**Section 830.710 Administrative Fines**

a) The Department is authorized to assess administrative civil fines against a licensee, registrant, certified structural pest control technician, public school, licensed day care center or other person for violations of the Act or this Part. Fines may be assessed in addition to, or in lieu of, license, registration or certification suspensions and revocations.

b) The amount of a fine shall be determined in accordance with the Schedule of Administrative Civil Fines in Table A and the following criteria:

1) A violation, for the purposes of this Section, will be considered to mean a finding of violation of a Section of the Act or this Part by a court of competent jurisdiction in this or any other state, or by the Director in a Final Order issued pursuant to the Act, or by a notice of warning issued in accordance with Section 14 of the Act.

2) For purposes of determining a second violation, an initial violation means the first violation of a particular Section of the Act or this Part within the previous three years. Each day in which the same violation exists shall constitute a separate violation.

3) Each location shall be considered separately with regard to violation determinations under this Part.

4) A Type A violation is any one of the following:

A) Failure to observe the general safety precautions of Section 830.800.

B) Failure to abide by any stop sale or stop use order issued under Section 830.860.

C) Failure to notify the Department of any incident or accident involving pesticides as required in Section 830.870.

D) Use of a pesticide in a manner inconsistent with its labeling directions (Section 830.810).

E) Performing a pesticide application or inspection in a faulty, careless, or negligent manner (Section 13(d) of the Act).

F) Performing structural pest control in violation of the certification requirements of Sections 4(c) and 5 of the Act and Sections 830.230 and 830.270.

G) Performing structural pest control in violation of an order issued by the Director (Sections 10(f), 13(a) and 14 of the Act).

H) Failure to use methods or materials suitable for structural pest control (Section 13(c) of the Act).

I) *Performing structural pest control utilizing or authorizing the use or sale of pesticides* that *are in violation of the FIFRA or the Illinois Pesticide Act.* (Section 13(i) of the Act)

J) Failure to notify employees and parents and guardians of students of a public school or licensed day care center two business days before a pesticide application as specified in Section 10.3 of the Act.

5) A Type B violation is any one of the following:

A) Failure to cease pest control operations when insurance coverage is interrupted (Section 830.260(d)).

B) Making or reporting false, misleading, or fraudulent information. (See Section 13(c) of the Act.)

C) *Fraudulent advertising or solicitations relating to structural pest control.* (Section 13(f) of the Act)

D) Allowing a license, permit, registration or certification to be used by another person, in violation of Sections 4(f) and 6(b) of the Act.

E) Using the certification of a structural pest control technician to secure or maintain a license or registration when that individual is not actively employed at the business location, in violation of Section 6(b) of the Act.

F) *Aiding or abetting a person to evade any provision of* the *Act.* (Section 13(g) of the Act)

G) *Impersonating any federal, State, county, or city official.* (Section 13(h) of the Act)

H) Failure to allow the Department to perform inspections and investigations in accordance with Section 10(g) and (h) of the Act.

I) Failure to comply with a written notice issued in accordance with Section 830.860.

J) Performing structural pest control in violation of the license and registration requirements of Section 4(a) or 4(b) of the Act.

K) Failure to provide information to the Department upon request in accordance with Section 13(e) of the Act.

6) A Type C violation is any one of the following:

A) Failure to observe the pesticide storage requirements of Section 830.830.

B) Failure to observe the service vehicle requirements of Section 830.840.

C) Failure to observe the pesticide storage practices of Section 830.850.

D) Failure to establish and maintain insurance in accordance with Section 9 of the Act and Sections 830.250 and 830.260 and excluding subsection (b)(5)(A).

E) Failure to establish and maintain records of pesticide applications in accordance with Section 830.820.

F) Failure of a licensee or registrant to provide written notification to the Department concerning the loss of the licensee's or registrant's only certified structural pest control technician and subsequent shutdown in accordance with Section 8 of the Act and Section 830.240(b).

G) Failure of a certified structural pest control technician to provide written notification to the Department in accordance with Section 830.240(a).

H) Failure to renew a license or registration in accordance with Section 4(e) of the Act and Section 830.180.

I) Failure to renew a structural pest control technician certification in accordance with Section 6 of the Act and Section 830.200.

J) Failure to notify the Department of a change in business ownership in accordance with Section 830.190.

K) Failure to perform the notification and license replacement procedures in accordance with Section 4(d) of the Act when there is a change in business location.

L) Failure to display or provide a current license, registration and certification in accordance with Section 830.310.

M) Failure to observe the groundwater protection requirements in accordance with Subpart I.

N) Failure to follow and observe the integrated pest management requirements of Section 10.2 of the Act.

O) Failure to provide copies of applicable service records to a property's owner, manager or tenant as specified in Section 830.820(f).

c) Any penalty not paid within 60 days after notice from the Department will be submitted to the Attorney General's Office for collection. Failure to pay a penalty shall also be grounds for suspension or revocation of a license, permit, registration or certification.

(Source: Amended at 39 Ill. Reg. 11821, effective August 7, 2015)