**Section 103.206 Adding Parties; Filing Counter-, Cross-, or Third-Party Complaints; Filing New or Modified Claims**

a) The Board, on its own motion or the motion of a respondent, may order a person to be added as a respondent if a complete determination of a controversy cannot be had without the presence of the person who is not already a party to the proceeding.

b) If the Board orders a person to be added as a respondent under subsection (a), the Board will grant the complainant permission to file an amended complaint that sets forth a claim against the added respondent. The amended complaint must meet the requirements of Section 103.204.

c) Misjoinder and nonjoinder of parties with respect to enforcement proceedings are governed by 35 Ill. Adm. Code 101.403(b).

d) If a party wishes to file a counter-complaint, cross-complaint, or third-party complaint, the party must move the Board for permission to file the pleading. If a party wishes to file an amendment to a complaint, counter-complaint, cross-complaint, or third-party complaint that sets forth a new or modified claim against another person, the party who wishes to file the pleading must move the Board for permission to file the pleading.

e) The pleading sought to be filed under subsection (d) must:

1) Set forth a claim that arises out of the occurrence or occurrences that are the subject of the proceeding; and

2) Meet the requirements of Section 103.204 of this Subpart, including the requirement to serve the pleading by U.S. Mail with a recipient's signature recorded, a third-party commercial carrier with a recipient's signature recorded, or personal service upon the respondent, counter-respondent, cross-respondent, or third-party respondent.

(Source: Amended at 41 Ill. Reg. 10032, effective July 5, 2017)