**Section 107.334 Reply**

a) Within 30 days of the service of a notice of probable violation issued under Section 107.333, the respondent may file a reply with the Director. The Director may extend the 30-day period for good cause shown.

b) The reply must be in writing, signed by the person filing it, and state with respect to each factual allegation whether it is admitted or denied. Even though formally denied, a factual allegation set forth in a notice of probable violation is considered to be admitted for purposes of the proceeding unless:

1) Opposed by the written statement of an individual having personal knowledge of the subject matter;

2) Challenged as being in error together with a supporting explanation as to why it is believed to be in error; or

3) Otherwise contested or contradicted through the submission of relevant evidence.

c) The reply must set forth any defenses and include a statement of the form and nature of proof by which those defenses are to be established.

d) If it is necessary to respond to an amendment to the notice of probable violation, the respondent may amend his reply at any time before the issuance of an order under Section 107.337.

e) If the respondent elects not to contest one or more factual allegations, he should so state in the reply. An election not to contest a factual allegation is an admission of that allegation solely for the purpose of issuing a compliance order and constitutes a waiver of hearing as to that allegation but does not, by itself, constitute a waiver of the right to be heard on other issues. In connection with a statement of election not to contest a factual allegation, the respondent, may propose an appropriate order for issuance by the Director, or propose the negotiation of a consent order.

f) Failure of the respondent to file a reply within the period provided constitutes a waiver of his right to appear and contest the allegation and authorizes the Secretary, without further notice to the respondent, to find the facts to be as alleged in the notice of probable violation and to issue an appropriate order directing compliance.

(Source: Amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979)