**Section 1105.160 Order of Hearing**

a) The following shall be the order of all contested case hearings, subject to modification by the Administrative Law Judge for good cause:

1) Presentation, argument, and disposition of motions preliminary to a hearing on the merits of the matters raised in the complaint;

2) Presentation of opening statements;

3) Complainant's case-in-chief;

4) Respondent's case-in-chief;

5) Complainant's case-in-rebuttal;

6) Complainant's closing argument, which may include legal argument;

7) Respondent's closing argument, which may include legal argument;

8) Complainant's rebuttal argument, which may include legal argument;

9) Presentation and argument of motions regarding removal of the case to the Board pursuant to 80 Ill. Adm. Code 1120.40, where applicable; and

10) A schedule of submission of briefs to the Administrative Law Judge or Board pursuant to 80 Ill. Adm. Code 1120.40.

b) The order of the contested case hearing will be modified by the Administrative Law Judge for good cause shown, such as upon motion of a party demonstrating that such modification is necessary because of the unavailability of a necessary witness or an attorney and that the moving party has not caused or contributed to such unavailability.

c) The respondent may, at the close of the complainant's case, move for judgment in favor of the respondent. If the ruling on the motion is favorable to the respondent, an order dismissing the action shall be entered. If the ruling on the motion is adverse to the respondent, the respondent may proceed to adduce evidence in support of the respondent's defense.

d) The hearing record in all contested cases shall include:

1) All pleadings (including all notices and responses thereto), motions, briefs, exceptions, and rulings, or decisions by the Administrative Law Judge;

2) All evidence received by the Administrative Law Judge;

3) A statement of all matters of which official notice has been taken;

4) Offers of proof, objections, and rulings thereon;

5) Proposed findings of fact and conclusions of law; and

6) Any ex parte communications prohibited by Section 10-60 of the Illinois Administrative Procedure Act [5 ILCS 100/10-60], but such communications shall not form the basis for any finding of fact.

e) Any findings of fact in decisions issued by the Administrative Law Judge or Board shall be based exclusively on the evidence in the Record and on matters of which official notice has been taken.

(Source: Amended at 28 Ill. Reg. 8710, effective June 6, 2004)