**Section 172.160 Hearing Procedures for Formal Charges**

a) The procedures of this Section shall govern any appeal of formal charges seeking to impose disciplinary action under Section 80(a) of the Petroleum Equipment Contractors Licensing Act [225 ILCS 729/80(a)].

b) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of the formal charge at least 30 calendar days before the date of the hearing. The hearing shall be presided over by a hearing officer authorized by the OSFM in compliance with the Illinois Administrative Procedure Act. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed certified, return receipt requested, to the licensee at the licensee’s last known address as listed with the OSFM.

c) The notice of a formal charge shall consist, at a minimum, of the following information:

1) The time, place, and date of the hearing.

2) A statement that the licensee shall appear personally at the hearing and may be represented by counsel.

3) A statement that the licensee has the right to produce witnesses and evidence and the right to cross-examine witnesses and object to evidence.

4) A statement that the hearing can result in disciplinary action being taken against the license.

5) A statement of where the individual can procure the rules for the conduct of these hearings.

6) A statement that the hearing officer authorized by the OSFM will preside at the hearing and, following the conclusion of the hearing, shall make findings of fact, conclusions of law and recommendations, separately stated, to the State Fire Marshal as to what disciplinary action, if any, should be imposed on the licensee.

7) The OSFM may continue the hearing.

d) The hearing officer shall conduct the hearing. After the conclusion of a hearing, the hearing officer shall make findings of fact, conclusions of law and recommendations, separately stated, and submit them to the State Fire Marshal and to all parties to the proceeding. Submission to the licensee shall be considered as having been made, if accomplished in a similar fashion as service of the notice of formal charges (see subsection (c)). *Within 20 days after such service, any party to the proceeding may present to the State Fire Marshal a motion, in writing, for a rehearing that specifies the grounds for rehearing*.

e) Following the time allowed for filing a motion for rehearing, the State Fire Marshal shall review the hearing officer’s findings of fact, conclusions of law, recommendations and any motion for rehearing. *After reviewing this information, the State Fire Marshal may hear oral arguments, prior to issuing an order.* The report of findings of fact, conclusions of law and recommendations of the hearing officer shall be the basis for the State Fire Marshal’s order, in which the State Fire Marshal may accept or reject the recommendations of the hearing officer.

f) *If the State Fire Marshal finds that substantial justice was not done, he or she may issue an order in contravention to the findings of fact, conclusions of law, and recommendations of the hearing officer. The finding is not admissible in evidence against the person in a criminal prosecution brought for violation of this Act* or *this Part.* [225 ILCS 729/75(e)]

g) The execution of a written Order of the State Fire Marshal will become effective immediately and will constitute a final administrative decision subject to the Administrative Review Law [735 ILCS 5].

(Source: Amended at 47 Ill. Reg. 6755, effective May 2, 2023)