**Section 125.100 Hearing Procedure**

a) Authority of Director

Pursuant to Section 125.30(f)(1) of this Part and the Administrative Procedure Act (Ill. Rev. Stat 1991, ch. 127., par. 1010-25), the Director or his designee shall oversee the maximum rate schedules hearings. Any designee named by the Director shall be appointed in writing. The Director or his designee shall have those powers and duties necessary to accomplish this purpose including the following:

1) Scheduling hearings;

2) Administer oaths and affirmations;

3) The Director or his designee shall call upon Department personnel to testify as to information gathered pursuant to Section 19.3B1 of the Currency Exchange Act (Ill. Rev. Stat. 1983, ch. 17, par. 4838).

4) Subpoena Power

The Director or his designee will issue a subpoena upon request or when the Director determines that information otherwise unavailable is necessary to assist him in the ratemaking process. The Director, for purposes of maximum rate schedules hearing shall have the same subpoena power as in the Currency Exchange Act, (Ill. Rev. Stat. 1983, ch. 17, par. 4818).

b) Notice, Time and Place of Hearings

All hearings pursuant to this Part shall be open to the public. Notification of said hearings shall be done in accordance with Section 125.30(f)(1)(B) of this Part. There shall be one hearing held in Chicago and one held in Springfield and at such time and date designated by the Director so that persons affected by the outcome of the proceedings, such as currency exchange owners and currency exchange customers, may attend the hearing.

c) Recording Appearances

All parties and staff witnesses shall enter their appearances at the beginning of the hearing by giving their names, addresses, telephone numbers and whom they represent, in writing to the court reporter who will include the same in the record of the hearing. The Director or his designee shall require each witness to state his or her name.

d) Transcripts

Transcripts will be made pursuant to Section 125.30(f)(4) of this Part.

e) Testimony to be Under Oath or Affirmation

All testimony to be considered by the Director shall be sworn or affirmed testimony.

f) Conduct of Hearings

1) The Director or his designee shall open the hearing(s) by presenting for the record a copy of the petition requesting an increase in the maximum rate schedules, and shall continue the hearing if time does not permit all persons to be heard on the same day.

2) The Director or his designee shall call upon those persons who, in the manners set forth in Sections 125.30(e)(1), 125.30(f)(2) and 125.30(f)(3) of this Part, have given proper notice pursuant to these sections of their intention to give oral testimony at the hearing(s). Person testifying will be called in the following order:

A) Expert testimony; expert testimony being that defined in Section 125.30(g)(2) of this Part;

B) Consumer groups;

C) Any individual having an interest in a currency exchange and the general public including users of currency exchange services;

D) State and governmental Departments and/or agencies and private business entities;

E) Department of Financial Institutions staff;

F) The above order (A-E) will change in the event of any of the parties presenting testimony have time constraints due to distance travelled or medical restrictions.

3) Rebuttal will be done pursuant to Section 125.30(h) of this Part.

4) The Director and a designee to assist in the conduct of the hearings may ask questions of any person presenting oral testimony pursuant to Section 125.30(f) for the purpose of clarification and information.

5) Upon receipt of more than 30 written notices of intent to testify pursuant to Section 125.30(f)(3) on a particular day, the Director or his designee shall set time limitations for such testimony. This will ensure the opportunity for each individual having given notice pursuant to Section 125.30 to testify.

6) The Director or his designee shall halt testimony which is repetitious and which is not relevant to the ratemaking at issue.

g) Hearing Decorum

1) All parties to these hearing(s) shall conduct themselves in a manner such that all parties may make their presentation.

2) When there is a threat to a participant or to the proceedings, the hearings shall be recessed until the threat has been removed. A threat shall consist of a physical, verbal or written act.

3) The Director or his designee shall remove from the hearing any individual(s) who conduct themselves in such a manner as to prevent all parties from making their presentations.

h) Decision of Director

1) The final decision regarding the new rate shall be made only by the Director.

2) The decision by the Director will be in writing and will state the basis for the finding in accordance with the criteria listed in Section 19.3 B of the Currency Exchange Act.

i) Time Schedules

The Director shall adhere to the following time schedules with respect to the Rate Making Process.

1) When the petition as outlined in Section 125.50(c) of this Part is granted Maximum Rate Schedule Hearings must be conducted within 75 days of the Director granting said petition.

2) After the Maximum Rate Schedule Hearings have been completed and the Rebuttal period pursuant to Section 125.30(h) of this Part has occurred, the Director shall have 30 days to make his finding pursuant to Section 125.30(i)(2) of this Part.

3) The Director shall have 30 days after issuing his finding to initiate rulemaking for a modification and or change in rates. This rulemaking shall be conducted pursuant to the Illinois Administrative Procedure Act, Ill. Rev. Stat. 1991, ch. 127, par. 1001-1 et seq.

(Source: Added at 11 Ill. Reg. 686, effective December 20, 1986)