**Section 1240.70 Hearing**

An Administrative Law Judge (ALJ) employed by the Board shall conduct a hearing for the purpose of receiving into evidence relevant testimony and documents to support or disprove the allegations of perjury. The ALJ shall make a recommended decision to the Board as to whether the complainant proved by clear and convincing evidence that the respondent had, while under oath, knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

a) Process

1) The ALJ shall set dates for a hearing and serve notice of the hearing on all parties. A hearing shall be set not less than 14 days after service of the verified complaint or petition for hearing on the Illinois Department of Professional Regulation (DPR).

2) DPR shall proceed first and present its case in support of the verified complaint or petition for hearing. DPR shall have the burden of proving the allegations in the verified complaint or petition for hearing by clear and convincing evidence. After DPR has completed presenting its case, the Respondent may present evidence in support of his/her defense.

3) The ALJ shall inquire fully into all matters in dispute and shall obtain a full and complete record either by taking evidence or accepting parties' stipulations.

4) Upon request, a party is entitled to a reasonable period of time at the close of the hearing for oral argument, which shall be made part of the record. The ALJ may direct the filing of briefs when the filing is, in the opinion of the ALJ, warranted by the nature of the proceedings or the particular issues involved.

5) The ALJ shall issue a recommended decision. That recommended decision shall be served upon all parties to the proceeding and upon the Executive Director of LETSB.

b) Intermediate Rulings

Intermediate rulings of the ALJ shall not be subject to interlocutory appeal. Parties may raise objections to intermediate rulings in their exceptions to the ALJ's recommended decision.

c) Amendments to Complaints

The ALJ, on his or her own motion, or on the motion of a party, may allow amendments to the verified complaint or petition for hearing only if the amendments are related to the allegations that the respondent knowingly and willfully made false statements as to a material fact going to an element of the offense of murder.

d) Recording of Hearings

Whenever a hearing is held pursuant to the provisions of this Part, it shall be recorded by stenographic or other means that adequately preserves the record. The ALJ or the Board may order that the hearings be transcribed. Parties may order transcripts and shall bear the costs of any transcripts that they order.

e) Rules of Evidence

Considering the nature of the case and the representatives of the parties, the ALJ will, insofar as practicable, apply the rules of evidence applicable in Illinois courts. The ALJ may, upon proper objection, exclude evidence that is irrelevant, immaterial or unduly repetitious. Evidence may be presented in the form of testimony, exhibits or stipulations. Testimonial evidence shall be taken only on oath or affirmation.

f) Brief Requirements

All briefs shall be no more than a total of 50 double-spaced pages with margins of at least ½ inch, including attachments. All of the pages in excess of the 50-page limit will be rejected. The ALJ may grant approval of briefs containing more than 50 pages only in extraordinary circumstances (e.g., in cases involving extremely complex issues, in cases involving factual or legal issues of first impression or in cases involving a lengthy factual record).

g) Security

The ALJ may, for safety and security reasons, convene the hearing at a location different from the Board's offices.