**Section 109.140 Appeal of an Administrative Action**

a) Any person aggrieved by a decision, order or ruling of the Office may, as a matter of right, appeal such action.

b) All appeal requests shall:

1) Be in writing;

2) Contain an address, telephone number, and email address where the appellant may be notified of the time and place of the hearing; and

3) Set forth the reasons why the action of the Office should be reversed or modified.

c) Appeals from a decision, order or ruling of the Office shall be instituted by filing a written request for a hearing no later than 10 calendar days following receipt of the notice of the action. Requests will be deemed to be timely if they are postmarked no later than the time period allowed.

1. The appeal request shall be mailed to:

Office of the State Fire Marshal

Attn: Legal Division

1035 Stevenson Drive

Springfield, Illinois 62703-4259

e) In the event of a timely written appeal, the Office shall conduct an administrative hearing governed by this Section. Notice of the time and place for any hearing shall be given to any party concerned at least 30 calendar days prior to the hearing date. If an attorney, through written communication, is known to represent any party to a hearing, then notice is to be given to that attorney. A corporation, limited liability company, professional limited liability company, or partnership must appear by legal counsel, licensed to practice in the State of Illinois or appearing pro hac vice, who must file an appearance with the Office. Notice sent to the last known address by U.S. mail, registered or certified, addressed to all parties or their agents appointed to receive service of process, or their attorneys when applicable, is sufficient.

1) The notice of hearing shall include the following:

A) The date, time, place, and nature of the hearing.

B) A statement of the legal authority and jurisdiction under which the hearing is to be held.

C) A reference to the particular section or sections of the substantive and procedural statutes and rules involved.

D) A short and plain statement of the matters asserted, the consequences of a failure to respond, and the case number or file number.

E) To the extent such information is available, the names, phone numbers, email addresses, and mailing addresses of the parties and designated agency contact, and if known, of any assigned hearing officer.

2) Document Exchange. At any pre-hearing conference, or if none, at least 7 days prior to the start of the hearing, the parties shall exchange a list of those witnesses who may testify at hearing and any exhibits or documents that may be identified at hearing.

3) Continuances. A hearing officer may, for good cause, grant a continuance at the request of a party or a continuance on the hearing officer's own motion.

4) Default. Failure of a party to appear on the date set for hearing or failure to proceed as ordered by the Office shall constitute a default and the civil fine appealed from shall become final. Appeals, petitions, motions or other requests for relief that are not prosecuted diligently may be dismissed for want of prosecution.

5) At the close of the evidence, or upon receiving the recommended decision of the hearing officer with findings of fact and conclusions of law, the Office shall enter an order to sustain, modify, or revoke the administrative action. Any appeal by the petitioner from such Office final order shall be *subject to judicial review under the provisions of the Administrative Review Law* [735 ILCS 5/Art. III] *and* this Part. Proceedings *for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides* or, if *the party applying for review is not a resident of Illinois,* shall be commenced in the circuit court in Sangamon County. [225 ILCS 217/100]

f) Nothing in this Section shall prohibit the informal disposition of an administrative action by stipulation, agreed settlement, or consent order. Informal disposition may proceed with clear and simple documentation without complete adherence to this Section.

(Source: Amended at 47 Ill. Reg. 19159, effective December 6, 2023)