**Section 125.262 Board Determination**

a) After the submission of the recommendations of the Hearing Officer, and the recommendations of the General Counsel, if any, the Board will determine whether the complaint was filed on justifiable grounds. The Board will order a public hearing to be conducted in accordance with Subpart C if the Board determines that the complaint was filed on justifiable grounds, and if the respondent:

1) disputes that it violated Article 9;

2) is unwilling to take action necessary to correct any violation; or

3) is unwilling to refrain from the conduct giving rise to the violation.

b) If permissible under the Open Meetings Act [5 ILCS 120] the Board may consider and discuss the Hearing Officer's recommendation through a teleconference begun in open session and continued in executive session in lieu of an in-person meeting, and that consideration and discussion shall be deemed part of the closed preliminary hearing process. Any action on the Hearing Officer's recommendations must be taken in open session or, if taken as part of the teleconference, that portion of the teleconference shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board. That portion of the broadcast call shall be open to the media and public.

(Source: Amended at 47 Ill. Reg. 5503, effective March 30, 2023)