**Section 1440.20 Procedure for Determining Civil Penalties**

a) Persons found to have committed one or more violations for which civil penalties may be assessed shall be entitled to have such civil penalties determined in accordance with the following procedure.

1) A numerical value of from 0 to 5 shall be assigned to each of the following factors:

A) the standard of lack of mitigating circumstances;

B) the standard of lack of good faith or intent;

C) the standard of ability to pay;

D) the degree of harm to the public – extent of violative conduct;

E) the financial benefit accruing to the respondent.

2) The values assigned shall be summed. The sum shall be divided by the maximum possible weighted value per violation (25) and then multiplied by $300 per violation. The result will be the civil penalty which the Commission shall seek to assess in actions against the respondent.

b) Notwithstanding the above, when it appears that informal settlement discussions will serve to conserve the resources of the Commission and expedite the disposition of the Commission's caseload without jeopardizing the statutory goals of Commission regulation, a lesser amount may be assessed.

(Source: Amended at 16 Ill. Reg. 13496, effective September 1, 1992)