**Section 300.239 Denial, Issuance of Notice of Infraction, Suspension, Revocation and Other Administrative Actions**

a) The Department shall deny an application for, or may revoke or suspend, a license under the provisions of this Section if the Department finds that the applicant or licensee:

1) has willfully violated any provisions of the Act or this Part;

2) has made material misstatement or knowingly withheld information in connection with any original or renewal application;

3) has falsified or misrepresented documentation related to a blast record or explosive use;

4) has been declared incompetent by any competent court by reasons of mental or physical defect or disease unless a court has since declared the applicant or licensee competent;

5) unlawfully uses or is under the influence of alcohol or drugs in the workplace;

6) is a fugitive from justice.

7) is under the age of 21 years old;

8) has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year;

9) is under indictment or formally charged for a crime punishable by imprisonment for a term exceeding one year;

10) is an unlawful user of or addicted to any controlled substance;

11) has been adjudicated as a person with a mental disability;

12) is not a legal citizen of the United States or lawfully admitted for permanent residence;

13) has been other than honorably discharged from the armed services; and

14) has any outstanding, unpaid, violations with the Department.

b) An applicant for original licensure, except for an applicant who has previously submitted fingerprint-based data to the Department, shall submit with the application fingerprint-based data or 2 sets of fingerprint cards on forms specified by the Department. The fingerprint cards shall be accompanied by the required non-refundable application fee.

c) Notice of Infraction

1) The Department shall, when in the best interest of protecting public safety or public or private property, issue to the blaster a written notice of infraction requiring remedial action when, on the basis of any inspection, the Department determines that the blaster has committed any of the following infractions:

A) Noncompliance with current Illinois or federal law or regulations pertaining to blasting at the operation, including the Illinois Explosives Act [225 ILCS 210].

B) Providing false information or a misrepresentation to obtain licensure.

C) Consumption of alcohol or unlawful use of drugs in the workplace.

D) Noncompliance with any order issued by the Department.

2) The maximum time allowed to abate the infraction by completing the remedial action shall be stated in the notice and shall include consideration of the nature of the infraction, as well as the availability of resources to complete the abatement. Remedial actions may include, but need not be limited to, a requirement to receive additional training or undergo reexamination to demonstrate competence.

3) A copy of such notice shall be forwarded to the blaster's employer.

4) Any such notice may be terminated when the remedial action has been completed, modified to correct deficiencies or errors or make other changes in the notice or to change the required abatement date, or vacated if the infraction did not occur or occurred as the result of sabotage by persons other than the blaster.

5) The blaster may file a request for review with the Department, and if desired, a hearing within 30 days after the receipt of the notice of infraction. The request shall include the blaster's name, licensure number, identification of the notice, and the date of the notice. The request shall be forwarded to: Illinois Department of Natural Resources, Office of Mines and Minerals, Explosives and Aggregate Division, One Natural Resources Way, Springfield, IL 62702. If a hearing is requested, the hearing shall be conducted in accordance with Section 300.248 and shall be held in Springfield. The Department shall give at least five days notice of the date, time and location of the hearing to the blaster, the blaster's employer and any person who filed a report which led to the notice that was issued.

6) The filing of a request for hearing shall not act as a stay of the remedial actions required as part of the notice of infraction.

d) License Suspension or Revocation

1) The Department shall issue to the blaster a written notice for the blaster to show cause why the license should not be suspended or revoked for a specified period (not to exceed the term of the license) upon a finding of:

A) A willful commission of an infraction; or

B) A failure to complete the remedial action stated in a Notice of Infraction.

2) The blaster shall have 21 days from the receipt date of the notice, or other time period necessary for adequate response as may be set out in the notice, in which to file an answer and request a hearing. If the blaster files an answer to the show cause order and requests a hearing, a public hearing shall be provided and conducted in accordance with Section 300.248. The Department shall give 30 days written notice of the date, time and location of the hearing to the blaster, the blaster's employer and any person who filed a report which led to the order that was issued.

3) If the Department determines that the infraction resulting from the willful act on the part of the blaster creates an imminent danger to the health or safety of the public or imminent damage to public or private property, the Department shall immediately issue a temporary suspension of the blaster's license. The temporary suspension shall be in writing, and shall, with reasonable specificity, set forth the nature of the infraction and the imminent danger or damage incurred or about to be incurred. Such suspension shall be subject to a hearing to be provided not less than 15 days after the blaster's receipt of the temporary suspension. The hearing shall determine whether the suspension shall be continued or terminated or whether the license shall be revoked. Temporary suspension issued under the authority of this subsection shall not exceed 15 days. The hearing shall be conducted in accordance with Section 300.248 and shall be held at the Department's Springfield office.

4) Upon written notice of revocation, including the findings upon which the notice is based, the blaster shall without delay surrender the revoked license to the Department.

(Source: Amended at 48 Ill. Reg. 9650, effective June 24, 2024)