**Section 125.254 Stipulated Settlement**

a) Whenever a closed preliminary hearing is conducted, the parties shall be afforded an opportunity to come into compliance with any applicable requirement of the Election Code or any rule of the Board and to dispose of all matters in dispute by written stipulation or agreed order approved by the Board. However, if the committee has previously failed to comply with the requirements of the Election Code or rule, any stipulation or agreed order must be submitted to the Board and shall not be effective unless approved by the Board. Repeated failures to comply with the Code or rules shall entitle the Board to reject any proposed stipulation or agreed order and to direct that a complaint be filed. "Repeated failures" means more than one.

b) Any written stipulation or agreed order issued pursuant to this Section shall include a provision known as the "Standing Order" provision, as referred to in Section 125.420, requiring that all subsequent reports, statements or filings required by Article 9 be made within the time limits set forth in Article 9, and that any failure or refusal to comply with filing deadlines will result in the imposition of the civil penalties stated in Section 125.425. Any Standing Order provision shall remain in effect for a period of 12 months from the date of the final order, stipulation or agreed order.

c) Any person who fails or refuses to comply with the terms of a Standing Order provision shall be notified by the Board, by service as set forth in Section 125.425, that the Board will issue an order imposing a civil penalty in accordance with the schedule set forth in this Part. The person shall be afforded an opportunity to appear at the next regularly scheduled or special Board meeting and to show cause why the civil penalty shall not be imposed. For purposes of this subsection (b), cause shall consist of proof that the report was submitted on time, as evidenced by a date stamp on the received document or other evidence submitted to the Board.

d) Any civil penalties imposed pursuant to this Section may be enforced and collected in accordance with Section 125.430.

e) In approving any stipulation or agreed order under this Part, the Board shall consider, but not be limited to, any evidence offered and noted by the Hearing Officer of the following factors:

1) A party's history of compliance with the Election Code or rules of the Board;

2) Any evidence of respondent's ignorance of a material fact that led to the conduct that was the source of the complaint;

3) The degree of cooperation exhibited by the respondent with Board staff or the Hearing Officer; and

4) Factors in mitigation or factors in aggravation of the circumstances complained of in the complaint.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)