**Section 7500.30 Complaints**

a) All complaints received by WCC against a Commissioner or Arbitrator shall be in writing, shall identify the respondent and the complainant, and shall be sufficiently clear to apprise the respondent of the misconduct charged.

b) The Executive Director of WCC shall acknowledge in writing receipt of each written communication to the Board. The Executive Director shall forward all communications received to the WCC General Counsel. The General Counsel shall determine whether the communication constitutes a complaint setting forth sufficient evidence that a respondent engaged in any misconduct set forth in Section 7500.10(a)(1). If a communication does not constitute a complaint, the Executive Director shall send the complainant a letter explaining that the communication does not meet the requirements of this Part. The Executive Director shall supply a copy of all correspondence to the to the Board members at regularly scheduled meetings. The Executive Director shall provide a monthly report of all communications to the Chairman. If a communication constitutes a complaint, it shall be forwarded to the Board for consideration at its next regularly scheduled meeting.

c) The Executive Director shall inform the complainant that, if a hearing is held by the Board on the complaint, it is the duty of the complainant to testify and, if the complainant does not testify, the complaint *shall be considered null and void* and will be dismissed by the Board (Section 14.1 of the Act). The Board will preserve the identity of any complainant who has not revealed his or her own identity to the respondent either directly or through publication.

d) If the Board determines that the complaint does not allege misconduct as stated in Section 7500.10(a)(1), the Chairman may, with the concurrence of a majority of the Board members, dismiss the complaint, in which case the Executive Director shall notify the complainant of the dismissal. If the matter is not dismissed, the Chairman will notify the respondent, within 15 business days after the Board meeting at which the complaint was considered, that a complaint has been filed against him or her, with written notice served by personal delivery or by certified mail with return receipt requested. The notice shall include a copy of the complaint filed, with the deletion of the identity of the complainant.

e) If the respondent elects to respond in writing to the complaint, his or her response must be filed with the Chairman within 30 days from receipt of the notice from the Chairman, unless, prior to the time for filing of the response, a written request for extension of the time to respond has been filed with and granted by the Chairman, for good cause shown. Only one 30 day extension may be granted by the Chairman. The Respondent shall respond, in specific detail, to the charges of the complaint.

f) The proceedings of the Board and all information and written or oral material pertaining to the proceedings, and all information or materials relating to any investigation and hearing held on specific complaints filed pursuant to Section 14.1 of the Act, shall not be available to the public pursuant to Sections 7(b-5) and (m) of the Freedom of Information Act [5 ILCS 140/7].

g) After examination of the complaint and response by the respondent, the Board may, by written or oral vote of the majority of its members, determine whether to dismiss the complaint or order its investigation. The Board's standard for determining whether to dismiss a complaint is if there is any credible evidence to support the complainant's allegations. An investigation may be conducted by Board members or by other persons designated by the Board from time to time to conduct these investigations.

h) After consideration of the complaint and any response and investigation, the Board may, by written or oral vote of a majority of its members, determine whether to dismiss the complaint or hold a hearing on the complaint. The Board's standard for determining whether to dismiss a complaint or hold a hearing is whether evidence exists to sustain the complainant's allegation that has not been rebutted by the respondent. When the Board has voted to dismiss a complaint without a hearing, it shall so notify the complainant and the respondent in writing.

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)