**Section 107.1240 Hearing**

a) When a hearing is requested under Section 107.318, the Secretary shall appoint a presiding officer to convene and preside over the hearing. To the extent practicable, the hearing will be held near the place where the alleged violation occurred or at a place convenient to the respondent; provided that all such hearings shall be in Illinois. Testimony by witness shall be given under oath and the hearing shall be recorded verbatim.

b) The presiding officer may:

1) Administer oaths and affirmations;

2) Issue subpoenas as provided by Section 107.13;

3) Adopt procedures, including the submission of evidence in written form;

4) Take or cause depositions to be taken;

5) Rule on offers of proof and receive relevant evidence;

6) Examine witnesses at the hearing;

7) Convene, recess, reconvene, adjourn and otherwise regulate the course of the hearing;

8) Hold conferences for settlement, simplification of the issues or any other proper purpose; and

9) Take any other action authorized by or consistent with the provisions of this subpart pertaining to civil penalties and permitted by law which may expedite the hearing or aid in the disposition of an issue raised therein.

c) The Director, or his representative, has the burden of proving the facts alleged in the notice of probable violation as may be necessary to fully inform the presiding officer as to the matter concerned.

d) The respondent may appear and be heard on his own behalf or through counsel of his choice. The respondent or his counsel may offer relevant information including testimony which he believes should be considered in defense of the allegations or which may bear on the penalty to be assessed and conduct such cross-examination as may be required for a full disclosure of the facts.

(Source: Amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979)