**Section 386.1130 Reply**

a) Within 30 days of the service of a Notice of Probable Violation issued under Section 386.1020, the respondent may:

1) pay the preliminary assessment as provided in Section 386.1140 and thereby close the case; or

2) request a hearing as provided in Section 386.1150.

b) The Director shall extend the 30-day period, for a maximum of 30 days, upon a request to do so by the respondent within the 30-day period.

c) Failure of the respondent to reply by taking one of the two actions described in subsection (a) within the period provided constitutes a waiver of his right to appear and contest the allegations, 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 order the assessment of an appropriate civil penalty. The assessment shall be the same as the assessment stated in the Notice when the respondent fails to reply.

d) An order entered against a respondent who fails to reply shall be vacated by the Secretary upon good cause shown in a written motion filed within 30 days of service of the order. A motion to vacate must be accompanied by a request for hearing meeting the requirements of Section 386.1150. No further extension of this time for filing shall be granted.

(Source: Amended at 40 Ill. Reg. 1992, effective January 8, 2016)