**Section 1450.930 Case File Review Committee**

a) The Division and the Board may appoint a Case File Review Committee that shall be composed of at least 2 members of the Board, the Real Estate Coordinator, the Real Estate Chief of Investigations and the Real Estate Chief of Prosecutions or their designees. The Case File Review Committee members may take action set forth in this Section in person or through other means of communication.

b) The Case File Review Committee may exercise the following duties and responsibilities:

1) Recommend whether a complaint or case file be closed or refer the file to Investigations or Prosecutions for further review and action.

2) Review reports and files submitted to the Case File Review Committee; and

3) Request and review any investigation or prosecution files that the Department may have closed.

c) The Case File Review Committee shall report a summary of its actions and findings at each Board meeting.

d) In determining what action to recommend to the Department with regard to an investigation and/or prosecution of a complaint or case file, the Case File Review Committee shall consider factors including, but not limited to:

1) The effect on the public's health, safety and welfare;

2) Any indication of fraud;

3) Any indication of commingling or embezzlement;

4) Evidence of escrow account shortages or discrepancies;

5) Refusal to provide escrow account records or related documents within the required time period;

6) Prosecutorial merit; or

7) Any alleged or potential violation of the Act or this Part.

e) Disqualification of a Case File Review Committee member. A Case File Review Committee member shall be recused from consideration of a case file when conflict of interest, or the appearance of a conflict of interest or bias or prejudice, would prevent that Case File Review Committee member from being fair and impartial.

f) Participation in the initial stages of the handling of a case file, including participation on the Case File Review Committee and in informal conferences, shall not bar a Case File Review Committee member from later participating in a formal hearing or in deliberating the case and making a recommendation to the Director.

g) Any meetings of the Case File Review Committee are an exception to the Open Meetings Act [5 ILCS 120] and shall be closed to the public, in accordance with Section 2(c)(15) of that Act.

h) Nothing is this Section shall require the Department to utilize the services of the Case File Review Committee to close any case file; however, the Department shall be required, as set forth in this Section, to advise the Case File Review Committee of such actions that are taken by the Department.

(Source: Amended at 45 Ill. Reg. 2851, effective February 23, 2021)