**Section 265.200 Initial Consideration by Staff**

a) Upon the receipt of a report of a suspected violation, the Staff of the Commission shall consider the matter and determine whether a violation has occurred. Staff's consideration may include, among other things, one or more of the following:

1) Verification of records;

2) Informal meetings;

3) Teleconferences;

4) Photo-documentation; and

5) Comments or correspondence obtained from the parties involved.

b) If Staff determines that a violation has occurred, Staff shall also consider the appropriate amount, if any, of a penalty to assess. In determining the amount of the penalty, Staff shall consider the alleged violator's:

1) *Gravity of noncompliance with the law;*

2) *Culpability;*

3) *History of noncompliance;*

4) *Ability to pay the penalty;*

5) *Good faith in attempting to comply with the law;*

6) *Ability to continue in business; and*

7) *Any other special circumstances relevant to the matter*. [220 ILCS 50/11(j)]

c) Any penalties assessed shall not exceed the maximum penalties provided by Section 11 of the Act [220 ILCS 50/11].