**Section 251.350 Hearing Procedures for Formal Charges**

a) The procedures of this Section shall govern any appeal of formal charges seeking to impose disciplinary action under subsection (a) of Section 90 of the Act [225 ILCS 217/90(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 Office 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 Office.

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

1) *The time, place, date* and nature *of the hearing*;

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

3) A reference to the particular Sections of the substantive and procedural statutes and rules involved;

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

5) A statement *that the licensee shall appear personally at the hearing and may be represented by counsel*;

6) A statement *that the licensee* has *the right to produce witnesses and evidence on the licensee's behalf and the right to cross-examine witnesses* and object to evidence produced against the licensee;

7) A statement *that the hearing* can *result in disciplinary action being taken against the license*;

8) 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;

9) A statement *that rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy,* and where the licensee can procure the rules of conduct of these hearings;

10) A statement *that* the *hearing officer authorized by the* Officewill *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*;

11) A statement *that the* Office *may continue* the hearing;

12) *That the licensee shall* submit a written response *to the charges with the State Fire Marshal under oath within 20* calendar *days after service of the notice;* [225 ILCS 217/85(c)]

13) A statement that failure to respond will result in a judgment against the person and can also result in disciplinary action being taken against the licensee;

14) A statement that the Office may set a pre-hearing conference; and

15) At any pre-hearing conference, or if none, 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.

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 (b)). *Within 20* calendar *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. [225 ILCS 217/85(d)]

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* the *Act* or this Part. [225 ILCS 217/85(e)]

(Source: Added at 47 Ill. Reg. 16058, effective October 26, 2023)