**Section 245.140 Penalties and Fines**

a) Notice of Assessment of Penalties and Fines

1) When the Department determines that a penalty or fine is to be assessed under Section 245.130 of this Part, the Department shall *issue a notice of fine assessment which shall* contain the following information:

A) A specific description of *the violations for which the fine is levied.* (Section 9.04(b) of the Act)

B) The amount of the penalty or fine, based on consideration of the factors specified in Section 9.04(c) of the Act and Section 245.130(c) of this Part. *The Department may impose a fine of up to $100 per day commencing on the date the violation was identified and ending on the date the violation is corrected, or action is taken by the Department to suspend, revoke or deny renewal of the license, whichever comes first.* (Section 9.04(b) of the Act)

C) A description of the manner in which the licensee may appeal the assessment and the right of the licensee to a hearing under Section 10 of the Act and Section 245.150 of this Part.

2) *The notice shall be served on the applicant or licensee either by personal service or by registered mail.* (Section 10(b) of the Act)

b) Payment of Penalties and Fines

1) *All penalties and fines shall be paid to the Department by the licensee within* the following time periods:

A) If the assessment is not contested by the licensee, no later than *10 days after the notice of assessment.*

B) *If the fine is contested in accordance with Section 10 of the Act* and Section 245.150 of this Part, no later than *10 days after the licensee's receipt of the final decision, unless the decision is appealed and the order is stayed by court order under Section 12 of the Act.* (Section 10.01 of the Act)

2) If payment has not been made by the licensee within the time periods specified in subsection (b)(1) of this Section, the Director shall issue a *written demand for payment to the licensee.* (Section 10.01 of the Act)

3) *If the licensee against whom a penalty or fine has been assessed does not comply with a written demand for payment within 30 days of the demand, the director shall issue an order to do any of the following:*

A) *certify to the Comptroller that the delinquent fines are due and owing from the licensee.* The certification shall include *any amounts due and owing as a result of a civil action pursuant to Section 10.01(d) of the Act* and subsection (b)(3)(D) of this Section. The Department shall send notice of the certification to the licensee and to any other person known to the Department who may be affected by the certification. (Section 10.01(a) of the Act)

B) *Certify to the Social Security Administration that the delinquent fines are due and owing from the licensee.* The certification shall include *any amounts due and owing as a result of a civil action pursuant to Section 10.01(d) of the Act* and subsection (b)(3)(D) of this Section. The Department shall send notice of the certification to the licensee and to any other person known to the Department who may be affected by the certification. (Section 10.01(b) of the Act)

C) *Add the amount of the penalty or fine to the Agency's licensing fee.*  (Section 10.01(c) of the Act)

D) *Bring an action in circuit court to recover the amount of the penalty or fine.*  (Section 10.01(d) of the Act)

(Source: Added at 15 Ill. Reg. 5376, effective May 1, 1991)