**Section 101.800 Sanctions for Failure to Comply with Procedural Rules, Board Orders, or Hearing Officer Orders**

a) If any person unreasonably fails to comply with any provision of 35 Ill. Adm. Code 101 through 130 or any order entered by the Board or the hearing officer, including any subpoena issued by the Board, the Board may order sanctions. The Board may order sanctions on its own motion, or in response to a motion by a party.

b) Sanctions include the following:

1) Further proceedings may be stayed until the order or rules are complied with, except in proceedings with a statutory decision deadline. Proceedings with a statutory decision deadline may be dismissed before the date on which decision is due;

2) The offending person may be barred from filing any other pleading or other document relating to any issue to which the refusal or failure relates;

3) The offending person may be barred from maintaining any claim, counterclaim, third-party complaint, or defense relating to that issue;

4) As to claims or defenses asserted in any pleading or other document to which that issue is material, a judgment by default may be entered against the offending person or the proceeding may be dismissed with or without prejudice;

5) Any portion of the offending person's pleadings or other documents relating to that issue may be stricken and, if appropriate, judgment may be entered as to that issue; and

6) The witness may be barred from testifying concerning that issue.

c) In deciding what sanction to impose, the Board will consider factors including: the relative severity of the refusal or failure to comply; the history of the proceeding; the degree to which the proceeding has been delayed or prejudiced; and the existence or absence of bad faith by the offending party or person.

(Source: Amended at 43 Ill. Reg. 9674, effective August 22, 2019)