**Section 310.233Expenses and Attorney's Fees**

a) *In any contested case initiated by the* Office of the Comptroller *that does not proceed to court for judicial review and on any issue for which a court does not have jurisdiction to make an award of litigation expenses under* Illinois Supreme Court Rule 137*, any allegation made by the* Office *without reasonable cause and found to be untrue shall subject the* Office *to the payment of the reasonable expenses, including reasonable attorney's fees, actually incurred in defending against that allegation by the party against whom the case was initiated. A claimant may not recover litigation expenses when the parties have executed a settlement agreement that, while not stipulating liability or violation, requires the claimant to take correction action or pay a monetary sum.*

b) *The claimant shall make a demand for litigation expenses to the* Office*. If the claimant is dissatisfied because of the* Office's *failure to make any award or because of the insufficiency of the* Office's *award, the claimant may petition the Court of Claims for the amount deemed owed. If allowed any recovery by the Court of Claims, the claimant shall also be entitled to reasonable attorney's fees and the reasonable expenses incurred in making a claim for the expenses incurred in the administrative action. The Court of Claims may reduce the amount of the litigation expenses to be awarded under this Section, or deny an award, to the extent that the claimant engaged in conduct during the course of the proceeding that unduly and unreasonably protracted the final resolution of the matter in controversy.*

c) *In any case in which a party has any administrative rule invalidated by a court for any reason, including but not limited to the* Office's *exceeding its statutory authority or the* Office's *failure to follow statutory procedures in the adoption of the rule, the court shall award the party bringing the action the reasonable expenses of the litigation, including reasonable attorney's fees.* [5 ILCS 100/10-55]

(Source: Added at 42 Ill. Reg. 16010, effective August 1, 2018)