**Section 125.440 Reconsideration**

Any party affected by a final order of the Board, may file a written motion to reconsider. The motion shall set forth in specific detail the grounds alleged for reconsideration and must be filed with the Board not later than 21 days after the effective date of the Board's order.

a) A Motion to Reconsider a Final Board Order imposing a civil penalty for a delinquently filed report or reports, when the respondent failed to timely file an appeal of the penalty, must state the reasons the respondent failed to submit an appeal in a timely manner and the basis for the appeal itself. Motions that fail to state these reasons and basis will be denied by the Board as failing to state adequate grounds for reconsideration of the final Board order.

b) Evidence not submitted by the respondent prior to the entry of the final order of the Board may be considered only at the Board's discretion.

c) Oral argument shall be permitted on the motion only at the Board's discretion. Failure of a committee to appear before the Board when the matter is scheduled for consideration waives the right of the party to make oral argument before the Board.

d) The Board may grant a Motion to Reconsider a Final Board Order imposing a civil penalty for a delinquently filed report or reports only if the Board determines that the reasons the respondent failed to submit an appeal in a timely matter are outside the control of the respondent or otherwise extraordinary, and the basis for the appeal is meritorious. The Board may grant a Motion to Reconsider a Final Board Order in other instances if reconsideration is necessary to correct an error of fact or law.

e) If permissible under the Open Meetings Act [5 ILCS 120] the Board may consider, discuss and take action upon the motion through a teleconference in lieu of an in-person meeting. Notice shall be given to the media in advance of the teleconference, the call shall be broadcast over a speaker phone or other similar device at both the permanent and branch offices of the Board, and the broadcast shall be open to the media and public. The entire teleconference shall also be recorded by a certified court reporter.

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