**Section 300.400 Relief**

a) *The Commission may initiate administrative proceedings in accordance with this Part relating to a knowing and willful violation of Section 10 of the Act.* (Section 35(a) of the Act [815 ILCS 402/35(a)])

b) Any enforcement proceedings for violation of the Act shall be conducted pursuant to 83 Ill. Adm. Code 200.

c) *If it is determined after a hearing that a person has knowingly and willfully violated one or more provisions of Section 35 of the Act, the Commission may assess a fine not to exceed $1,000 for the first violation and not to exceed $2,500 for a second or subsequent violation. Each individual violation of Section 10 of the Act shall be a separate and distinct offense under this Section. In imposing a penalty under Section 35 of the Act, the Commission shall, at a minimum, consider the following factors:*

1) *Whether the offense was knowing or willful;*

2) *Whether the entity committing the offense has a prior history of non-compliance with the Act;*

3) *The offender’s relative ability to pay a penalty;*

4) *Whether the offender has or has not cooperated with the Commission in pursuing the investigation; and*

5) *Such other special, mitigating or aggravating circumstances as the Commission may find to exist.*

d) No action or proceeding may be brought under this Section:

1) *More than one year after the person bringing the action knew or should have known of the occurrence of the alleged violation; or*

2) *More than one year after the termination of any proceeding or action arising out of the same violation or violations by the State of Illinois, whichever is later.* (Section 35 of the Act)