**Section 1773.24 Procedures for Challenging Ownership or Control Links Shown in the Applicant Violator System**

 a) Who may challenge.

1) Any applicant or other person shown in the Applicant Violator System (AVS) in an ownership or control link to any person may challenge such link in accordance with the provisions of 30 CFR 773.24(b) through (d) and 30 CFR 773.25, unless such applicant or other person is bound by a prior administrative or judicial determination concerning the link.

2) Any applicant or other person shown in AVS in an ownership or control link to any person cited in a federal violation notice may challenge the status of the violation covered by such notice in accordance with the provisions of 30 CFR 773.24(b) through (d) and 30 CFR 773.25, unless such applicant or other person is bound by a prior administrative or judicial determination concerning the status of the violation.

3) Any applicant or other person shown in AVS in an ownership or control link to any person cited in a state violation notice may challenge the status of the violation covered by such notice in accordance with subsections (b) through (d) below and Section 1773.25, unless such applicant or other person is bound by a prior administrative or judicial determination concerning the status of the violation covered by such notice in accordance with subsections (b) through (d) below and Section 1773.25, unless such applicant or other person is bound by a prior administrative or judicial determination concerning the status of the violation.

b) Any applicant or other person who wishes to challenge an ownership or control link shown in AVS or the status of a State Violation, and how is eligible to do so under the provisions of subsection (a)(3) above, shall submit a written explanation of the basis for the challenge, along with any relevant evidentiary materials and supporting documents.

c) The Department shall review any information submitted under subsection (b) above and shall make a written decision whether or not the ownership or control link has been shown to be erroneous or has been rebutted and/or whether the violation covered by the notice remains outstanding, has been corrected, is in the process of being corrected, or is the subject of a good faith appeal within the meaning of Section 1773.15(b)(1).

 d) Notice to applicant.

1) If, as a result of the decision reached under subsection (c) above, the Department determines that the ownership or control link has been shown to be erroneous or has been rebutted and/or that the violation covered by the notice has been corrected, is in the process of being corrected, or is the subject of a good faith appeal, the Department shall so notify the applicant or other person and, if an application is pending, OSM, and shall correct the information in AVS.

2) If, as a result of the decision reached under subsection (c) above, the Department determines that the ownership or control link has not been shown to be erroneous and has not been rebutted and that the violation covered by the notice remains outstanding, the Department shall so notify the applicant or other person and, of an application is pending, OSM, and shall update the information in AVS, if necessary.

3) The Department shall serve a copy of the decision on the applicant or other person by certified mail, or by any means consistent with the rules governing service of a summons and complaint under Rule 4 of the Federal Rules of Civil Procedure. Service shall be complete upon tender of the notice or of the mail and shall not be deemed incomplete because of a refusal to accept.

4) The applicant or other person may appeal the Department's decision within 30 days of service of the decision in accordance with 62 Ill. Adm. Code 1847.3. The Department's decision shall remain in effect during the pendency of the appeal, unless temporary relief is granted in accordance with 62 Ill. Adm. Code 1847.3(k).

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