**Section 386.1180 Assessment Considerations**

*a) In assessing a civil penalty under the provisions of this Part, the assessment is made only after considering:*

*1) the nature and circumstances of the violation;*

*2) the extent and gravity of the violation;*

*3) the degree of the respondent's culpability;*

*4) the respondent's history of prior offenses;*

*5) the respondent's ability to pay; and*

*6) the effect on the respondent's ability to continue in business* (Section 18b-107(b) of the Law).

b) The manner in which these factors are considered by the Department is that the facts gathered by the Department, as well as the facts and arguments obtained from the respondent during the informal conference process, are weighed and considered by the Department in determining or revising the assessed penalty in light of the factors stated in subsections (a)(1) through (6). The respondent may request a formal hearing, in accordance with Section 386.1150, to present evidence to the presiding officer, who shall weigh all of the relevant evidence presented in light of the factors stated in this Section.