**Section 2520.797 Sanctions for Noncompliance**

a) Show Cause Notice – If a State agency is determined by the Director to have violated or failed to comply with a requirement of this Subpart and the agency has been afforded an opportunity to respond to or confer with the Department over that determination, the Department shall serve upon the agency's Chief Executive Officer a notice specifying the nature of the violation or noncompliance. The notice shall provide that the agency has 15 days from receipt to respond in writing to the Director setting forth a compromise or resolution of the matter. Within 30 days of receipt of a timely response, the Department shall review it, and if the response is sufficient, may resolve the matter pursuant to written agreement with the agency or by written statement that it will not proceed with the sanctions provided in subsection (b).

b) Sanctions – If an agency fails to satisfactorily respond to notice pursuant to subsection (a) of this Section, or if an agency is determined by the Department to have violated or failed to comply with this Subpart and has otherwise been afforded an opportunity to respond to or confer with the Department over that determination without an accord being reached, the Director shall send to the agency's Chief Executive Officer a Letter of Finding of Noncompliance specifying the nature of the violation or noncompliance. A copy shall be submitted to the Governor. A Letter of Finding of Noncompliance shall be a "public record", subject to disclosure pursuant to the Freedom of Information Act [5 ILCS 140]. In addition to sending the Letter of Finding of Noncompliance, the Director may initiate a charge of a civil rights violation against the agency pursuant to Section 7A-102 of the Act, alleging the matters that constitute the agency's noncompliance, and shall cause the Department to conduct an in-depth compliance review of the agency's equal opportunity and affirmative action posture and practices. The Director may also cause judicial proceedings to be commenced against the agency to compel the agency's compliance with the Act and this Part.

(Source: Amended at 31 Ill. Reg. 12319, effective August 8, 2007)