**Section 801.220 Licensing Hearing**

a) At the date, time, and place designated, the Director, or an individual authorized in writing by the Director to function as the hearing officer, shall conduct a hearing regarding the revocation of a license or the refusal to renew a license to operate a secure residential youth care facility. The hearing shall be governed by the provisions contained in Article 10 of the Illinois Administrative Procedure Act [5 ILCS 100/Art. 10], unless otherwise provided in this Section.

b) Both the Department and the licensee shall be allowed to present written and oral statements, testimony, and evidence that may be pertinent to the charges or to the defense. A person may appear and be heard on his or her own behalf or through an attorney at law authorized to practice in the State of Illinois.

c) An attorney appearing in a representative capacity shall file a written notice of appearance identifying him or herself by name, address, and telephone number and identifying the party represented.

d) Complaints, amended or supplemental complaints, and petitions or other pleadings, amendments or supplements to any pleadings, motions, affidavits in support of motions, and notices shall be served by the party filing same upon all parties to the proceeding. Proof of such service upon all parties shall be filed with the Department.

1) Service shall be made by delivering in person or by depositing in the United States mail, properly addressed with postage prepaid, one copy to each party entitled thereto. When any party or parties have appeared by attorney, service upon the attorney shall be deemed service upon the party or parties.

2) Proof of service of any paper shall be by a certificate of attorney, affidavit, or acknowledgement.

e) The hearing officer may direct parties or their attorneys to appear at a specified date, time, and place for a conference prior to the date set for the hearing or during the course of such hearing for the purpose of considering:

1) The simplification of issues;

2) The necessity or desirability of amending the pleadings for the purpose of clarification, amplification, or limitation with respect to matters alleged in any pleading;

3) The possibility of making admissions or stipulations of fact to the end of avoiding the unnecessary introduction of evidence;

4) The procedure at the hearing;

5) The limitation of the number of witnesses;

6) The propriety of prior mutual exchange between or among parties of prepared testimony or exhibits; and

7) Such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

f) All hearings conducted in any proceeding shall be open to the public, except that the hearing officer may close portions of the hearing based on considerations concerning the welfare and safety of the participants or witnesses. In the event of failure to appear at the hearing upon proper notice, the hearing may be held ex parte immediately.

g) The hearing officer shall have full authority to:

1) Rule upon all motions made in the course of a hearing;

2) Rule upon all other matters arising in the course of the hearing;

3) Require, upon reasonable notice, any party to present further material or relative evidence upon any issue.

h) If the respondent believes the hearing officer is biased against such respondent or if there is a conflict of interest, he or she shall petition the Director in writing at least five days prior to the date set for the hearing to appoint another hearing officer to hear the matter. Such petition shall be accompanied by an affidavit setting forth the facts upon which such claim of bias or conflict of interest is based. The Director shall make a determination whether bias or conflict of interest exists, and may remove any hearing officer he or she finds biased or if a determination has been made that a conflict of interest exists.

i) The technical rules of evidence shall not apply at any hearing. Any evidence having probative value and force, relevant and material to the facts at issue, shall be admitted in the proceedings, subject only to objections to the weight thereof as distinguished from admissibility per se. When the admissibility of evidence is in dispute and depends upon fairly arguable interpretations of law, such evidence shall be admitted.

j) A party may conduct examinations or cross-examinations without rigid adherence to formal rules. The hearing officer before whom a matter is pending may, in his or her discretion, examine any of the witnesses at a hearing.

k) Parties may by stipulation agree upon any facts involved in the proceeding. The facts stipulated shall be considered as evidence in the proceeding.

l) The Department shall designate a court reporting service to make a stenographic record of the hearings.

1) The transcript of the hearing shall be transcribed upon request of any party provided that such party shall pay directly to the reporting service the cost of the transcript.

2) Suggested corrections to the transcript may be offered within ten days after the transcript is filed in the proceeding, unless the hearing officer permits suggested corrections to be official thereafter.

m) Subpoenas for the attendance of witnesses from any place in the State of Illinois, or for the production of relevant books and papers for a hearing in a pending proceeding, may be issued by the Department or the hearing officer upon the motion of any party. Service of subpoenas and payment of witness fees shall be as provided by statute in the Civil Practice Act [735 ILCS 5].

n) After initiation of a statement of charges, any party, upon written request made to the other party at least three business days prior to the hearing or within five business days after such service of an additional pleading, shall be entitled to:

1) Obtain the names and addresses of witness whom the other party intends to call to testify at the hearing; and

2) Obtain all writings and documents which the party proposes to offer in evidence.

o) A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request or for the admission of genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

p) The hearing officer may continue the hearing from time to time, but not to exceed a single period of 30 days, unless special extenuating circumstances make further continuance feasible.

q) Within 30 business days after the close of all proofs in the hearing, the hearing officer shall cause to be prepared and filed with the Department originals of findings of fact, conclusions of law, and a recommendation to the Director, together with the entire record in the proceeding.

r) At any time prior to the entering of findings of facts, conclusions of law, and recommendations by the hearing officer, the parties may seek to terminate the matter by presenting to the Director an agreed order to which they all acknowledge their consent by affixing their respective signatures. Upon the Director's signing such an order, the entire proceeding shall cease, and each party shall be deemed to have waived Administrative Review.

s) Within 30 business days after receipt of the findings of fact, conclusions of law, recommendations to the Director, and the entire record of the proceeding, the Director shall issue a final administrative decision. A copy of the decision shall be served on each party personally or by certified mail and shall include the findings of fact and conclusions of law. Final administrative decisions of the Department may be judicially reviewed pursuant to the Administrative Review Law [735 ILCS 5/Art. III].

t) The time within which any act under these rules is to be done shall be computed by excluding the first business day and including the last business day.