**Section 1150.95 Architecture Complaint Committee**

a) The Architecture Complaint Committee of the Architecture Licensing Board, authorized by Sections 10 and 24 of the Act, shall be composed of at least 2 members of the Architecture Licensing Board, a Supervisor over Design Investigations and a Chief of Prosecutions over Design Prosecutions. The Director of Enforcement shall designate the Supervisor and Chief assigned to the Complaint Committee.

b) The Complaint Committee shall meet at least once every 2 months to exercise its functions and duties set forth in subsection (c). The Complaint Committee may meet concurrently with the Complaint Committees of the Land Surveyors Examining Board, the State Board of Professional Engineers and the Structural Engineering Board to discuss interrelated professional matters. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

c) The Complaint Committee shall have the following duties and functions:

1) To review investigative case files after an initial inquiry into the involved parties and their licensure status have been obtained. "Case file" means the allegation made against an involved party that resulted in a preliminary inquiry and other information being obtained in order to determine whether an investigation should be initiated or prosecution pursued. A "Formal Complaint" means the notice of allegations and charges or basis for licensure denial that begins the formal proceedings.

2) To refer the case file to the Supervisor over the Design Investigators for further action. The Complaint Committee shall give the Supervisor an indication as to the prosecutorial merit and relative severity of the allegations to aid in the prioritization of investigative activity.

3) To recommend that a case file be closed.

4) To recommend that an Administrative Warning Letter be issued and the case file closed.

5) To refer the case file to Prosecutions for review and action.

6) To report the actions of the Complaint Committee at each Board meeting and to present enforcement statistics such as the type of alleged violation.

d) In determining what action to take or whether to proceed with investigation and prosecution of a case file, the Complaint Committee shall consider the following factors, but not be limited to: the effect on the public's health, safety and welfare; the sufficiency of the evidence presented; prosecutorial merit; and sufficient cooperation from complaining parties.

e) At any time after referral to Prosecutions, the Division may enter into negotiations to resolve issues informally by way of a Consent Order. Factors to be considered in deciding whether to enter into settlement negotiations shall include, but not be limited to: the effect on the public's health, safety and welfare caused by the respondent's alleged conduct; sufficient investigation of the case; prosecutorial merit; relative severity of the respondent's alleged conduct; and past practices of the Division.

f) No file shall be closed nor Formal Complaint dismissed except upon recommendation of the Complaint Committee and/or approval by the Architecture Licensing Board. Those case files that previously have been before the Board and are the subject of a Consent Order or Formal Order of the Director may be closed without further recommendation or approval of the Architecture Licensing Board or the Complaint Committee.

g) Complaints Involving Imminent Danger to the Public

1) When a complaint is made to the Division that alleges that a building, or other structure that requires the involvement of an architect in its design, is under construction, construction is imminent, or construction has been completed, and an architect is not or was not involved in its design, the investigation of that complaint shall be expedited to ensure the health and safety of the public. This investigation will be referred to as an "Emergency Investigation".

2) An Emergency Investigation will be given priority attention and assigned to an investigator as soon as possible.

3) Once assigned to an investigator, the Division, through its investigator, will convene a meeting of the Complaint Committee by teleconference to determine if the complaint shall continue to be treated as an Emergency Investigation. Such meetings will be deemed an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act.

4) Upon determination by the Complaint Committee that the complaint should be treated as an Emergency Investigation, the complaint will be investigated as soon as possible.

5) Upon completion of the Emergency Investigation, the investigator will again convene a meeting of the Complaint Committee by teleconference. This meeting shall also be considered an emergency and notice of the meeting shall be provided in accordance with the Open Meetings Act. The Complaint Committee will then decide whether to recommend to the Division that the complaint be referred to the Attorney General to seek a temporary restraining order and permanent injunction against the start or further construction of the project or, when the project has already been completed, to enjoin the use of the building or structure. The Complaint Committee will recommend that the case be referred to the Attorney General only upon a finding that the facts alleged in the complaint are credible and constitute an imminent danger to the public.

h) Disqualification of an Architecture Licensing Board member.

1) A Board member shall be recused from consideration of a case file or Formal Complaint when the Board member determines that a conflict of interest or prejudice would prevent that Board member from being fair and impartial.

2) Participation in the initial stages of the handling of a case file, including participation on the Complaint Committee and in informal conferences, shall not bar a Board member from future participation or decision making relating to that case file.

i) An informal conference is the procedure established by the Division that may be used for compliance review, fact finding, discussion of the issues, resolving case files, licensing issues or conflicts prior to initiating any Formal Complaint or formal hearing. An informal conference may only be conducted upon agreement of both parties. Informal conferences shall be conducted by a Division attorney and shall include a member or members of the Board. Board members shall be scheduled for informal conferences on a rotating basis.

(Source: Amended at 33 Ill. Reg. 11477, effective July 22, 2009)