**Section 150.665 Hearing Procedures**

a) All hearings shall be public.

b) At the time and place of the hearing, both the Director and sworn officer may be represented by counsel if they so desire.

c) All proceedings before the Board during the conduct of the hearing shall be recorded by a reporter to be employed by the Board.

d) The records of all hearings will not be transcribed by the reporter unless requested by the Board or any party of interest. All transcripts shall be paid for by the requesting party.

e) All witnesses shall be sworn prior to testifying.

f) The matter will be decided by the Board on evidence presented at the hearing. The Department shall be required to prove its case by a preponderance of evidence.

g) Each party may make an opening statement after which the Department will present its case. Thereafter, the officer may present and examine those witnesses the officer desires the Board to hear. All parties shall have the right to cross-examine witnesses presented by the opposite party.

h) A copy of any rules and regulations certified by the Director or Deputy Director shall be received in evidence with the same effect as the original.

i) In the hearing of any case, any party or his agent may be called and examined as if under cross-examination at the instance of any adverse party. The party calling for the examination is not concluded thereby, but may rebut the testimony thus given by counter-testimony and may impeach the witness by proof of prior inconsistent statements.

j) If the Hearing Officer determines that a witness is hostile or unwilling, the witness may be examined by the party calling him as if under cross-examination. The party calling an occurrence witness may, upon showing that he called the witness in good faith but is surprised by his testimony, impeach the witness by proof of prior inconsistent statements.

k) A proposal for decision by the Hearing Officer shall be mailed to the Board and the parties within 45 days after completion after hearing on the Complaint *or Petition for Review*. The parties may then file with the Board written comments or arguments within 15 days after receipt of the proposed findings. The filing of the parties' written comments or arguments shall be in accordance with Section 150.685 of this Part with a copy being mailed to the Hearing Officer. The Hearing Officer may then file a response to the comments or arguments of the parties within 15 days after receipt of any comments or arguments of the parties.

(Source: Amended at 27 Ill. Reg. 19038, effective December 3, 2003)