**Section 3500.325 Conflicts of Interest**

a) Commissioners shall disqualify themselves from an investigation or a proceeding when the Commissioner's impartiality might reasonably be questioned, including but not limited to the following instances:

1) The Commissioner has a personal bias or prejudice concerning a party or the party's lawyer;

2) The Commissioner has personal knowledge of disputed evidentiary facts concerning the matter in controversy; "Personal knowledge" does not include facts learned pursuant to official duties as a Commissioner or agent of the Commission. A "disputed evidentiary fact" does not include facts generally known or capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned;

3) The Commissioner served as a lawyer in the matter in controversy, or took actions in the matter in controversy that were covered by the attorney-client privilege and the privilege was held by the claimant or the State;

4) The Commissioner served as a law enforcement agent investigating the matter in controversy; the duty to recuse does not extend to investigation undertaken as part of official TIRC duties to investigate or adjudicate a TIRC claim;

5) The Commissioner advocated, as an attorney or otherwise, for or against the claimant or the State in the matter in controversy;

6) The Commissioner served as a lawyer for a co-defendant of the claimant in the matter in controversy;

7) The Commissioner could reasonably expect to be called as a material witness in the matter in controversy should an evidentiary hearing be held in any court of competent jurisdiction; the duty to recuse does not extend to knowledge gained as part of official TIRC duties to investigate or adjudicate a TIRC claim;

8) Within the three years before a proceeding is considered before the Commission, the Commissioner was in the private practice of law with a law firm that currently represents or previously represented the claimant in the proceedings before TIRC;

9) The Commissioner has an economic interest in the matter in controversy or the Commissioner knows that the Commissioner's spouse, parent, child, or member of the Commissioner's family residing with the Commissioner has an economic interest in the proceeding, or has anything other than a de minimis interest that could be substantially affected by the proceeding;

10) For purposes of this subsubsection (a)(10), "third degree of relationship" is defined as a great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece. The Commissioner or the Commissioner's spouse, or any person within the third degree of relationship to either of them, is:

A) a party or former party to the proceeding;

B) acting or has acted as a lawyer in the proceeding;

C) is known to the Commissioner to have more than a de minimis interest in the proceeding that could be substantially affected by the proceeding; or

D) is, to the Commissioner's knowledge, likely to be a material witness in the proceeding.

b) For purposes of subsection (a), the "matter in controversy" includes but is not limited to the investigation of, prosecution of, defense of, or adjudication of the claimant or the claimant's case in the underlying criminal investigation and court proceedings. It also includes the investigation of, prosecution of, defense of, or adjudication of the claimant or the claimant's case in any civil lawsuit directly related to the underlying criminal investigation and court proceedings.

c) Commissioners recusing themselves from a proceeding shall notify the Chair or Executive Director expeditiously after a conflict of interest is recognized so that other administrative arrangements may be made.

d) Commissioners recusing themselves from a vote on a proceeding shall publicly announce the recusal prior to the vote. If the recusal occurs in closed session, the recusing Commissioner shall publicly announce the recusal at the first public meeting to consider the matter in controversy. An explanation of the reason for the recusal is encouraged but not required.

(Source: Former Section 3500.325 repealed at 45 Ill. Reg. 13971; new Section added at 45 Ill. Reg. 14203, effective October 27, 2021)