**Section 1480.50Recovery Permits**

a) Applications for initial recovery permits Class "E" and Class "EE" shall be filed on forms and contain information prescribed by the Commission. Incomplete or incorrect applications for recovery permits shall be refused or rejected by the Commission.

b) Applicants for recovery permits Class "E" and Class "EE" shall disclose on their applications:

1) All civil judgments entered against them in the 5 years preceding the date of application by any legal forum other than the Commission arising from their conduct while performing repossessions; and

2) All *convictions for any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.* [225 ILCS 422/80] The applicant shall provide all information required by the Commission's application regarding the applicant's convictions, in addition to submitting to a criminal background check as required by the Act.

c) The Commission shall review applications for recovery permits Class "E" and Class "EE" to determine whether the applicant has satisfied the fitness criteria contained in the Act. If, upon review of an application for recovery permit, the Commission discovers that the applicant has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80], the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction.

d) Class "E" and Class "EE" recovery permits shall not be issued to applicants who have pending criminal proceedings involving *any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.* The applications for Class "E" and Class "EE" recovery permits shall remain on pending status until the resolution of the pending criminal charges. If the criminal proceedings culminate in the applicant being *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession*, the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the applicant is unfit by reason of conviction. [225 ILCS 422/80]

e) At hearing, the applicant shall have the burden of proving fitness by clear and convincing evidence.

f) Applicants shall submit as part of their recovery permit Class "E" and Class "EE" applications copies of government-issued photo identification issued to the applicant, such as a driver's license, state identification card, or passport.

g) Applicants for Class "EE" recovery permits shall fulfill the same fitness standards that are required of Class "E" recovery permit applicants except Class "EE" applicants shall not have to demonstrate completion of an approved recovery agency employee certification program.

h) Only individuals who have active recovery permits with the Commission are authorized to perform actual repossession in the State of Illinois for a licensed repossession agency. Individuals whose recovery permits have been placed on a status other than active are not authorized to engage in actual repossessions in the State of Illinois for a licensed repossession agency.

i) A Class "EE" recovery permit holder is under the *direction and control of a designated, sponsoring Class "E" recovery permit or a designated, sponsoring Class "MR" license* [225 ILCS 422/75(e)(5)], when the Class "EE" recovery permit holder is accompanied at all times by a designated, sponsoring Class "E" recovery permit holder or Class "MR" license holder when the Class "EE" recovery permit holder engages in actual repossessions in the State of Illinois.

(Source: Amended at 38 Ill. Reg. 5821, effective March 14, 2014)