size of the employer's business and the gravity of the violation(s).

b) The Department's assessment of civil penalties shall consider the size of the employer's business. The assessment shall take into account the number of employees employed by the employer, the gross dollar volume of sales or business done, the employer's capital investments and financial resources, and other information relevant to the size of the employer's business.

c) The Department's assessment of civil penalties shall consider the gravity of the offense(s). The assessment shall take into consideration, among other things, any history of prior violations, any evidence of willfulness or failure to take reasonable precautions to avoid violations, the number of minors illegally employed, the age of the minors employed, the absence of employment certificates, the occupations in which the minors were employed, exposure of the minors to hazards and any resultant injury to the minors, the duration of the illegal employment, and, as appropriate, the hours of the day in which it occurred and whether the employment was during or outside school hours. The Department shall not consider an employer's assertion that it was unaware of the Act and/or these regulations as a mitigating factor in determining the gravity of the offense(s).

d) A determination of civil penalties made in an administrative hearing pursuant to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.) and Section 250.715 of this Part shall be final.

(Source: Added at 16 Ill. Reg. 5335, effective March 24, 1992)