**Section 176.1040 Commencement of Actions − Notice of Hearing**

a) Notice of Hearing. A contested case is begun when the Office of the Secretary, upon either the written request of the petitioner or its own initiative, serves a Notice of Hearing upon the respondent. "Written request" means a petition via facsimile, electronic transmission, or regular mail. The Notice of Hearing must be sent by electronic transmission if the petitioner agrees to receive the Notice of Hearing and Decision or Order via electronic transmission.

b) The Notice of Hearing shall include:

1) The names and addresses of all known parties, including the department initiating the hearing;

2) Whether the hearing is at the request of the petitioner or a department;

3) The time, date, and place of the hearing. The Department of Administrative Hearings will try to accommodate a party's request regarding the location of a hearing, but reserves the discretion to schedule a hearing at a site that is mutually convenient for all parties involved, including witnesses, and subject to the constraints imposed by budgetary and personnel considerations;

4) A concise statement of facts (as distinguished from conclusions of law or a mere recitation in the words of the statute):

A) the alleged act or acts done by each petitioner or, when appropriate, the respondent;

B) either the time, date, and place each such act was done or a concise statement of the matters asserted;

C) the rule, statute, or constitutional provision, if any, alleged to have been violated or otherwise involved in the proceeding; and

D) the relief sought by the petitioning party; and

5) A statement to each party that:

A) each party may be represented by legal counsel and may present evidence, cross-examine witnesses, and otherwise participate in the hearing;

B) failure to appear shall constitute a default, unless a party has, upon due notice to other parties, moved for and obtained a continuance from the hearing officer; and

C) delivery of notice to the designated representative of a party constitutes service upon that party.

c) Filing Fee

1) A petition for a hearing will not be accepted for filing unless it is accompanied by a filing fee of $50. This filing fee must be submitted in the form of a money order or check made payable to the Secretary of State, or credit charge (with a preapproved card).

2) This filing fee will not be refunded to the party requesting a hearing if the hearing proceeds, the party submits multiple petitions for a hearing to different hearing locations simultaneously, the party withdraws from the hearing or an order of default is entered. The party will be required to submit another filing fee before another hearing will be scheduled.

3) When a hearing is continued, the party requesting the hearing will not be required to submit another filing fee.

4) When the party requesting a hearing withdraws or defaults, the party will be required to submit another filing fee before another hearing will be scheduled.

(Source: Added at 47 Ill. Reg. 8640, effective June 5, 2023)