**Section 395.204 Conduct of the Board**

a) Authority: The Board shall have all the powers necessary and appropriate to conduct a full, fair and impartial hearing, including, but not limited to, the following:

* + 1. to administer oaths and affirmations;

2) to rule upon offers of proof and receive relevant evidence;

3) to issue subpoenas;

4) to provide for discovery and to determine its scope;

5) to regulate the course of the hearing and the conduct of the parties and their counsel;

6) to consider and rule upon procedural requests;

7) to require or hold conferences for the settlement or simplification of the issues;

8) to examine witnesses, direct witnesses to testify, limit the number of times a witness may testify, limit repetitive or cumulative testimony, and set reasonable limits on the amount of time a witness may testify;

9) to ensure that the hearing is conducted in a full, fair and impartial manner, that order is maintained, and that unnecessary delay is avoided in the disposition of the hearing;

10) to dismiss appeals in accordance with the Act; and

11) to affirm, reverse or modify the conditions of or add conditions to a decision of an Approving Authority.

b) Disqualification of Members of the Board: No person who is a Member of the Board shall engage in practice before the Board in any respect. No person who has been a Member of the Board shall, for one year after termination of membership on the Board, engage in practice before the Board in any respect. No person who has been a Member of the Board shall engage in any practice before the Board in connection with any case or proceeding that was pending during that person's membership with the Board. No Member of the Board shall participate in any hearing or other proceeding before the Board regarding an Affordable Housing Development in which that Member has a direct or indirect financial interest.

c) Ex Parte Communications:

1) Except in the disposition of matters that the Board is authorized to entertain or dispose of on an ex parte basis, the Board and IHDA staff shall not, with respect to any pending or contested appeal, communicate directly or indirectly in connection with any issue of fact before the Board, with any party or the representative of any party, except upon notice and an opportunity for all parties to participate.

2) An ex parte communication received by any member of the Board or any employee or member of IHDA pertaining to a pending appeal shall be made a part of the record of the pending appeal, including all written communications, all written responses to the communications, and a memorandum stating the substance of all oral communications and all responses made and the identity of each person from whom the ex parte communication was received.

3) Ex Parte communications prohibited by the Illinois Administrative Procedure Act [5 ILCS 100] shall not form the basis of any decision of the Board.

4) Communications regarding matters of practice and procedure, such as the status of appeals, filing requirements, form letters, scheduling of hearings, format of pleadings, number of copies required, manner of service, and the like are not considered ex parte communications under this Part.

d) Contumacious Conduct: Contumacious Conduct at any hearing before the Board shall be grounds for exclusion from the hearing. If a witness or a party fails to appear or refuses to answer a question after being directed to do so or refuses to obey an order to provide or permit discovery, the Board may issue orders with regard to the failure to appear or the refusal as are just and appropriate, including, but not limited to, excluding the testimony of witnesses, entering an order of default, entering an order that certain facts are deemed admitted for purposes of the proceeding, or entering an order denying the application or complaint of a party.

(Source: Amended at 43 Ill. Reg. 11314, effective September 26, 2019)