**Section 3000.405 Requests for Hearings**

a) All requests for hearings must:

1) Be in writing;

2) State the name, current address and current telephone number of the petitioner; and

3) State in detail the reasons why and the facts upon which the petitioner will rely to show, in cases involving licensing or transfer of ownership, that the petitioner is suitable for licensure or transfer, including specific responses to any facts enumerated in the Board's Notice of Denial. In matters involving exclusion, the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why he should not be excluded. In matters involving restriction of licensure the petitioner shall state in detail the reasons why and the facts upon which the petitioner will rely to demonstrate why the license should not be restricted.

4) All requests for hearings must be verified. Such verification shall be notarized and shall include a certification in the following form:

 The undersigned certifies that the statements set forth in this request for hearing are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

b) A request for hearing must be submitted within five days after the date of delivery of the Notice of Denial or Restriction of license. A request for hearing must be submitted within 30 days after the date of delivery of Notice of Exclusion.

1) The petitioner may submit a request for hearing by:

A) Personal Delivery;

B) Certified Mail, postage prepaid; or

C) Overnight express mail, postage prepaid.

2) All requests for hearings must be submitted to the Administrator, with a copy sent to the Chief Legal Counsel at the Board's offices in either Springfield or Cook County.

3) A request for hearing submitted by certified mail or overnight express mail shall be deemed timely submitted if it is postmarked no later than five days after date of delivery of a Notice of Denial or Restriction in accordance with the Act, or 30 days after service of the Notice of Exclusion.

c) A request for hearing should be deemed granted, unless denied. The Board may deny a request for hearing if the statement of reasons and facts which it contains does not establish a prima facie case or fails to comply with any of the other requirements of subsection (a) or (b) of this Section. The Board's denial of a request for hearing is a final decision, and the denial or restriction of licensure, denial of ownership transfer, or the order of exclusion becomes a final order on the date the Board denies the request for hearing.

d) A request for hearing may not be withdrawn or voluntarily dismissed if the Board determines that withdrawal or voluntary dismissal is not in the best interests of the public and the Gaming industry. If the Board allows a petitioner to withdraw a hearing request, the initial denial or restriction of license or the order of exclusion becomes a final Board order on the date leave to withdraw is granted. If the Petitioner does not prosecute his case after 21 days, the Board may move for entry of default judgment. Failure to prosecute shall result in the entry of a default judgment against Petitioner.

e) The Chairman of the Board may appoint a Board member or an attorney admitted to the practice of law by, and in good standing with, the Illinois Supreme Court as an Administrative Law Judge to conduct a hearing in accordance with this Subpart. If designated, the Administrator may appoint the Administrative Law Judge to conduct a hearing in accordance with this Subpart. The petitioner will be copied on the letter of appointment and such letter will serve as notice of the pendency of the hearing. The Administrative Law Judge shall establish a status date and notify the parties thereof.

f) If the petitioner believes the Administrative Law Judge is biased or has a conflict of interest, the petitioner may file with the Board a motion to disqualify the Administrative Law Judge from conducting the hearing. The motion must be in writing, accompanied by an affidavit signed and dated by the petitioner setting forth the specific grounds for disqualification. The petitioner shall serve a copy of the motion on the Administrative Law Judge. Prior adverse rulings against the petitioner or its attorney in other matters shall not, in and of themselves, constitute grounds for disqualification. On satisfactory evidence submitted by the petitioner in support of the motion to disqualify, the Board shall remove the Administrative Law Judge and provide for the reassignment of the case to another Administrative Law Judge to continue the hearing. Any Administrative Law Judge may voluntarily disqualify himself or herself upon determining that bias or conflict of interest exists. Grounds for disqualification of an Administrative Law Judge shall include, but not be limited to:

1) Financial interest or pecuniary benefit derived from the gaming industry;

2) Personal friendship with any of the parties, witnesses or attorneys involved;

3) Past representation of any of the parties or witnesses involved; and

4) Demonstrable pre-disposition on the issues.

 If the motion to disqualify an Administrative Law Judge is denied, the Board shall set forth in writing the reasons for the denial and the Administrative Law Judge will proceed with the hearing. The motion to disqualify the Administrative Law Judge and the reasons for the denial of the motion will be part of the administrative record in the appeal of a final administrative decision upon conclusion of the hearing.

(Source: Amended at 22 Ill. Reg. 4390, effective February 20, 1998)