**Section 529.110 Noncompliance**

a) *If the* Department *determines that an applicant who has received a credit under the Act is not complying with the requirements or provisions of the Act, the Director shall provide notice to the applicant of the alleged noncompliance, and allow the* applicant 35 days to request *a hearing under the provisions of the Illinois Administrative Procedure Act* [5 ILCS 100]. *If, after notice and any hearing, the Director determines that a noncompliance exists, the Director shall issue to the Department of Revenue notice to that effect, stating the noncompliance date* for each credit claimed. Alleged noncompliance shall include:

1) Demonstration that the taxpayer failed materially to comply with the Act.

2) Demonstration that the taxpayer failed to retain any new employee hired or claimed to have been hired during the incentive period.

b) The Department shall notify an applicant in writing that it is subject to revocation. The notice shall include the reason for revocation and the date and location of a hearing to be held pursuant to 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

c) Following revocation the Department will contact the Director of the Illinois Department of Revenue who shall begin proceedings to recover wrongfully exempted State taxes.