**Section 1715.620 Informal Settlement in Lieu of Formal Proceeding**

Prior to the institution of formal enforcement proceedings before the Commission, a respondent shall be given the opportunity to settle, at an informal staff level, any controversy regarding the respondent's alleged illegal activity under the Law.

a) The Notice of Alleged Violation and Opportunity to Settle (NAVOS) setting forth the alleged violations of the Law or this Part shall be served on the respondent and shall specify the procedure for the respondent to exercise the option to settle.  Included will be instructions to telephone or write to the specific Commission staff member assigned to the case to request and schedule a settlement conference if the respondent chooses to exercise the settlement option. The respondent shall have 20 days from the date of service to exercise the option to settle. Service shall be made by depositing in the United States mail a postage prepaid envelope addressed to the respondent.

b) Monetary settlements specified in the NAVOS shall be based upon the available fine amounts contained in the Law.

c) An amount less than the minimum established in the NAVOS may be agreed upon between the Staff of the Commission and the respondent during informal settlement discussions. This lesser amount shall be incorporated in a stipulated settlement agreement that shall be presented to the Commission for approval or rejection.

d) Settlement amounts shall be determined upon consideration of the respondent's past compliance history, cooperation with authorities in the resolution of the dispute, and willingness to comply with the Law and this Part, and the type of violation, the amount of revenue realized from the unlawful activities, and the number of violations.

e) If a settlement agreement is not reached, the matter will be set for hearing before an Administrative Law Judge pursuant to the Commission's Rules of Practice (83 Ill. Adm. Code 200).

f) The respondent's right to a hearing and respondent's position at hearing will not be prejudiced in any way if settlement is not reached.