**Section 2520.405 Verified Response to Charge**

a) Pursuant to Section 7A-102(B), for charges filed prior to September 8, 2017, within 60 days after receipt of the notice of the charge, or of a substantive amendment to a charge that includes new harms, bases or respondents pursuant to Section 2520.360(b) and (c), respondent shall file a verified response to the allegations in the charge. Respondent shall serve a copy of the verified response on complainant or complainant's representative and shall show proof to the Department that the copy was served on complainant or complainant's representative.

b) Pursuant to Section 7B-102(B), for charges filed prior to September 8, 2017, within 30 days after receipt of the notice of the charge, or of a substantive amendment to a charge that includes new harms, bases or respondents pursuant to Section 2520.360(b) and (c), respondent shall file a verified response to the allegations in the charge. Respondent shall serve a copy of the verified response on complainant or complainant's representative and shall show proof to the Department that the copy was served on complainant or complainant's representative.

c) When, without good cause shown, respondent's verified response is not timely filed and/or served on complainant or complainant's representative, complainant may raise that issue before the Department. The raising of an issue of an untimely filed and/or served verified response with the Department does not relieve complainant of complainant's duty to comply with the Department's investigation.

d) Pursuant to Sections 7A-102(B) and 7B-102(B) of the Act, good cause for untimely filing a verified response may include, but shall not be limited to:

1) Death or sudden, serious illness of respondent or respondent's representative; or

2) Death or sudden, serious illness of an immediate family member of respondent or respondent's representative; or

3) Respondent filed and served a timely verified response, but the Department later determined that respondent's verified response was defective; or

4) Respondent acted with due diligence and was not deliberate or contumacious and did not unwarrantedly disregard the verified response process, as supported by affidavit or other evidence; or

5) Respondent's failure to timely file a verified response was due to circumstances beyond respondent's control, as supported by affidavit or other evidence.

e) Whether good cause exists is in the sole discretion of the Department.

f) When respondent is responding to a notice to show cause for failing to timely file the verified response and/or timely serve a copy on complainant or complainant's representative, respondent shall include the verified response with the response to the notice to show cause and show proof that respondent has served the verified response on complainant or complainant's representative.

(Source: Amended at 42 Ill. Reg. 17235, effective September 17, 2018)