**Section 870.240 Penalties**

*The Department may revoke a license issued under* theManufactured Home Quality Assurance *Act for a period not to exceed 6 months for a violation under* the *Act. A licensee is entitled to a hearing in accordance with the Illinois Administrative Procedure Act* (IAPA). [430 ILCS 117/45]

a) The Director, after notice and opportunity for hearing to the license holder, may revoke, for cause, a license issued under the Act for a period not to exceed 6 months.

b) For purposes of this Section, "cause" means a violation of any provision of the Act or any rule adopted pursuant to the Act.

c) The Department shall serve on the license holder a Notice of Opportunity for an Administrative Hearing, which shall contain:

1) a statement of the nature of the action;

2) a statement of the legal authority and jurisdiction under which the action is being initiated;

3) a reference to the particular Sections of the statutes and rules involved;

4) allegations of noncompliance;

5) a statement of the procedure for requesting an administrative hearing (Section 10-25 of the IAPA).

d) Notice shall be provided by certified mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 10 days from the date of the mailing or service, within which time the license holder must request, in writing, a hearing. Failure to serve upon the Department a written request for hearing within the time provided in the notice shall constitute a waiver of the person's right to an administrative hearing.

e) Upon receipt of a timely request for hearing, the Department shall issue a Notice of Hearing or Pre-hearing Conference. The notice shall contain:

1) a statement of the nature of the hearing;

2) a statement of the time and place that the hearing or pre-hearing conference will be held;

3) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

4) the names and mailing addresses of the administrative law judge, all parties, and all other persons to whom the agency gives notice of the hearing, unless otherwise confidential by law.

f) The license holder shall file a written Answer to the Allegations of Noncompliance. The answer must be served on all parties within 20 days after receipt of the notice alleging noncompliance. If a license holder fails to file an answer, each alleged violation of a statute or Department rule by the license holder shall be deemed to have been admitted. If the license holder has insufficient knowledge of the facts to form a belief as to the truth of the allegation, the license holder may so state with an affidavit of insufficient knowledge.

g) The hearing shall be conducted by the Director or by an individual designated by the Director as an Administrative Law Judge to conduct the hearing. The Director, or Administrative Law Judge, shall give written notice of the time and place of the hearing, by certified mail or personal service, to the applicant or license holder at least 10 days prior to the hearing. On the basis of the hearing, or upon default of the applicant or license holder, the Director shall make a determination specifying his or her findings and conclusions. A copy of the determination shall be sent by certified mail or served personally upon the applicant, license holder, or registrant. The decision of the Director shall be final on issues of fact and final in all respects unless judicial review is sought as provided in this Act.

h) The procedure governing hearings authorized by this Section shall be in accordance with rules promulgated by the Department Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).

i) A full and complete record shall be kept of all proceedings, including the notice of hearing, complaint, and all other documents in the nature of pleadings, written motions filed in the proceedings, and the report and orders of the Director and hearing officer.

j) The Department, at its expense, shall provide a court reporter to take testimony. Technical error in the proceedings before the Director or Administrative Law Judge or their failure to observe the technical rules of evidence shall not be grounds for the reversal of any administrative decision unless it appears to the Court that such error or failure materially affects the rights of any party and results in substantial injustice to any party.

k) The Director or Administrative Law Judge may compel the attendance of witnesses and the production of books, papers, records, or memoranda.