**Section 1700.80 Service and Proof of Service**

a) All service shall be by certified mail or registered mail, or by email pursuant to section 10-75 of the Illinois Administrative Procedure Act [5 ILCS 100]. Service by mail shall be deemed complete four days after mailing of the document, properly addressed and posted for delivery, to the person to be served. Service is deemed completed if returned undelivered or unclaimed, when mailed to the party's last known address, with proper postage prepaid. Service by email is complete on the day of transmission or if after 5:00 p.m., the next business day. If service is by email, the Department will maintain a copy of the sent email and shall verify within one business day that the transmission of the email has not been rejected or has failed. In the event of rejection or failure, absent correction of an erroneous email address, service shall be made by mail.

b) Motions and affidavits in support of motions, responses, counter-affidavits and replies shall be served by the party filing these documents same upon all parties to the proceeding. Proof of service upon all parties shall be filed with the Secretary.

c) Findings of fact and conclusions of law, briefs, motions for hearing or re-hearing, and notices of appeal shall be served by the Department, Board, or the party filing these documents upon each party to the proceeding, and a proof of service upon all parties shall be filed with the Secretary.

d) When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.

e) Proof of service of any paper shall be by certificate of attorney, affidavit or acknowledgment as provided for in section 1-109 of the Code of Civil Procedure [735 ILCS 5]. Proof of service by mail will be attached to the original of any document served. Proof of service by email shall be the emailed notice to which the document is attached. In the absence of evidence to the contrary, the date shown on the proof of service shall be deemed the date of service. When filing by email, the date of service shall be the date the transmission is sent.

f) In computing any period of time prescribed or allowed by this Section, the day of the act, event or default after which the designated period of time begins to run is not to be included. The period of time shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. When the Lottery Law requires the filing of a motion, brief, exception or other paper in any proceeding, the document must be received by the Department and the Chief Administrative Law Judge's Clerk or the officer or agent designated to receive that matter before the official closing time of the receiving office on the last day of the time limit, if any, for the filing or extension of time that may have been granted. Filings received after 5:00 p.m. will be considered filed on the following business day.

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