**Section 107.336 Hearing**

a) When a respondent files a reply contesting allegations in a notice of probable violation issued under Section 107.333 or when the Department and the respondent fail to agree upon an acceptable consent order, the Director shall request the Secretary to appoint a presiding officer. The Secretary shall appoint a presiding officer to convene and preside over a hearing on the proposed compliance order. Testimony by witnesses shall be given under oath and the hearing shall be recorded verbatim.

b) The presiding officer may:

1) Administer oaths and affirmations;

2) Issue subpoenas as provided by Section 107.13;

3) Adopt procedures, including the submission of evidence in written form;

4) Take or cause depositions to be taken;

5) Rule on offers of proof and receive relevant evidence;

6) Examine witnesses at the hearing;

7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to compliance orders and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

c) The Director, or his representative, has the burden of proving the facts alleged in the notice of probable violation and may offer such relevant information as may be necessary to fully inform the presiding officer as to the matter concerned.

d) The respondent may appear and be heard on his own behalf or through counsel of his choice. The respondent or his counsel may offer relevant information including testimony which he believes should be considered in defense of the allegations or which may bear on the remedial action being sought and conduct such cross-examination as may be required for a full disclosure of the facts.

(Source: Amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979)