**Section 2605.130 Amendment, Voluntary Dismissal or Withdrawal of a Petition for Hearing or Notice of Charges**

a) A Notice of Charges may be amended at any time. An amended Notice of Charges may be filed in the same manner as a Notice of Charges, or it may be presented to the Hearing Officer during the course of a Hearing. A continuance shall be granted whenever the amendment materially alters the Notice of Charges, and when the Respondent demonstrates that additional time is necessary to properly prepare an answer or otherwise prepare the Respondent's case.

b) Prior to Hearing, an unopposed motion to voluntarily dismiss or withdraw a Petition for Hearing or Notice of Charges shall be granted, and the Hearing Officer shall issue an order dismissing the Petition for Hearing or Notice of Charges, and its underlying cause with or without prejudice. However, the Hearing Officer, within the Hearing Officer's discretion, may hear and decide a motion that has been filed prior to a motion to voluntarily dismiss or withdraw when that prior filed motion could result in a final disposition of the cause. After a Hearing begins or when a motion to voluntarily dismiss or withdraw is challenged, the Hearing Officer shall exercise discretion in allowing the motion when the voluntary dismissal or withdrawal would serve the interests of justice.

(Source: Amended at 43 Ill. Reg. 4056, effective March 19, 2019)