**Section 101.1060 E-Mail Service**

a) Except as provided in subsections (b) and (c), a person required to serve a document may serve the document by e-mail, in lieu of serving a paper document, if the recipient has consented to e-mail service in the proceeding and has not revoked the consent. (See Section 101.1070.)

1) A person serving a document by e-mail must successfully transmit the document to the recipient's primary e-mail address or any of the recipient's secondary e-mail addresses. (See Section 101.1070(b).)

2) To serve a document by e-mail, it is not necessary to electronically file the document or to obtain a State of Illinois digital signature certificate.

b) Service of enforcement complaints and EMSA statements of deficiency on a respondent must be made personally, by U.S. Mail with a recipient's signature recorded, or by a third-party commercial carrier with a recipient's signature recorded. (See Section 101.304(c)(2).)

c) Service of administrative citations must be made as required under 35 Ill. Adm. Code 108.

d) A person required to serve a document on the hearing officer must serve the hearing officer by sending the document to the hearing officer's e-mail address in lieu of serving a paper document upon the hearing officer if the person has the capability of serving the document by e-mail.

e) When a document is served by e-mail, documentation of service must be filed with the Clerk and served on all persons entitled to service in that proceeding. A sample form of affidavit or certificate of e-mail service is available in Appendix H. An affidavit or certificate of e-mail service must include the following:

1) The e-mail address of the recipient and the e-mail address of the person authorizing the filing;

2) The number of pages in the e-mail transmission;

3) A statement that the document was served by e-mail; and

4) The date of the e-mail transmission and the time by when it took place.

f) If any computer malfunction precludes the e-mail service of a document, the person authorizing the filing must promptly serve the document in paper under Section 101.304(c).

g) Except for a final adjudicatory order of the Board in an enforcement proceeding under 35 Ill. Adm. Code 103, which the Clerk's Office serves on the respondent or respondents in paper by certified mail, the Clerk's Office will serve Board orders and hearing officer orders by e-mail, in lieu of serving paper documents, if the recipient has consented to e-mail service in the proceeding and has not revoked the consent. (See Section 101.1070.)

1) The Clerk will record the date and time of e-mail service, consistent with subsection (e).

2) When serving a Board order or hearing officer order by e-mail, the Clerk will transmit the order to all the recipient's e-mail addresses designated under Section 101.1070(b), simultaneously requesting a delivery receipt. If the Clerk receives no delivery receipt within 24 hours after transmission, the Clerk will promptly serve the Board order or hearing officer order in paper under Section 101.304(c).

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