**Section 240.300 Investigation**

The Department shall conduct an investigation to ascertain the facts relating to the violations alleged in the complaint and determine whether a violation under the Act has occurred. The investigation may be made by written or oral inquiry, field visit, conference or any method or combination of methods deemed suitable at the discretion of the Department. The Department shall notify the contractor in writing, within 120 days after the filing of a complaint, of the filing of a complaint and provide the employer the locations of the projects, approximate dates of the projects, affected contractors and the nature of the allegations being investigated. The Department shall provide the contractor an opportunity to present any information the contractor wishes the Department to consider in reaching its determination.

a) During the investigation, if a contractor refuses to cooperate, the Department may make a finding that the Act has been violated based upon the evidence available to the Department.

b) After a timely complaint has been filed, the Department may investigate alleged violations that may have occurred within the 3 years preceding the date the complaint was filed.

c) Before making a final determination of a violation, the Department shall notify the contractors of the substance of the Department's investigation and afford the contractors an opportunity to present any written information, within 30 calendar days, for the Department to consider in reaching its determination.

(Source: Amended at 38 Ill. Reg. 18500, effective August 21, 2014)