**Section 1240.60 Investigation**

 a) Cases Arising Upon a Finding of Acquittal

1) LETSB will investigate the verified complaint pursuant to 20 Ill. Adm. Code 1720.120.

2) Upon receipt of a report from LETSB, the Illinois Labor Relations Board's Executive Director shall, within 30 days, review the investigative report and determine whether sufficient evidence exists to conduct an evidentiary hearing on the verified complaint.

A) If the Executive Director determines that a hearing should not be conducted, a written order dismissing the complaint will be issued. *This decision is in the Executive Director's sole discretion, and this dismissal may not be appealed.* [50 ILCS 705/6.1(j)]

B) If the Executive Director determines that there is sufficient evidence to warrant a hearing to determine, by clear and convincing evidence, whether a police officer, under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder, he or she will issue an order notifying the parties that a hearing in the matter has been granted. The Executive Director will assign the case to an Administrative Law Judge within 30 days following that order. The Board will serve a copy of the verified complaint and a copy of the Executive Director's order on the Illinois Department of Professional Regulation within 30 days after issuance of the Executive Director's order.

 b) Cases Arising Upon a Finding of Guilt

1) If a complainant seeks a Board-conducted hearing where either a new trial has been granted on direct appeal or a State post-conviction evidentiary hearing has been ordered based upon the claim that a police officer committed perjury, the Board's Executive Director will assign the case to an Administrative Law Judge within 30 days after filing of the petition for hearing. The Board will serve a copy of the petition for hearing on the Department of Professional Regulation within 30 days after filing of the petition for hearing.

2) If a complainant seeks a Board-conducted hearing where the requirements set forth in Sections 1240.40(b) and 1240.50(c) have not been met, the Executive Director will issue an order dismissing the petition without prejudice.

3) Appeal of Dismissal

A) Parties may appeal the dismissal to the Board by filing an appeal with the Board's General Counsel, in the Board's Chicago office, no later than 10 days after service of the Executive Director's dismissal. The appeal shall be served on all other parties by the party filing the appeal.

B) A party may file a response to the appeal and any materials in support of the response no later than 5 days after service of the appeal. The response shall be served on all other parties by the party filing the response.

C) The Board will review the dismissal only upon the timely filing of an appeal. Parties desiring oral argument before the Board shall request oral argument and state the reasons for the requests in their appeals or responses. The Board shall grant or deny requests for oral argument depending on the significance, complexity and novelty of the issues. In addition, the Board may, on its own motion, request oral argument, depending upon the significance, complexity and novelty of the issues. The Board may adopt all, part or none of the order depending on the extent to which it is consistent with the record and applicable law. The Board shall issue and serve on all parties its decision.