**Section 5300.760 Preparation of Recommended Order and Decision**

Except for Complaints proceeding under the alternative hearing procedure, following the taking of testimony and the submission of oral argument and briefs, the Administrative Law Judge shall prepare and file with the Commission a written Recommended Order and Decision, which shall include:

a) A summary of the respective contentions of the Parties;

b) Findings of fact based upon, and limited to, the testimony and other evidence of record and upon matters of which official notice may be taken pursuant to Section 10-40(c) of the Illinois Administrative Procedure Act [5 ILCS 100/10-40(c)];

c) A determination as to whether or not a preponderance of the evidence sustains the Complaint, or each portion thereof;

d) An analysis of the case and reasoning to support the Administrative Law Judge's determination;

e) The Administrative Law Judge's Recommended Liability Determination.

1) If it is determined that the preponderance of the evidence supports the Complaint or portions thereof, the Recommended Order shall sustain the Complaint to that extent and require the Respondent to take such actions as are provided under Section 8A-104 or Section 8B-104 of the Act. If the Complainant is entitled to an award of attorney's fees and costs pursuant to Section 8B-104(D) of the Act, the Administrative Law Judge's recommended decision shall be styled a Recommended Liability Determination and shall direct the Complainant to file a petition for an award of attorney's fees pursuant to the procedure established in Section 5300.765 of this Part. Such Recommended Liability Determination shall promptly be served upon all Parties.

2) If it is determined that the Complaint shall be dismissed and that the Complaint was frivolous, unreasonable or groundless or that the Complainant continued to litigate after it became clearly so and that the Respondent is therefore entitled to an award of attorney's fees pursuant to Section 8A-102(I)(5) of the Act, the Administrative Law Judge's recommended decision shall be styled a Recommended Liability Determination and shall direct the Respondent to file a petition for an award of attorney's fees pursuant to the procedures established in Section 5300.765 of this Part. Such Recommended Liability Determination shall promptly be served upon all Parties;

f) The Administrative Law Judge's Recommended Order and Decision

1) If it is determined that the preponderance of the evidence does not support the Complaint, the Administrative Law Judge's recommended decision shall dismiss the Complaint and shall constitute the Recommended Order and Decision for review by the Human Rights Commission pursuant to Subpart I of this Part.

2) Following submission of materials in connection with any petition for attorney's fees filed as directed in subsection (e)(1) or (e)(2) of this Section pursuant to Section 5300.765 of this Part, the Administrative Law Judge shall prepare a recommended decision which shall incorporate the Recommended Liability Determination by reference and shall include recommendations as to the amount of reasonable attorney's fees and/or costs and a discussion of the issues relevant thereto. This recommended decision shall constitute the Recommended Order and Decision for review by the Human Rights Commission pursuant to Subpart I of this Part.

3) A Recommended Order and Decision that includes a monetary award shall specify the amount recommended to be paid pursuant thereto as of the date of the conclusion of the public hearing and the formula for calculation of supplemental monetary awards, if any.

The Commission shall promptly serve a copy of such Recommended Order and Decision upon all Parties and the Department. Service of the Recommended Order and Decision begins the running of time for filing exceptions pursuant to Section 5300.920 of this Part. Following the issuance of the Recommended Order and Decision pursuant to subsection (f)(1) or (f)(2) of this Section, all pleadings, motions, or other requests shall be directed to the General Counsel of the Human Rights Commission.

(Source: Amended at 20 Ill. Reg. 7820, effective June 1, 1996)