**Section 270.452 Administrative Law Judge Qualifications, Potential Disqualification, and Authority**

a) In any proceeding under this Subpart, the Department/other entity may appoint any attorney, with a valid license to practice law in the State of Illinois, to serve as the ALJ.

b) The ALJ is to have high integrity, good personal repute, and sufficient knowledge of the procedures and subject matter at issue.

c) The ALJ shall not have:

1) been involved in the decision to take the action being appealed;

2) rendered legal advice to the decision-maker on the issue;

3) a personal or professional interest that interferes with exercising objectivity; or

4) any bias against the parties or issues appealed.

d) At any time before or at the hearing, a party may file a motion to disqualify the ALJ for bias or conflict of interest, which may include prejudice or financial or personal interest in the outcome of the case. An adverse ruling made by an ALJ or the ALJ's employment or contract as an ALJ with the State, in and of itself, is not evidence of bias or conflict of interests and is not grounds for disqualification. The motion will set forth the alleged grounds of bias or conflict of interest and will include an affidavit setting forth specific facts upon which the claim of bias or conflict of interest is based and other supporting evidence, if applicable. The Department/other entity may decline to disqualify the ALJ or appoint another ALJ to hear the case.

e) An ALJ may recuse himself or herself from presiding over a matter due to a conflict of interest or bias. Any recusal will be made part of the record.

f) An ALJ is to maintain and protect the confidentiality of the APS record (see Sections 4(c) and 8 of the Act and Section 270.418 of this Subpart).

g) The ALJ has the authority to:

1) Conduct a fair, impartial and formal hearing following the applicable evidentiary standards;

2) Control the conduct of the hearing to prevent irrelevant or immaterial discussion and take all necessary actions to avoid delay;

3) Inform participants of their individual rights and responsibilities;

4) Conduct pre-hearing conferences;

5) Take necessary steps to ensure the development of a clear and complete record, preserve all documents and evidence for the record, and provide for the recording of the hearing;

6) Administer an oath or affirmation to all witnesses, permit examination of any witness under oath, examine any of the witnesses at any time or request additional information from either party, set reasonable limits on the scope of testimony or argument, and determine the order of appearance of all parties;

7) Issue subpoenas requested prior to the hearing;

8) Rule upon all motions, objections, and other matters arising in the course of the hearing;

9) Receive all evidence and testimony and rule on its admissibility, as well as mandate the production of any relevant document, witness or other evidence the ALJ deems material or relevant to any issue, including but not limited to additional testimony, documents, exhibits, briefs, memoranda of law, or post hearing briefs;

10) Mandate cooperation by all parties and maintain order and decorum, which the ALJ may accomplish by ordering the removal of any person from the hearing who is creating a disturbance that disrupts the hearing, whether by physical actions, profanity or conduct; and

11) Enter such orders as are just to address any violation of the ALJ's rulings or this Subpart, including, among others, the following:

A) That further proceedings be stayed until the order or rules are complied with;

B) That the offending party be barred from filing any other pleadings relating to any issue to which the refusal or failure relates;

C) That the offending party be barred from maintaining any particular claim or defense relating to that issue;

D) That a witness be barred from testifying concerning that issue;

E) That, as to claims or defenses asserted in any pleading to which that issue is material, an order of default be entered against the offending party or that the pleading be dismissed without prejudice; or

F) That any portion of the offending party's pleadings relating to that issue be stricken and, if thereby made appropriate, judgment be entered on the issue.

(Source: Added at 42 Ill. Reg. 9226, effective July 1, 2018)