

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER f: ADMINISTRATIVE SERVICES

PART 2530
REVOCATION PROCEDURES FOR CONSERVATION OFFENSES

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AUTHORITY: Implementing and authorized by Sections 1-125 and 20-105 of the Fish and Aquatic Life Code of 1971 [515 ILCS 5/1-125 and 20-105], Sections 1.4 and 3.36 of the Wildlife Code [520 ILCS 5/1.4 and 3.36], Sections 4 and 5 of the Illinois Endangered Species Protection Act [520 ILCS 10/4 and 5], Section 3B-8 of the Boat Registration and Safety Act [625 ILCS 45/3B-8], Sections 10 and 13 of the Timber Buyers Licensing Act [225 ILCS 735/10 and 13], Section 6 of the Ginseng Harvesting Act [525 ILCS 20/6] and the Illinois Administrative Procedure Act [5 ILCS 100], Sections 70 and 105 of the Herptiles-Herps Act [510 ILCS 68] and authorized by Sections 5-625, 805-518, 805-545 and 805-550 of the Civil Administrative Code of Illinois. (General Provisions and Departments of State Government) [20 ILCS 5/5-625, 805-518, 805-545 and 805-550].

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SUBPART A: GENERAL RULES

Section 2530.10 Applicability

- a) Summary revocation of licenses and/or suspension of privileges based upon accumulation of points from determinations of guilt by a court of law;
- b) Revocation of licenses and/or suspension of privileges sought by the Department based upon course of conduct with at least one determination of guilt by a court of law;

- c) Revocation of licenses and/or suspension of privileges pursuant to the Interstate Wildlife Violator Compact policy on reciprocity;
- d) Statutorily mandated suspensions;
- e) Reinstatement of privileges;
- f) The immediate eviction and removal from Department lands for up to 90 days; and
- g) The eviction and removal from Department lands for longer than 90 days sought by the Department based upon the course of conduct.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.20 Definitions

In this Part the following terms shall have the meanings ascribed:

"Arrest" means the issuance of a State or federal citation or a notice to appear, or the filing of a complaint by a State or federal prosecutor.

"Contested case" means an adjudicatory proceeding, not including rate making, rulemaking, quasi-legislative, informational or similar proceedings, in which the individual legal rights, duties or privileges of a party are required by law to be determined by an agency only after an opportunity for hearing. [5 ILCS 100/1-30]

"Department" means the Illinois Department of Natural Resources. [520 ILCS 5/1.2d]

"Determination of guilt by a court of law" means a case disposition, including supervision or conditional discharge, by a circuit court of the State of Illinois or a United States District Court in an Illinois District for an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code [515 ILCS 5], the Wildlife Code [520 ILCS 5], the Timber Buyers Licensing Act [225 ILCS 735], the Ginseng Harvesting Act [525 ILCS 20], the Endangered Species Protection Act [520 ILCS 10], the Herptiles-Herps Act [510 ILCS 68] or any violation of similar federal statutes or rules.

"Director" means the director of the Illinois Department of Natural Resources. [520 ILCS 5/1.2e]

"Hearing Officer" means the presiding officer or officers at the initial hearing before the Department and each continuation. [5 ILCS 100/1-15]

"License" includes the whole or part of any Department permit, stamp, license, certificate, approval, registration, or similar form or permission required by law. [5 ILCS 100/1-35]

"Licensing" includes the Department procedures respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal or amendment of a license. [5 ILCS 100/1-40]

"Office of Law Enforcement" means the Department of Natural Resources' Office of Law Enforcement.

"Party" means such person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party. [5 ILCS 100/1-55]

"Person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency. [5 ILCS 100/1-60]

"Single incident" means a singular act or event that occur at the same location, date and time that give rise to multiple violations of State or federal laws. Multiple acts or events are not a single incident.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.30 Filing

Documents permitted or required to be filed with the Department shall be addressed to and mailed or filed with the Department of Natural Resources, Office of Legal Counsel, One Natural Resources Way, Springfield IL 52702-1271.

(Source: Amended at 28 Ill. Reg. 9990, effective July 6, 2004)

Section 2530.35 Parties

- a) The Department, when initiating a revocation/suspension proceeding, shall be designated the Complainant. Any adverse party shall be designated as the Respondent.
- b) In the case of a summary revocation/suspension appeal or an eviction and removal appeal, the party appealing shall be designated as the Petitioner and the Department designated as the Respondent.

- c) Misnomer of a party is not ground for dismissal, but the name of any party may be corrected at any time.

(Source: Section 2530.35 renumbered from Section 2530.330 and amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.40 Documents

- a) Documents shall clearly show the title of the proceeding in connection with which they are filed, and shall designate the nature of the relief sought.
- b) Except as otherwise provided, two copies of all documents, including complaints, motions, and petitions for review shall be filed with the Department.
- c) Each document filed shall be signed by the party or by his or her authorized representative.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.50 Computation of Time

- a) Computation of time relating to filings, motions, other pleadings and orders shall begin the first business day following the day on which the act, event or development initiating such period of time occurs, and shall run until the end of the last day, or the next following business day if the last day is a Saturday, Sunday or legal holiday. If the period of time is five days or less, Saturdays, Sundays, and legal holidays shall be excluded in the computation of time.
- b) Notice requirements shall be construed to mean notice dispatched by means reasonably calculated to be received by the prescribed date.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.60 Appearances

- a) Any person may appear in a contested case as follows:
 - 1) A natural person may appear in his or her own behalf or by an attorney at law licensed and registered to practice in the State of Illinois, or both.
 - 2) A business, nonprofit or government organization shall appear by an attorney licensed and registered to practice in the State of Illinois.

- b) Attorneys not licensed and registered to practice in the State of Illinois may appear on motion.
- c) An attorney appearing in a representative capacity shall file a written notice of appearance with the Department, together with proof of service on all parties or their respective attorneys at least 5 days prior to any hearing.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.220 Applicability

This Subpart governs the practices and procedures related to revocation of licenses and suspension of privileges under the jurisdiction of the Department of Natural Resources when the revocation and/or suspension is based upon one or more determinations of guilt by a court of law and accumulation of points as described in this Subpart. The reasons or legal advice that led to the determination of guilt by a court of law, by either plea, trial or sentence of supervision or conditional discharge, shall not be the subject of or a defense to any imposition of the revocation of licenses or suspension of privileges under the jurisdiction of the Department of Natural Resources.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.230 Point System

- a) Any person found guilty by a circuit court of the State of Illinois (including supervision or conditional discharge) or a United States District Court in an Illinois District of an offense that is a violation of any of the provisions of the Fish and Aquatic Life Code, the Wildlife Code, the Timber Buyers Licensing Act, the Ginseng Harvesting Act, the Endangered Species Act, the Herptiles-Herps Act or any similar violation of federal statutes or rules, or any violation under Section 48-3(b) of the Criminal Code of 2012 [720 ILCS 5/48-3(b)] shall be assessed points as set out in Section 2530.240.
- b) Licenses, permits and stamps shall be revoked, and privileges shall be suspended, based upon the accumulated points. The assessed accumulated points remain until:
 - 1) In cases involving Type I offenses (see Section 2530.255), 18 months has elapsed since the date of the commission of the offense;
 - 2) In cases involving Type II offenses, 36 months has elapsed since the date of the commission of the offense;

- 3) An order of the Circuit Court or the Director terminates the suspension and the applicable reinstatement fee has been paid and processed by the Department; or
- 4) An order of the Circuit Court has expunged the underlying record of the offense, the Office of Law Enforcement has received notice of the expungement, and the applicable reinstatement fee has been paid.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.240 Points

- a) Unless otherwise specified in subsection (b), points shall be assessed by classification of offense as follows:
 - 1) For a petty offense – 3 points
 - 2) For a Class C Misdemeanor – 6 points
 - 3) For a Class B Misdemeanor – 9 points
 - 4) For a Class A Misdemeanor – 12 points
 - 5) For a Class 4 Felony – 24 points
 - 6) For a Class 3 Felony or Higher – 60 points
- b) Points for the following violations shall be assessed as follows:
 - 1) For any violation committed during a period of suspension – 60 points
 - 2) For any violation of any of the following sections of the Timber Buyers Licensing Act [225 ILCS 735] – 13 points:
 - A) a Class A misdemeanor for a violation of Section 5(a);
 - B) any violation of Section 5(c); or
 - C) any violation of Section 5(d).
 - 3) Federal offenses shall be assessed points based upon the classification of offense for the corresponding Illinois violation, rather than the federal classification of the offense.

- 4) For any person found guilty of Section 2.33(cc) of the Wildlife Code – 13 points.
- 5) For any person found guilty of Section 2.38 of the Wildlife Code – 13 points.
- 6) For any person found guilty of Section 20-120(h) of the Fish and Aquatic Life Code – 13 points.
- 7) For any person found guilty of Section 20-125(d) of the Fish and Aquatic Life Code – 13 points.
- 8) For any person found guilty of Section 48-3(b)(9) or (b)(10) of the Criminal Code of 2012 – 13 points.

(Source: Amended at 48 Ill. Reg. 8664, effective May 30, 2024)

Section 2530.245 Single Incident Rule

- a) In the event that multiple findings of guilt are entered against an individual arising out of a single incident, full points shall be assessed only for the finding of guilt with the highest point level with additional points assessed for the remaining findings of guilt as follows:
 - 1) For a petty offense – 1 point
 - 2) For a Class C misdemeanor – 2 points
 - 3) For a Class B misdemeanor – 3 points
- b) The single incident rule shall not be applied, however, in any cases in which the highest level violation is a Class A misdemeanor or higher (12 points or greater) or in cases in which violations occurred while the individual was suspended.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.250 Groups

- a) Group A = Wildlife Code, Endangered Species Protection Act – Wildlife, Federal Offenses – Wildlife, Section 48-3(b) of the Criminal Code of 2012 – Wildlife, and Herptiles-Herps Act.
- b) Group B = Fish and Aquatic Life Code, Endangered Species Protection Act – Aquatic Life, Federal Offenses – Aquatic Life, Section 48-3(b) of the Criminal

Code of 2012 – Aquatic Life, and Herptiles-Herps Act.

- c) Group C = Timber Buyers Licensing Act.
- d) Group D = Ginseng Harvesting Act, Endangered Species Protection Act – Plants, Federal Offenses – Plants.

(Source: Amended at 43 Ill. Reg. 4837, effective April 11, 2019)

Section 2530.255 Types of Offenses

- a) Type I Offenses = Those offenses related to commercial/business activities covered under Timber Buyer, Taxidermist, Aquaculture, Aquatic Life Dealer, Herptile, Minnow Dealer, Mussel Dealer, Commercial Roe Dealer, Commercial Fisherman, Commercial Mussel, Commercial Roe Harvester, Game and Game Bird Breeder, Wild Game Food Dealer, Furbearing Animal Breeder, Fur Tanner, Class A Nuisance Wildlife Control Operator, Migratory Waterfowl Hunting Area or Charter Fishing licenses and permits.
- b) Type II Offenses = All other offenses related to activities covered under licenses and permits and offenses of hunter or fisherman interference under the Criminal Code. (Example: hunting, trapping, sport fishing, etc.)

(Source: Amended at 43 Ill. Reg. 4837, effective April 11, 2019)

Section 2530.260 Computation of Suspension Period

All offenses shall be classified by type and by group for computation of points. A person's privileges shall be revoked upon accruing the required points pursuant to this Part. The points that are accrued upon disposition of an offense or offenses shall be assigned to the person for the date that the offense or offenses occurred. The Department shall then review the timeframe that the points were assigned and upon a finding by the Department that the total points for the time period as outlined in this Section have been accrued to require a suspension, the Department shall then issue a suspension. Such suspension shall commence upon the date the Department is made aware by the Circuit Clerk of the County in which the offense occurred of a disposition that resulted in the total point accumulation to require a suspension pursuant to this Part.

- a) For Type I offenses, any person who, within an 18 month period, commits an offense or offenses that result in the accumulation of 13 or more points in a single group as set out in Section 2530.250 shall have all commercial/business licenses, permits and stamps relevant to that group revoked, and the person's privilege to engage in those activities shall be suspended for a period of time that equals one month for each point accumulated. All accumulated points shall remain in effect for 18 months from the date of the commission of the offense that resulted in the

point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon a person shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires. The 18 month period used to determine if a points based suspension shall be issued is calculated based on the date of offense and not the date of disposition of the offense.

- b) For Type II offenses: a person who, within a 36 month period, commits an offense or offenses that result in the accumulation of 13 or more points in a single group as set out in Section 2530.250 shall have all licenses, permits and stamps relevant to that type and group revoked, and the person's privilege to engage in the activity covered by the type and group shall be suspended for a period of time that equals one month for each point accumulated. Lifetime licenses issued pursuant to Section 20-45(f) of the Fish and Aquatic Life Code shall only be revoked for felony violations or for violations committed during a period of suspension. The privileges of lifetime license holders shall be suspended, however, in accordance with the provisions of this Section. All accumulated points shall remain in effect for 36 months from the date of the commission of the offense that resulted in the point accumulation and shall not be removed or reduced by a period of suspension. Any second or subsequent suspension imposed upon an individual shall be served consecutively to any earlier suspension, if still in effect, commencing on the date the earliest suspension expires. The 36 month period to determine if a points-based suspension shall be issued is calculated based on the date of offense and not the date of disposition of the offense.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.270 Summary Revocation/Suspension Procedures

- a) All Illinois Circuit Court clerks shall report to the Office of Law Enforcement, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271, the disposition of cases involving a violation of any of the provisions of the Fish and Aquatic Life Code, the Wildlife Code, the Timber Buyers Licensing Act, the Ginseng Harvesting Act, the Endangered Species Protection Act, the Herptiles-Herps Act and Section 48-3(b) of the Criminal Code of 2012.
- b) Points shall be assessed to the person by the Office of Law Enforcement once reports of disposition are received from the circuit clerk. The Department shall not be responsible or liable for the delay or failure of a circuit clerk in the reporting of dispositions. Any delay or failure of a circuit clerk in the reporting of dispositions does not affect the Department's ability to revoke or suspend privileges pursuant to this Part.

- c) Whenever sufficient points have been accumulated for suspension as set out in Section 2530.260, the suspension shall be imposed by the Department on a quarterly basis as follows:
 - 1) For any dispositions received during the first quarter of the calendar year (January-March), suspensions shall begin on April 30.
 - 2) For any dispositions received during the second quarter of the calendar year (April-June), suspensions shall begin on July 30.
 - 3) For dispositions received during the third quarter of the calendar year (July-September), suspensions shall begin on October 30.
 - 4) For dispositions received during the fourth quarter of the calendar year (October-December), suspensions shall begin on January 30.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.275 Notice of Revocation/Suspension

- a) As set out in this Subpart B, any person who has accumulated sufficient points to have a license revoked and/or privileges suspended shall be notified by mail that any licenses, stamps or permits held by that person pursuant to the statutes or administrative rules for the type and group in which the points were accumulated are immediately revoked. The notice shall further inform the person how many points have been assessed and for how long their privileges are suspended.
- b) At any time after imposition of revocation/suspension, the Office of Law Enforcement may withdraw the revocation/suspension if the Office of Law Enforcement finds the revocation/suspension was issued in error.
- c) For Type I (commercial/business type) suspensions, the notice shall also include instructions that no new business may be taken in, effective immediately with the suspension, and that existing business must cease within 30 days after the effective date of the suspension. Proof that all existing business has ceased may be in the form of written correspondence to all current clients notifying them of the suspension and their alternatives.
- d) Notices shall be mailed to the last known address of the person through U.S. mail, and an affidavit of mailing shall be proof that the notice was received 4 days after being mailed. The effective date of the suspension will be the date indicated in the Notice of Suspension letter. Revocation and suspension shall be effective 4 days after notice is deposited in the U.S. mailbox.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.280 Request for Hearing to Appeal Summary Revocation/Suspension

- a) Any person who is mailed notice of suspension and revocation shall have the right to appeal by filing a Petition for Hearing. The Petition for Hearing shall be mailed to or filed with the Office of Legal Counsel, Illinois Department of Natural Resources, One Natural Resources Way, Springfield IL 62702-1271. Petitions must be received by the Department within 34 days after the date of the Notice of Suspension.
- b) A Petition for Hearing must be received by the Department's Office of Legal Counsel within 34 days after the date of the Notice of Suspension. If the petition is not timely received by the Office of Legal Counsel at the Department of Natural Resources, the summary revocation/suspension will be considered final without further notice.
- c) The petition shall be styled "In re the suspension of ____, PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and be signed by the petitioner (person whose privileges were suspended).
- d) The petition shall also state if the petitioner paid a civil penalty through the Circuit Court for an illegal take as a result of the related (conservation) violations of the Fish and Aquatic Life Code, the Wildlife Code or the Endangered Species Protection Act.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

**SUBPART C: DEPARTMENT INITIATED REVOCATIONS/SUSPENSIONS
BASED UPON COURSE OF CONDUCT**

Section 2530.300 Department Initiated Revocation/Suspension Based Upon Course of Conduct

- a) Proceedings for revocation/suspension based upon course of conduct with at least one determination of guilt by a court of law shall be commenced by the service of a notice and a complaint upon the respondent.
- b) The complaint shall contain the following:
 - 1) A reference to the provision of the law or rules of which the respondent was found guilty by a court of law, including a description sufficient to advise respondent of the basis for revocation/suspension;

- 2) A description of any/all the violations committed by respondent in a guilty finding sufficient to advise respondents of the basis for revocation/suspension;
 - 3) A concise statement of the relief that the complainant seeks; and
 - 4) A statement that the relief stated in the complaint shall be granted if the respondent does not answer, respond or attend a hearing as set out in this Part.
- c) A copy of the notice and complaint shall either be served personally on the respondent or his or her authorized agent or shall be served by registered or certified mail with return receipt signed by the respondent or his or her authorized agent. Proof of service of the complaint shall be made by affidavit of the person making personal service or by properly executed registered or certified mail receipt.

(Source: Section 2530.300 renumbered from Section 2530.340 and amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.310 Applicability

This Subpart governs practices and procedures under the jurisdiction of the Department for the following:

- a) Summary revocation of licenses and/or suspension of privileges based upon accumulation of points from determinations of guilty by a court of law;
- b) Revocation of licenses and/or suspension of privileges sought by the Department based upon course of conduct, with at least one determination of guilt by a court of law;

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.320 General Procedures (Repealed)

(Source: Repealed at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.330 Parties (Renumbered)

(Source: Section 2530.330 renumbered to Section 2530.35 at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.340 Notice and Complaint (Department Initiated Proceeding) (Renumbered)

(Source: Section 2530.340 renumbered to Section 2530.300 at 38 Ill. Reg. 17001, effective July 25, 2014)

SUBPART D: HEARINGS OF CONTESTED CASES**Section 2530.350 Service (Department Initiated Proceeding) (Repealed)**

(Source: Repealed at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.355 General Procedures of Hearings

- a) Upon timely receipt of a Petition or Complaint for Hearing, the Director of the Department of Natural Resources or his or her designee shall designate a Hearing Officer. The Hearing Officer shall be a licensed attorney. Staff members of the Office of Law Enforcement, witnesses and the Director shall not serve as Hearing Officers. The appointed Hearing Officer shall not have direct involvement in the case or have an interest in the decision to be reached. Mere familiarity with the facts shall not disqualify a Hearing Officer.
- b) The Hearing Officer shall set a date, time and place for a hearing to be held within 90 days after receipt of a timely request for hearing.
- c) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall, for stated cause, designate. The Hearing Officer shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.
- d) Failure to comply with this Part may not be used as a defense to a proceeding under this Part, but any person adversely affected by a failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.
- e) Any pleadings, motions or orders shall be served by First Class United States mail or by electronic mail at the address provided by the Hearing Officer, and copies shall be sent to all parties and the Hearing Officer, with proof of service. Proof of service of any paper other than the petition shall be by certificate of service.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.360 Time and Location of Hearing

- a) Within 60 days after the service of the Department's Complaint or within 60 days

after receipt of a Petition for Hearing, the Hearing Officer shall set a date and time for a pre-hearing conference and a date, time and place for hearing.

- b) The hearing shall be held in the offices of the Department in Springfield, Illinois or in such other place as the Hearing Officer shall for stated cause designate. He shall give notice at least 15 days prior to the date of the hearing to the parties, in accordance with this Part.
- c) Failure to comply with the provisions of this Part may not be used as a defense to a proceeding under this Part, but any person adversely affected by a failure of compliance may have the hearing postponed if prejudice is shown, upon motion to the Hearing Officer.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.370 Prehearing Conferences

- a) Upon motion of a party and/or upon written notice by the Hearing Officer, the parties or their attorneys may be directed to appear at a specific time and place for a pre-hearing conference, before the hearing, for the purpose of formulating issues and considering:
 - 1) the simplification of issues;
 - 2) the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
 - 3) the possibility of making admissions of certain averments of facts or stipulations concerning the use of either or both parties of matters of public record to avoid unnecessary introduction of proof;
 - 4) the limitation of the number of witnesses;
 - 5) the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits;
 - 6) in hearings or in defaults involving accumulation of points assessed due to violations of the Timber Buyers Licensing Act, mitigation and aggravation factors, if applicable, in determining the appropriate number of points and length of suspension of the Petitioner; and
 - 7) such other matters as may aid in the simplification of the evidence and disposition of the proceeding.

- b) At the pre-hearing conference, the Hearing Officer shall set a date for hearing within 60 days unless agree to otherwise or for good cause.
- c) Action taken at the pre-hearing conference shall be recorded in an order prepared by the Hearing Officer.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.380 Authority of Hearing Officer

The Hearing Officer shall have the duty to conduct a fair hearing, to take all necessary action to avoid delay, to maintain order, and to ensure development of a clear and complete record. He shall have all powers necessary to these ends, including but not limited to the power to:

- a) Rule upon offers of proof and receive evidence and rule upon objections to the introduction of evidence;
- b) Regulate the course of the hearings and the conduct of the parties and their counsel in those hearings;
- c) Interrogate witnesses;
- d) Hold pre-hearing conferences for settlement, simplification of the issues, or any other proper purpose;
- e) Determine the timing and form of motions and responses by the parties;
- f) Rule on the necessity or desirability of amending the pleadings for the purpose of clarification, amplification or limitation;
- g) Rule on motions, issues on admissions or stipulations;
- h) Rule on the limitation of the number of witnesses and limitation of issues and evidence;
- i) Issue or deny the issuance of subpoenas requested by the parties;
- j) Consider factors in mitigation and aggravation in determining the appropriate length of suspension sentencing in Department initiated revocations/suspensions based upon course of conduct only, pursuant to Section 2530.310;
- k) Rule on such other matters as may aid in the simplification of the evidence and disposition of the proceeding; and

- l) Rule on the propriety of prior mutual exchange between or among the parties of prepared testimony and exhibits and other discovery. No discovery described by Supreme Court Rule 201 will be permitted prior to a hearing, except by permission of the Hearing Officer.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.390 Order of Administrative Hearings

The following shall be the order of all administrative hearings, subject to modification by the Hearing Officer for good cause;

- a) Presentation, argument and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint/petition;
- b) Presentation of opening statements;
- c) Presentation of Complainant's/Petitioner's case in chief;
- d) Presentation of Respondent's/Defendant's case in chief;
- e) Presentation of Complainant's/Petitioner's rebuttal case;
- f) Statements from interested parties, if authorized by the Hearing Officer;
- g) Presentation of closing argument, which may include legal argument;
- h) Presentation and argument of all motions prior to final order.

(Source: Amended at 45 Ill. Reg. 8415, effective June 23, 2021)

Section 2530.400 Official Notice

Official notice shall be taken of all facts of which judicial notice may be taken, and of other facts within the specialized knowledge and experience of the Department. Parties shall be afforded an opportunity to contest material officially noticed.

(Source: Amended at 6 Ill. Reg. 10687, effective August 25, 1982)

Section 2530.410 Default

Failure of a party to appear on the date set for pre-hearing or hearing as ordered by the Hearing Officer shall constitute a default.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.420 Evidence

- a) The Hearing Officer will receive evidence that is admissible under the law of the rules of evidence of Illinois pertaining to civil actions. In addition, the Hearing Officer may receive material, relevant evidence that would be relied upon by reasonably prudent persons in the conduct of serious affairs that is reasonably reliable and reasonably necessary to resolution of the issue for which it is offered.
- b) The Hearing Officer shall exclude from consideration immaterial, irrelevant and repetitious evidence.
- c) When the admissibility of disputed evidence depends upon an arguable interpretation of substantive law, the Hearing Officer shall admit that evidence.
- d) The Hearing Officer may order the record of any relevant prior proceeding before the Department or part thereof incorporated into the record of the present proceeding.
- e) Relevant scientific or technical articles, treatises or materials may be introduced into evidence subject to refutation or disputation through any introduction of comparable documentary evidence or expert testimony.
- f) Department Initiated Revocations/Suspensions
A party may introduce evidence as grounds that would demonstrate factors in mitigation or factors in aggravation of the relief sought in the complaint.
- g) The Hearing Officer shall take only the following matters into consideration in hearings for cases of suspension/revocation based on accumulation of points imposed under Subpart B:
 - 1) was the Petitioner found guilty of the offenses outlined in the Notice of Suspension;
 - 2) were points for those offenses properly assessed; and
 - 3) was suspension/revocation properly imposed.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.430 Motions and Answers

- a) All motions preliminary to a hearing shall be presented to the Hearing Officer at least five (5) days prior to the date of the hearing or on such other date as the Hearing Officer shall designate. All motions to dismiss or strike the complaint or challenging the jurisdiction of the Department shall be filed within fifteen (15) days after receipt of complaint, directed to the Hearing Officer and shall be disposed of prior to hearing on the complaint. All motions must be served on all parties to the proceeding. The response of the Department and such other parties so served shall be filed within fifteen (15) days subsequent to delivery to the Hearing Officer
- b) Unless made orally on the record during a hearing, a motion shall be in writing.
- c) Within fifteen (15) days after service of a written motion, or such other period as the Hearing Officer may prescribe, a party other than the party who filed the motion may file a response in support of or in opposition to the motion, accompanied by affidavits or other evidence. If no response is filed, the parties shall be deemed to have waived objection to the granting of the motion, but such waiver of objection does not automatically constitute grounds for allowance of the motion.

(Source: Amended at 10 Ill. Reg. 20201, effective November 25, 1986)

Section 2530.470 Administrative Record

- a) The record of the hearing approved by the Hearing Officer and all exhibits offered in connection with the hearing shall constitute the administrative record, and it shall be so certified by the Hearing Officer.
- b) The administrative record in a contested case shall include:
 - 1) all pleadings (including all notices and responses thereto), motions and rulings;
 - 2) evidence admitted or preserved;
 - 3) a statement of matters officially noticed;
 - 4) offers of proof, objections and rulings thereon;
 - 5) proposed findings and exceptions;
 - 6) any decision, opinion or report by the Hearing Officer, including findings of fact and conclusions of law;

- 7) the Department's final order; and
- 8) A recording of the hearing that adequately ensures the preservation of the proceedings or a transcript of the recording, if one is made at the request of another party.
- c) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.480 Briefs and Oral Arguments

- a) The parties may submit written briefs within ten (10) days after the close of the hearing, or such other reasonable time as the Hearing Officer shall determine consistent with the Department's responsibility for expeditious decision.
- b) No oral argument will be heard on a motion unless the Hearing Officer directs otherwise. A written brief may be filed with a motion or an answer to a motion, stating the arguments and authorities relied on.
- c) Written motion will be disposed of by written order and transmitted to all parties in accordance with this part.

(Source: Amended at 10 Ill. Reg. 20201, effective November 25, 1986)

Section 2530.482 Decision, Order and Disposition

- a) Decision and Order
 - 1) Findings of facts shall be based exclusively on the evidence and on matters officially noticed.
 - 2) The Department shall prepare a written order and opinion for all final determinations. The order shall include findings of fact and conclusions of law and shall be signed by the Director after considering the Hearing Officer's recommendations.
 - 3) Findings shall include specific references to principal supporting items of evidence in the record.
 - 4) Findings of fact and conclusions of law must be separately stated.
 - 5) The Department's final order may include any or all of the following:

- A) A direction to cease and desist from violations of the Department's rules and orders;
 - B) Suspension of licenses, permits or privileges;
 - C) Revocation of a license or permit; or
 - D) Other determinations that may be appropriate.
- 6) The Department shall notify all parties or their agents by mail of any final order.
- 7) The Department's order shall be the final administrative decision of the Department, noting that it is appealable to the Circuit Court, pursuant to the Administrative Review Law [735 ILCS 5/Art. III].
- b) Unless precluded by law, the Department may dispose of a case by stipulation, agreed order, settlement, consent order or default. The Department may impose a suspension of privileges for up to 60 months, or longer if a suspension is pursuant to the Timber Buyers Licensing Act or if denial of access privileges under Section 805-518 of the Civil Administrative Code is imposed.
- c) The suspension of privileges shall remain in effect until payment of appropriate reinstatement fees, as found in Section 2530.610, and processing of those fees by the Office of Law Enforcement.
- d) Failure of a party to appear on the date set for a pre-hearing or hearing, or failure to proceed as ordered by the Hearing Officer, shall constitute a default. If a party fails to appear, the Hearing Officer shall make a finding and prepare an order for the Director. No further action will be taken on the matter and the suspension/revocation will be imposed as stated in the Complaint or Notice of Suspension.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.484 Compelling Appearance at Hearing

The appearance at the Hearing of a party or a person who at the time of the hearing is an officer, director or employee of a party may be required by serving the party with a notice designating the person who is required to appear, if the Hearing Officer rules that the appearance of that person is necessary to assist in the resolution of the issue raised in the proceeding. A party may subpoena any witness, no earlier than receipt of the notice of hearing and no later than 14 days before the hearing, by requesting that the Hearing Officer issue a subpoena to compel the

attendance of the witness. If the party or person is a non-resident of the State, the Hearing Officer shall provide by order the terms and conditions in connection with that party's or person's appearance at the hearing as are just, including payment of the party's or person's reasonable expenses. The notice also may require production at the hearing of documents or tangible things. The party requesting the appearance of any person shall pay that person's reasonable expenses unless the person whose appearance is requested is an employee of a party to the Hearing.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.486 Recording of Hearing

The Hearing shall be recorded by a means that adequately ensures the preservation of the proceedings, as described in Section 2530.470, and shall be transcribed on request of any party or for administrative review. However, the party requesting a transcription shall be responsible for all costs associated with the transcription.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.488 Hearings on Timber Buyers – Second and Subsequent Suspensions

Whenever a Timber Buyer receives notice that sufficient points have been assessed under Section 2530.240(b)(2) or (b)(3) for a second or subsequent suspension, a hearing shall be scheduled to determine the actual length of suspension to be imposed. In the event a default occurs, as defined in Section 2530.410, the Hearing Officer shall have authority to determine the length of suspension, taking into consideration items of evidence outlined in Section 2530.420 and the minimum and maximum points allowed under Section 2530.240(b)(2) or (b)(3).

(Source: Amended at 35 Ill. Reg. 13268, effective July 26, 2011)

Section 2530.490 Decision and Order (Repealed)

(Source: Repealed at 38 Ill. Reg. 17001, effective July 25, 2014)

SUBPART E: INTERSTATE WILDLIFE VIOLATOR COMPACT

Section 2530.500 Interstate Wildlife Violator Compact Membership

As authorized by Section 805-545 of the Civil Administrative Code of Illinois, the Department shall be a member of the Interstate Wildlife Violator Compact.

- a) The Interstate Wildlife Violator Compact is an agreement that recognizes suspension of hunting, fishing and trapping licenses in member states. The Compact provides that information on convictions in the other states in participating states shall be forwarded to the home state of the violator. The home

state shall treat convictions in the other states as if they had occurred in that state for the purposes of license suspension actions. The Compact not only assures equal treatment of residents and non-residents of participating states, but also enhances the law enforcement services and deterrent value of time spent patrolling by uniformed officers. This means that illegal activities in one state can affect a person's hunting or fishing privileges in all participating states. Any person whose license privileges or rights are suspended in a member state may also be suspended in Illinois. If a person's hunting, fishing or trapping rights are suspended in Illinois, they may also be suspended in members states as well. This cooperative interstate effort will enhance the Department's ability to protect and manage Illinois' wildlife resources.

- b) The following states are current members of the Interstate Wildlife Violation Compact:

Alabama, Alaska, Arizona, California, Colorado, Florida, Georgia, Idaho, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming. This list does not preclude enforcement of suspensions imposed in states not included in this list that later join as a Compact member.
- c) Illinois residents who are cited for aquatic life or wildlife violations in another state that is a member of the Compact, and who do not comply with the citing state's requirements for court appearance, shall receive notice of:
 - 1) revocation of all licenses and permits held under the Fish and Aquatic Life Code and the Wildlife Code issued by the Department; and
 - 2) suspension of all aquatic life and wildlife privileges.
- d) Persons receiving notice of revocation/suspension for non-compliance shall have the right to a hearing pursuant to Subpart D.
- e) Any suspension imposed for non-compliance of another Compact state's hunting or fishing laws or regulations (e.g., failure to appear in Court or failure to pay a fine) shall be in effect in the State of Illinois until the Department is notified by the other state that compliance has been reached. Upon receipt of notice of compliance, the suspension shall be terminated in Illinois and privileges reinstated by the Department. Illinois regulations for reinstatement of privileges (see Subpart F) still apply.
- f) Pursuant to Section 20-105 of the Fish and Aquatic Life Code and Section 3.36

of the Wildlife Code, suspension of privileges by any Compact member state shall automatically result in suspension for the same period in Illinois.

- g) Within 15 days after receipt of the appropriate reinstatement fee, if applicable, and after the Office of Law Enforcement receives an order from a Circuit Court or Department Director that a suspension is terminated and/or will end on a certain date, the Office of Law Enforcement shall notify the Interstate Wildlife Violator Compact that the suspension has been terminated.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

SUBPART F: REINSTATEMENT OF PRIVILEGES

Section 2530.600 Reinstatement Procedures

- a) Any person whose privileges have been suspended may have his or her privileges reinstated in one of the following manners:
- 1) through successful completion of the period of suspension;
 - 2) as a final determination of a hearing conducted as a result of the person's timely appeal of a summary suspension imposed pursuant to Subpart B of this Part or immediate eviction pursuant to Subpart H of this Part; or
 - 3) through a written order issued by the Department in accordance with Subpart D.
- b) Once a person's privileges have been reinstated, the Department shall process that information within a reasonable time frame, but in no event shall the processing take longer than of 15 working days.

(Source: Amended at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.610 Reinstatement Fees

a) The following fees shall be applied to proceedings under this Part: <u>Type of Suspension</u>	First Suspension	Subsequent Suspensions
Notice of Eviction from Department lands (except 90 day Notice of Eviction suspension)	\$50	\$100
Administrative (Officer request, etc.)	\$50	\$100
Non-Compliance (Interstate Wildlife Violator Compact)	\$50	\$100

Non-Commercial Point Suspension	\$50	\$100
Commercial Point Suspension	\$100	\$200
Reckless Operation of Snowmobile or Watercraft/ Failure to Yield to an Emergency Watercraft/Failure to Report a Watercraft Accident	\$100	\$200
Watercraft/Snowmobile OUI and Refusal	\$250	\$500

- b) Reinstatement fees shall be made by cashier's check, bank check or money order and submitted to:

IDNR Office of Law Enforcement
One Natural Resources Way
Springfield IL 62702

- c) All suspensions of privileges remain in effect until the appropriate reinstatement fee is received and processed by the Office of Law Enforcement. The Office of Law Enforcement has 15 business days after receipt of payment to process the reinstatement fee.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

SUBPART G: STATUTORILY MANDATED SUSPENSIONS

Section 2530.700 Suspension of Operating Privileges

- a) Pursuant to the Illinois Snowmobile Registration and Safety Act [625 ILCS 40] and the Illinois Boat Registration and Safety Act [625 ILCS 45], the Department is mandated to suspend operating privileges for certain violations. This includes violations of, but may not be limited to:

625 ILCS 40/5-7; Operating a Snowmobile While Under the Influence
625 ILCS 45/5-2; Reckless Operation of a Watercraft
625 ILCS 45/6-1a-1; Leaving the Scene of a Watercraft Accident
625 ILCS 45/5-16; Operating a Watercraft While Under the Influence
625 ILCS 45/5-22; Failure to Yield to an Emergency Watercraft

- b) Whenever suspensions under this Section are imposed by the Department, they shall be implemented in accordance with, and to the maximum extent allowed by, law.

(Source: Added at 32 Ill. Reg. 17481, effective October 24, 2008)

SUBPART H: EVICTION FROM DEPARTMENT LANDS**Section 2530.800 Applicability**

This Subpart governs practice and procedures under the jurisdiction of the Department for the following:

- a) The immediate eviction and removal from Department lands for up to 90 days (see Sections 2530.810, 2530.820 and 2530.830); or
- b) The eviction from Department lands for longer than 90 days sought by the Department based upon the course of conduct (see Sections 2430.830, 2530.840 and 2530.850).

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.810 Immediate Eviction and Removal from Department Lands for up to 90 Days

- a) As authorized by Section 805-518 of the Civil Administrative Code, the Department shall have the authority to remove or ban any individual engaged in illegal activities or disorderly conduct from any lands owned, leased or managed by the Department and lands dedicated as Nature Preserves or buffer areas under the Natural Areas Preservation Act, and deny future entry to those lands by way of revocation and/or suspension of access privileges.
- b) This immediate eviction and removal shall be served on a Notice of Eviction form. The Notice of Eviction form shall contain, at a minimum, the following information:
 - 1) Name, address and date of birth of person being served;
 - 2) The site or area in which the person is evicted and removed;
 - 3) The nature of the offense, including the citation of the relevant portions of the State or federal statute, the Illinois Administrative Code or the Code of Federal Regulations;
 - 4) The date Notice of Eviction is served;
 - 5) The starting and ending dates of the eviction and removal;
 - 6) Consequences for returning during the period of eviction;

- 7) Procedures for appealing the eviction; and
- 8) Other information deemed necessary by the Department.
- c) Persons who re-enter land from which they have been evicted and removed may be subject to arrest for criminal trespass of State-supported land in violation of Section 21-5 of the Criminal Code of 2012 or other applicable violations of the law.
- d) Persons wishing to appeal an immediate eviction and removal shall do so in writing within 30 days after the date the Notice of Eviction is served.
- e) Any person who is issued a Notice of Eviction shall have the right to appeal by filing a Petition for Hearing.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.820 Request for Hearing to Appeal Immediate Eviction and Removal

- a) Any person who is issued a Notice of Eviction requiring him or her to remove himself or herself from Department lands shall have the right to appeal by filing two copies of a Petition for Hearing.
 - 1) Both copies of the Petition for Hearing shall be mailed to or filed with:

Office of Legal Counsel
Illinois Department of Natural Resources
One Natural Resources Way
Springfield IL 62702-1271
 - 2) The petitions must be received by the Department no later than 30 days after the Notice of Eviction and Removal is served for the petition to be considered.
- b) If no petition is received within 30 days by the Office of Legal Counsel, the eviction and removal will be considered final without further notice.
- c) The petition shall be styled "In Re the eviction of (name) , PETITION FOR HEARING". The petition shall contain sufficient facts in justification of a hearing and be signed by the Petitioner (person who was evicted).
- d) The party filing the petition shall be designated the Petitioner. The Department shall be designated the Respondent.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.830 Eviction and Removal from Department Lands for Longer than 90 Days

- a) This Section governs the practices and procedures related to the eviction and removal from Department lands for a period of time in excess of 90 days. As authorized by Section 805-518 of the Civil Administrative Code, the Department shall have the authority to remove or ban any individual engaged in illegal activities or disorderly conduct from any lands owned, leased or managed by the Department, and lands dedicated as Nature Preserves or buffer areas under the Natural Areas Preservation Act, and deny future entry to the same by way of revocation and/or suspension of access privileges.
- b) In addition to, or in lieu of, the 90 day Notice of Eviction, the Department may request a hearing to evict and remove from Department lands violators of camping regulations as described in 17 Ill. Adm. Code 110.180 (Public Use of State Parks and Other Properties of the Department of Natural Resources) and 130.150 (Camping on Department of Natural Resources Properties). Violators shall only be subject to an eviction for a maximum of 365 days, as described in 17 Ill. Adm. Code 130.150(b).
- c) In addition to, or in lieu of, the 90 day Notice of Eviction, the Department may request a hearing to revoke and/or suspend the access privileges authorized by Section 805-515 of the Civil Administrative Code for cases involving illegal activities other than those described in 17 Ill. Adm. Code 110 and 130. Violators shall be evicted from Department lands for crimes committed on any Department land for a period of time equivalent to maximum statutory penalties for the crimes committed under the Criminal Code of 2012, unless otherwise indicated, for the following criminal categories:
 - 1) Petty offenses, up to 6 months eviction;
 - 2) Class C misdemeanors;
 - 3) Class B misdemeanors;
 - 4) Class A misdemeanors;
 - 5) Class 4 felonies;
 - 6) Class 3 felonies;
 - 7) Class 2 felonies;

- 8) Class 1 felonies; or
- 9) Class X felonies.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.840 Department Request for Eviction and Removal Longer than 90 Days

- a) Proceedings for Department requests for eviction from Department lands for a period in excess of 90 days shall be commenced by the service of a notice and a Complaint upon the Respondent.
- b) The Complaint shall contain the following:
 - 1) A description of any violations committed by Respondent on Department lands;
 - 2) A concise statement of the relief that the Department seeks; and
 - 3) A statement that the relief stated in the Complaint shall be granted if the Respondent does not answer, respond or attend a hearing as set out in this Part.
- c) A copy of the notice and Complaint shall either be served personally on the Respondent or his authorized agent, or shall be served by registered or certified mail with return receipt signed by the Respondent or his or her authorized agent. Proof of service of the Complaint shall be made by affidavit of the person making personal service, or by properly executed registered or certified mail receipt.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)

Section 2530.850 Procedures for Eviction/Removal Hearings

All procedures for eviction and removal hearings are found in Subpart D.

(Source: Added at 38 Ill. Reg. 17001, effective July 25, 2014)