**Section 265.300 Advisory Committee: Formation and Duties**

a) The Commission shall appoint an Advisory Committee as directed in Section 11(l) of the Act [220 ILCS 50/11(l)]. As a public body, the Advisory Committee shall be subject to the Open Meetings Act [5 ILCS 120]. The Advisory Committee shall meet from time to time as necessary to consider administrative matters and/or contested penalties. In evaluating the merits of a case, the Advisory Committee shall consider the report of the suspected violation, the results of Staff's consideration of the matter, correspondence from the parties, and any other pertinent information. The Advisory Committee shall allow an alleged violator to speak at any regularly scheduled meeting where the alleged violator's case is being considered, provided that the alleged violator provides notice to Commission Staff of its intent to speak at least five business days prior to the scheduled meeting. If the proper notice is not provided, the alleged violator must ask the Advisory Committee for permission to speak at the meeting. The Advisory Committee shall adopt bylaws regarding its procedures.

b) A decision shall be rendered by the Advisory Committee within 90 days after the date on which the alleged violator requests that the case be considred by the Advisory Committee or the case is referred by Staff to the Advisory Committe, as described in Section 265.230. If the Advisory Committee fails to act within the 90 days, the notice of violation mailed by Staff shall be considered the findings of the Advisory Committee.

c) If the Advisory Committee concludes that a violation has not occurred, it shall direct Staff to so inform the alleged violator, the reporting party, and, if different, the owner of the facilities involved.

d) If the Advisory Committee concludes that a violation has occurred, the Advisory Committee shall also determine the appropriate amount, if any, to assess as a penalty. In determining the amount of the penalty, the Advisory Committee shall consider the alleged violator's gravity of noncompliance with the law, culpability, history of noncompliance, ability to pay the penalty, good faith in attempting to comply with the law, and ability to continue in business, together with any other special circumstances relevant to the matter. If the Advisory Committee concludes that a penalty should be asessed for the violation, the Committee shall direct Staff to issue a letter so informing the alleged violator. If the Advisory Committee concludes that no penalty should be assessed for the violation, the Committee shall direct Staff to issue a warning letter to the alleged violator on the Committee's behalf.