**Section 110.155 Schedule of Fines**

a) The Department may assess fines on any licensee or unlicensed person or entity that violates, through any act or omission, any provision of the Act or this Part, and shall determine the amount of the fine pursuant to this Section:

1) Fine Schedule:

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| **Tier** | **Conduct** | **Fine Amount** |
| Tier 1 | For each identified act or omission related to information disclosure, information reporting, advertising, document maintenance, or other similar statutory and regulatory requirements. | A fine not to exceed $1,000 per violation except as provided for in Tier 3. |
| Tier 2 | For each identified act or omission related to the terms of a loan, additional fees, costs, or charges, ancillary products, security interests, underwriting, servicing, collection or any other act or omission not expressly covered by Tiers 1 or 3. | A fine not to exceed $5,000 per violation except as provided for in Tier 3. |
| Tier 3 | Any action or omission that is an intentional or reckless violation of the Act regardless of type. | A fine not to exceed $10,000 per violation. |

2) In determining the amount of any fine assessed under subsection (a)(1), the Department will take into account the totality of the circumstances, including, but not limited to:

A) Proactive consumer remediation provided by the licensee or unlicensed person or entity to address harm caused by the act or omission;

B) Frequency or pervasiveness of the act or omission;

C) Adequacy of compliance policies, procedures, and practices to avoid recurrence of the act or omission and/or agreement to alter compliance policies, procedures, and practices to avoid recurrence of the act or omission in the future;

D) History of compliant or non-compliant behavior, including past legal violations;

E) Cooperation with the Department in its regulatory and examination activities; and

F) Any other remedial measures the licensee or unlicensed person or entity has undertaken or has agreed to undertake in the future.

b) Nothing in this Section shall be construed as limiting the Department’s investigative powers or remedies under the Act, including, but not limited to, fines, suspension or revocation under Section 9 of the Act, cease and desist orders under Section 20.5 of the Act, and injunctive relief under Section 24.5 of the Act.

c) In accordance with Section 1 of the Act, the Department will follow the procedures established under Section 9 of the Act for unlicensed violators of the Act and this Part.

(Source: Added at 47 Ill. Reg. 9271, effective June 20, 2023)