**Section 1440.310 Continuing Education**

a) Continuing Education Requirements

1) In accordance with Section 10-30 of the Act, during each pre-renewal period, prior to the expiration date of the license, each auctioneer who makes application to renew his or her license must successfully complete 12 hours of auction continuing education courses approved by the Division from a school reviewed by the Board and approved by the Division.

2) Auctioneers licensed in Illinois but residing and practicing in other states shall comply with the CE requirements set forth in this Section, unless they are exempt pursuant to Section 10-30 of the Act and this Section.

3) The Division will conduct internal audits of its records to verify compliance with this Section.

b) Approved Continuing Education

1) CE credit may be earned for verified attendance at or participation in an approved course that is licensed by the Division, and is offered by an approved CE school that is licensed by the Division, that meets the requirements set forth in Section 1440.300.

2) CE credit may also be earned for completion of a distance education course that is offered by an approved CE school that meets the requirements set forth in Section 1440.330.

3) The requirement that CE be obtained through a curriculum reviewed by the Board and approved by the Division shall be satisfied by successful completion of the following:

A) Mandatory category. Each renewal applicant shall successfully complete 12 hours of CE, of which 6 hours shall be mandatory core subjects in the following categories:

i) Illinois statutes and rules governing auctioneering;

ii) federal statutes and regulations governing auctioneering;

iii) auctioneering ethics;

iv) escrow and trust accounts;

v) contracts; and

vi) other subject matter recommended by the Board.

B) Elective category. Each renewal applicant may satisfy the remaining 6 hours of CE from the mandatory core subjects categorized in subsection (b)(3)(A), or may successfully complete an additional 6 hours of CE in the following elective subject categories:

i) agency;

ii) business courses related to auctioneering;

iii) real estate related courses;

iv) auction management;

v) bid calling;

vi) public speaking;

vii) advertising;

viii) specialty auction courses; or

ix) other subject matter recommended by the Board.

4) One hour of approved CE shall include at least 50 minutes of classroom instruction and shall be exclusive of any time devoted to taking the examination set forth in subsection (b)(6).

5) Each CE course shall include one or more subjects from either the mandatory category or elective category set forth in subsection (b)(3)(A) or (B), when the individual is in actual attendance, or participates in, or completes distance education. All CE courses shall be a minimum of three hours and shall be offered in three-hour increments. Each three-hour increment shall be from topics in the core or elective category. In no case shall topics from the mandatory and elective category be combined within the same three-hour period. The CE school shall clearly indicate on the certificate of completion the number of hours earned from each CE course and identify whether the completed course was from the mandatory or elective category.

6) Each CE course shall include the successful completion of an examination that measures the attendee's understanding of the course material. A score of at least 70% is required on the examination for successful completion of any CE course.

A) The examination shall be given on-site immediately following any CE course. When a sequence of courses is offered, the examination will be given at the end of each individual course on material that covers all the aspects of the course.

B) All examinations, including distance education examinations and retake examinations, shall be proctored by a representative of the approved CE school and shall include at least 25 questions for each three-hour period.

C) No credit for CE shall be given to any licensee unless the examination is successfully completed. The CE school shall allow the attendee one retake within 30 days after a failed examination in order to receive credit for CE. No more than one retake shall be allowed. A licensee failing a retake shall not receive credit for the CE course unless the entire course is retaken and the examination is successfully completed.

7) Distance education CE shall comply with all of the requirements of this Section, except that:

A) Verified attendance is only required for taking the examination.

B) Classroom instruction is not required for distance education CE, as the intent is for the licensees to review and learn the material on their own.

C) The examination site for distance education shall be determined by the CE school and it shall be proctored by a representative of the approved sponsor. An instructor is not required to proctor the examination.

8) All CE courses shall:

A) Contribute to the advancement, integrity, extension and enhancement of professional skills and knowledge in the practice of auctioneering.

B) Provide experiences (e.g., role playing, lectures, films) that contain subject matter and course materials relevant to that set forth in this Section.

C) Be developed and presented by persons with education and/or experience in subject matter of the CE course.

9) Nothing shall prohibit an approved CE school and its instructors from utilizing audio-visual aides or satellite communication with two-way voice interaction in assisting in the presentation of CE courses.

10) CE credit may be earned by an instructor for teaching an approved CE course. Credit for teaching an approved CE course may only be earned one time per course during the instructor's pre-renewal period. One hour of teaching is equal to one hour of CE.

11) The CE school shall notify the Division when more than 6 hours of CE is offered in any calendar day. This notification shall be submitted to the Division at least 2 weeks prior to the CE course offering.

c) Certification of Compliance with CE Requirements

1) Each licensee shall certify on the renewal application full compliance with the CE requirements set forth in subsections (a) and (b) of this Section.

2) The Division may require additional evidence demonstrating compliance with the CE requirements (e.g., certificate of completion). It is the responsibility of each renewal applicant to provide the additional evidence during any audit as proof of CE completed.

3) When, during any audit or compliance review, the Division determines that a licensee may be deficient in complying with CE requirements, the Division will notify the licensee of the possible deficiency. The licensee shall have 60 days from the date the deficiency notification is received to submit to the Division evidence of compliance with CE requirements.

A) If satisfactory evidence of compliance with CE requirements (as set forth in subsection (c)(2)) is submitted by the December 31 license renewal dealdline, the Division will process the license renewal.

B) If the licensee has certified compliance with CE requirements on the licensee's most recent renewal application pursuant to subsection (c)(1) but cannot submit evidence of having been in compliance on the date the licensee made the certification, the licensee may, during the 60 days notice period, submit evidence of having attained compliance with CE requirements after the date the certification was made. The submission of evidence of post-certification completion must be accompanied by a non-refundable administrative fee of $100 per course credit hour completed after the date the licensee originally certified compliance. The submission of evidence will not be reviewed or considered if the proper fee does not accompany the submission. Upon submission of the evidence and appropriate fee, the evidence will be reviewed. If the evidence is found to be satisfactory, the Division shall notify the licensee and the sponsoring auctioneer of the licensee that the license is in compliance. Any credit hours submitted for post-certification course completion and found satisfactory may not be used as credit for the next renewal requirements.

C) If the licensee fails to submit, within the 60 day notice period, satisfactory evidence of compliance with CE requirements, the failure shall be evidence of a violation of Section 20-15(1) of the Act regarding false or fraudulent representation to obtain a license. The Division shall send notice pursuant to Section 20-5 of the Act indicating the commencement of disciplinary proceedings. A copy of this notice shall be sent to the sponsoring auctioneer of the licensee.

d) Waiver or Extension of CE Requirements

1) An auctioneer is exempt from the continuing education requirements if it is his or her first renewal.

2) As provided for in Section 10-30 of the Act, if licensees have earned CE hours offered in another state or territory for which they will be claiming credit toward full compliance in Illinois, each applicant shall submit an application along with a $25 processing fee within 90 days after completion of the CE course and prior to expiration of the license. The Board shall review and recommend approval or disapproval of the CE course provided the CE school and CE course are substantially equivalent to those approved in Illinois and provided that the course included the successful completion of a proctored examination. In determining whether the CE school and CE course are substantially equivalent, the Board shall use the criteria in Section 1440.310(b).

3) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Division a renewal application, a statement setting forth the facts concerning the noncompliance, a request for waiver or extension of the CE requirements on the basis of those facts and, if desired, a request for an interview before the Board. If the Division finds from the statement or any other evidence submitted that good cause has been shown for granting a waiver or extension of the CE requirements, or any part of the requirements, the Division shall waive enforcement of the requirements for the renewal period for which the applicant has applied.

4) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

A) Full-time service in the armed forces of the United States of America during a substantial part of the renewal period;

B) A temporary, incapacitating illness documented by a licensed physician. A second consecutive request for a CE waiver pursuant to this subsection (d)(4)(B) shall be prima facie proof that the renewal applicant has a physical illness, mental illness, or other impairment including, without limitation, deterioration through the aging process, mental illness, or disability that results in the inability to practice the profession with reasonable judgment, skill and safety, in violation of Section 20-15(24) of the Act, which shall be grounds for denial of the renewal or other discipline;

C) Temporary undue hardship (e.g., hospitalization or being disabled and unable to practice auction on a temporary basis).

5) If an interview is requested at the time the request for waiver or extension is filed with the Division, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview.

6) Any renewal applicant who submits a request for waiver or extension pursuant to subsection (d)(3) shall be deemed to be in good standing until the Division's final decision on the application has been made.

(Source: Amended at 43 Ill. Reg. 11293, effective October 11, 2019)