**Section 405.150 Civil Penalties**

a) The Agency shall assess civil penalties, in accordance with subsection (c) of this Section, against any individual who performs industrial radiography without valid certification.

AGENCY NOTE: Licensees and registrants that allow individuals who are not certified to perform industrial radiography are also subject to civil penalties. These penalties are assessed pursuant to 32 Ill. Adm. Code 310.

b) Prior to assessing civil penalties, the Agency shall confirm the violation of the certification requirements by:

1) Observation of the violation;

2) Obtaining records, documents or other physical evidence;

3) Obtaining statements from either the employer or the employee which confirm the existence of the violation; or

4) Obtaining statements from third parties (e.g., co-workers) that corroborate the allegation that a violation has occurred.

c) Civil penalties shall be assessed against individuals who perform industrial radiography without certification (i.e., uncertified radiographer) as follows:

1) First violation by an uncertified individual − $250.

2) Second violation by an uncertified individual − $500.

3) Third and subsequent violation by an uncertified individual − $1,000 for each violation.

d) The Agency may commence administrative proceedings for the assessment and collection of civil penalties by sending a Notice of Violation. The Notice shall give the individual an opportunity to pay the penalty without further action from the Agency.

e) Failure of an individual to abate a certification violation or to pay the civil penalty as directed may cause the Agency to issue a Preliminary Order and Notice of Opportunity for Hearing as provided in 32 Ill. Adm. Code 200.

(Source: Amended at 32 Ill. Reg. 13161, effective July 24, 2008)