**Section 672.515 Vendor Rights Regarding Notice and Appeal**

a) Prior Warning

The Department is not required to provide the Vendor with prior warning that violations were occurring before initiating the process of repudiating the Vendor Contract pursuant to Section 672.520.

b) Advance Notification

1) The Department may take adverse action against a Vendor after providing 15-day advance notification, except that permanent disqualifications under Section 672.505(a) will be effective on the date of receipt of notice of the administrative action.

2) The written notification shall state the cause for the administrative action, its effective date, and the procedures to file for an appeal of the action.

3) The written notification will be signed by the Secretary of the Department or designee. The Secretary's decision stated in the written notification may only be reversed by a subsequent decision or order by the Secretary or designee pursuant to a hearing or settlement agreement.

4) The appeal of an appealable action as set forth in subsection (c) does not delay the sanction, the date of disqualification or date of termination of the Vendor Contract except that, upon showing of good cause, the Vendor may be allowed to continue operating during the pending appeal for no more than 90 days from the date of request of an appeal, or until the expiration of the WIC Vendor Contract, whichever comes first. Good cause may be established by presenting compelling evidence that irreparable harm to the vendor would outweigh the potential harm to the public and that violations of this Part would not occur during continued operation.

c) Appealable Actions

The Vendor may appeal the Department decision to disqualify or otherwise sanction a Vendor during the course of its Vendor Contract with the Department, or to deny a Vendor's application. The following are not appealable by way of the administrative hearing procedures set forth in Section 672.600 and the Vendor has no right to a hearing regarding:

1) expiration of a Vendor Contract;

2) the Department's determinations regarding Participant access;

3) disqualification of a Vendor as a result of disqualification from SNAP ; or

4) receipt of an administrative warning.

(Source: Amended at 46 Ill. Reg. 2073, effective January 21, 2022)