**Section 240.570 Hearing Procedures**

a) The Department shall issue a complaint and notice of hearing. The complaint shall set forth the allegations of the Department regarding its findings and the relief the Department is requesting.

b) The contractor shall file its answer within 28 calendar days from the date of the complaint and specifically admit, deny or explain each of the facts alleged in the complaint. However, if the respondent is without knowledge, the respondent shall so state and that statement operates as a denial. All allegations in the complaint, if no answer is filed, or any allegation in the complaint not specifically denied or explained in an answer filed, unless the answer states that the contractor is without knowledge, shall be deemed to be admitted to be true and shall be so found by the ALJ.

c) An original and one copy of the answer shall be filed with the ALJ. Immediately upon the filing of his or her answer, the contractor shall serve a copy on the Director and other parties. An answer of a party represented by counsel or non-attorney party representative shall be signed by at least one attorney or non-attorney party representative of record in his or her individual name, whose address shall be stated. A party who is not represented by an attorney or non-attorney party representative shall sign his or her answer and state his or her address. Except when otherwise specifically provided by rule or statute, an answer need not be verified or accompanied by affidavit. The signature of the attorney or non-attorney party representative constitutes a certificate by him or her that he or she has read the answer; that, to the best of his or her knowledge, information and belief, there is good ground to support it; and that it is not interposed for delay. If an answer is not signed or is signed with intent to defeat the purpose of this Section, it may be stricken as a sham and false and the action may proceed as though the answer had not been served. For a willful violation of this Section an attorney or non-attorney party representative may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

d) The ALJ before whom the hearing is scheduled may by written order extend the time within which the answer shall be filed.

e) If a contractor fails to answer and the ALJ grants a motion for summary judgment and enters a final order based upon the failure to answer and an admission of all the facts as true and, if within 30 days after the final decision issued by the ALJ, the contractor files a motion to vacate the ALJ's final decision demonstrating good cause shown for failing to answer the Department's allegations, and the ALJ thereafter grants the motion, the contractor shall be afforded an opportunity to answer and the matter shall proceed as if an original answer to the Department's findings had been filed.

f) Except as provided for in this Section, the Department's rules for formal hearings set forth in the Rules of Procedure in Administrative Hearings (56 Ill. Adm. Code 120) shall apply.

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