**Section 1001.260 Rehearings**

a) A request by the petitioner for a rehearing will be granted if good cause is shown. A request for a rehearing must be accompanied by a $50 filing fee, as provided in Section 1001.220(b).

b) Good cause is shown when the petitioner is able to demonstrate:

1) that a real and compelling reason existed at the time of the original hearing for his/her failing to appear due to unforeseen, unavoidable or uncontrollable circumstances, such as an Act of God, the sudden illness or death of the petitioner or a member of his/her immediate family, or of the petitioner's legal counsel; or

2) the recent discovery of new evidence that was not known to exist or was not known to be available at the time of the original hearing. Evidence will not be considered "new evidence" if it could have or should have been discovered by the reasonable exercise of diligent inquiry and/or effort by the petitioner.

c) Rehearing requests must be in writing and directed to the Secretary of State, Department of Administrative Hearings, Support Services, Room 207, Howlett Building, Springfield, Illinois 62756.

d) If the interested party appears and the petitioner fails to appear or withdraws, the hearing will be held and the testimony of the interested party or any other witness present may be taken. The evidence admitted at the original hearing shall be admissible at a rehearing and the petitioner shall be deemed to have waived the right of cross-examination of any witnesses at the original hearing.

(Source: Amended at 26 Ill. Reg. 9380, effective June 13, 2002)