**Section 5300.1340 Disqualification of Commissioner**

a) A Commissioner shall disqualify himself or herself in a proceeding, including the consideration of a settlement agreement, in which the Commissioner's impartiality might reasonably be questioned, including but not limited to instances in which:

1) he or she has a personal bias or prejudice concerning a party or a party's counsel, or personal knowledge of disputed evidentiary facts concerning the proceedings;

2) he or she served as an attorney in the matter in controversy, or an attorney with whom the Commissioner previously practiced law served, during that association, as an attorney concerning the matter;

3) he or she is a material witness concerning the matter.

b) Remittal of Disqualification

A Commissioner disqualified under subsection (a) may disclose on the record the basis of the disqualification and may ask the parties to consider, out of the presence of the Commissioner, whether to waive disqualification. If, following disclosure of any basis for disqualification other than personal bias or prejudice concerning a party, the parties, without participation by the Commissioner, all agree in writing that the Commissioner should not be disqualified, and the Commissioner is then willing to participate, the Commissioner may participate in the proceeding. The agreement signed by all parties shall be made a part of the record of the proceeding.

c) When a Commissioner withdraws from a case, it shall be the duty of the Commissioner to notify the Chair, whose function it shall be to transfer the case to an alternate Commissioner.

(Source: Added at 44 Ill. Reg. 18930, effective November 23, 2020)