**Section 1510.400 Administrative Appeal Hearings**

a) The Appeals Committee of the Authority shall conduct administrative appeal hearings on behalf of the Authority.

b) All hearings shall be open to the public. However, hearings, or parts of hearings, may be closed to the public upon request of the individual and at the discretion of the Appeals Committee, to the extent necessary to protect the privacy of individuals or to ensure the security of criminal history record information, pursuant to federal or state law or regulations. See Omnibus Crime Control and Safe Streets Act of 1968, as amended, (42 U.S.C. 3701 et seq.), Federal Privacy and Security Regulations (28 CFR 20, as amended December 6, 1977), Illinois Open Meetings Act (Ill. Rev. Stat. 1981, ch. 102, pars. 41 et seq.) and Illinois Administrative Procedure Act (Ill. Rev. Stat. 1981, ch. 127, pars. 1010-1015), as in effect as of the date of filing (adopting) of this rule.

c) Within 28 days of receipt of a request for administrative appeal, the committee chairman shall set a date for the hearing and shall notify the individual of the time, date, and place of the hearing by mail at least seven (7) days prior to the hearing.

d) A hearing must be conducted within 49 days of receipt of a request for administrative appeal, unless the time period is waived by the individual.

e) The hearing shall be conducted at the offices of the Authority unless the committee chairman determines that the hearing should be in some other location based on the following factors: residence of the individual, location of the reviewing criminal justice agency, or the location of necessary witnesses. Every effort shall be made to hold the hearing in a place convenient to all parties involved.

f) At a hearing, the individual may appear with counsel, may present evidence, and may cross-examine witnesses.

g) All testimony at the hearing shall be under oath or affirmation.

h) An accurate record, which may be taken by tape recording, stenographer or any other means which will result in a verbatim record, shall be kept of the proceedings of any hearing at no expense to the parties. The record need not be transcribed or printed unless the Appeals Committee receives notice of an appeal of its decision and a request for such transcript is made. Upon written request to the Authority, a party shall be entitled to be furnished the use of a stenographer and/or a transcript of the record for a fee in accordance with the State Records Act (Ill. Rev. Stat. 1981, ch. 116, pars. 43.4 et seq.) as in effect as of the date of the filing of this rule, or if the State Records Act is not applicable, a fee equal to the cost to the Authority for fulfilling the request. Such fee shall not exceed the actual cost of stenographic charges or the actual cost for reproduction of the transcript.