**Section 422.120 Disciplinary Action by the Agency**

a) The Agency may refuse to issue or to renew, or may suspend or revoke, a person's license, or take other disciplinary action as the Agency may deem proper, including fines not to exceed $1,000 for each violation, with regard to any license for any one or a combination of the following causes or those listed in Section 45 of the Radon Industry Licensing Act [420 ILCS 44/45]:

1) Knowingly causing a material misstatement or misrepresentation to be made in the application for a license, if such misstatement or misrepresentation would impair the Agency's ability to assess and evaluate the applicant's qualifications for a license pursuant to this Part, such as a misstatement or misrepresentation regarding training or experience;

2) Willfully evading the statute or regulations pertaining to a license, or willfully aiding another person in evading the statute or regulations pertaining to a license;

3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Agency that he/she has been sufficiently rehabilitated to warrant the public trust;

4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the results of a test to detect or measure radon or radon progeny;

5) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered;

6) A person knowingly makes a false material statement to an Agency employee during the course of official Agency business;

7) Failure to make records available for audit or inspection at all reasonable times, such as during usual business hours;

8) *Failing, within 60 days, to provide information in response to a written request made by the Agency that has been sent by mail to the licensee's last known address* [420 ILCS 44/45(g)];

9) *Failure to file a return or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by a tax Act administered by the Department of Revenue, until such time as the requirements of any such tax Act are satisfied* [420 ILCS 44/45(q)];

10) Failing to repay an education loan guaranteed by the Illinois Student Assistance Commission as provided in Section 80 of the Nuclear Safety Law of 2004 [20 ILCS 3310/80]; or

11) Failing to meet child support orders as required in Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65]. The action will based solely upon the certification of delinquency made by the Department of Healthcare and Family Services, Division of Child Support Enforcement, or the certification of violation made by the court. Further process, hearing or redetermination of the delinquency or violation by the Agency shall not be required (see IAPA Section 10-65(c)).

b) If, based upon any of the grounds in subsection (a) of this Section or Section 45

of the Radon Industry Licensing Act, disciplinary action is initiated, the Agency shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200. An opportunity for a hearing shall be provided before the Agency takes action to suspend or revoke a person's license, unless the Agency has evidence of imminent danger as provided in subsection (d) of this Section.

c) If the Agency finds that removal or refusal to issue or renew accreditation is warranted, the usual action shall be a suspension or denial of licensure for up to one year. The term of suspension or denial may be reduced by the Director, based upon evidence presented, if the conditions leading to the Preliminary Order for Suspension can be cured in less than 1 year. However, if the Agency finds that the causes are of a serious or continuous nature, such as past actions that posed an immediate threat to public health or safety, deficiencies that cannot be cured within one year or frequent child support arrearages, the Agency shall revoke the person's license or deny the application.

d) The Director may summarily suspend the license of a licensee without a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. *If the Director summarily suspends a license without a hearing, a hearing by the* Agency *shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.* [420 ILCS 44/50] The hearing shall be held in accordance with 32 Ill. Adm. Code 200.

e) When a person's license is suspended or revoked, the person shall surrender the license to the Agency and cease licensed activities.

f) A person whose license has been revoked may seek reinstatement of the license by filing with the Agency a petition for reinstatement. Petitions may be filed one year or more after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation or other just cause.

g) A person who violates any provisions of this Part shall be guilty of a business offense and shall be assessed a penalty in accordance with Section 35 of the Act.

(Source: Amended at 37 Ill. Reg. 20240, effective December 9, 2013)