**Section 1700.10 General Explanation of Procedure**

a) This Part shall apply to all Lottery hearings and subsequent reviews/appeals, except rulemaking hearings, conducted by the Department, the Board, or any Administrative Law Judge designated by the Board and appointed by the Director, under the authority of Section 7.3 of the Lottery Law.

b) Request for Hearing

1) An appellant may request a hearing if:

A) their license as an agent has been non-renewed, suspended or revoked;

B) their application for a lottery sales license has been denied;

C) their claim prize has been denied payment;

D) the appellant has received a notice of assessment dispute; or

E) they are otherwise seeking a hearing before the Department pursuant to Section 7.3 of the Lottery Law.

2) A request for hearing shall be filled with the Secretary.

3) The Secretary, within 3 days after the receipt of the request for a hearing, shall notify the Chief Administrative Law Judge's Clerk, who shall assign an Administrative Law Judge. When a request for a hearing arises from the revocation of a license without prior notice and opportunity for a hearing, the hearing shall be held within 30 days after the revocation order has been issued. In all other requests for a hearing, the Department will, within 14 days, request to schedule either an informal conference or a hearing, to be held not later than 45 days after the date of its scheduling. Notice of any hearing scheduled by the Secretary shall be served upon the parties as provided in Section 1700.80, and shall include the information required by Section 10-25 of the Illinois Administrative Procedure Act [5 ILCS 100]. The ALJ shall, upon the close of all proofs in the hearing, file findings and recommendations with the Director as provided in Section 1700.180, with a copy to be forwarded to each party to the action.

c) Any party may, within 20 days after the date the notice of the proposed findings and recommendations is received by certified mail (or returned as undelivered or unclaimed) or email, file with the Secretary, in writing, a motion for review, with a copy to each party to the action. The party seeking the review shall then have 35 days from the date of the filing of the notice of the motion for review to file, with the Secretary, a brief as to the specific errors of the ALJ as set forth in subsection (d), with a copy to each party. All other parties may file responsive briefs with the Secretary within 35 days after receipt of written notice from the Secretary that the brief supporting the motion for review has been filed. The Secretary shall transmit, within 85 days after receipt of the motion for review, the record of the action, including all documents, evidence, and transcripts submitted to or taken from the hearing, along with the motion for review and the briefs submitted by the parties, to the Board. The Board shall review the record of the case and shall make recommendations to the Director within 90 days after the date of receipt of the record of the case.

d) The Board shall review the record, in its entirety, to determine that the findings of fact by the ALJ are not against the manifest weight of the evidence, the ALJ has applied the law and regulations correctly, and that the conduct and procedures of the hearing did not prejudice any party.

e) The recommendation of the Board to the Director shall be transmitted by the Secretary to the parties to the action. Any party has a right to make a final appeal to the Director. A party may note exceptions to the recommendations of the Board, along with supporting briefs, within 14 days after the receipt of notice of the recommendations of the Board. The Director shall have 30 days to review the record of the case and the Board's recommendation. The Director shall then enter an order either adopting or not adopting the ALJ's or Board's recommended decision of the matter. This order shall be served pursuant to Section 1700.80.

f) Any party adversely affected by a final decision or order of the Director may obtain judicial review as provided by the Administrative Review Law [735 ILCS 5/Art. III]. The petition for review must be filed within 35 days after the receipt by certified mail or email of the order or decision for which judicial review is sought.

(Source: Amended at 47 Ill. Reg. 13886, effective September 18, 2023)