



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4540

Introduced 2/5/2020, by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

New Act

Creates the Illinois Athlete Agents Act of 2021. Requires licensure of agents for student-athletes with the Department of Financial and Professional Regulation and establishes qualifications for licensure and requirements for athlete agents. Creates provisions concerning the address of record and email address of record; powers and duties of the Department; application for licensure; restoration of license; grounds for disciplinary action; required form of contracts; right to cancel the contract; notice to educational institutions; injunctive action and cease and desist orders; investigations, notice, and hearings; restoration from disciplinary status; summary suspension of a license; and administrative review. Establishes recordkeeping requirements for athlete agents. Prohibits athlete agents from engaging in specified conduct, subject to criminal and civil penalties. Includes other provisions. Preempts home rule powers. Effective January 1, 2021.

LRB101 16286 SPS 65659 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Illinois Athlete Agents Act of 2021.

6 Section 5. Declaration of public policy. Practice as an
7 athlete agent in the State of Illinois is hereby declared to
8 affect the public health, safety, and well-being of its
9 citizens and to be subject to regulation and control in the
10 public interest. It is further declared that the practice as an
11 athlete agent, as defined in this Act, merits the confidence of
12 the public, and that only qualified persons shall be authorized
13 to engage in such practice in the State of Illinois. This Act
14 shall be liberally construed to best carry out this purpose.

15 Section 10. Definitions. In this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file maintained by the Department's licensure
19 maintenance unit.

20 "Agency contract" means an agreement in which a
21 student-athlete authorizes a person to negotiate or solicit on
22 behalf of the student-athlete a professional-sports-services

1 contract or an endorsement contract.

2 "Athlete agent" means an individual who enters into an
3 agency contract with a student-athlete or, directly or
4 indirectly, recruits or solicits a student-athlete to enter
5 into an agency contract. "Athlete agent" includes an individual
6 who represents to the public that the individual is an athlete
7 agent.

8 "Athletic director" means an individual responsible for
9 administering the overall athletic program of an educational
10 institution or, if an educational institution has separately
11 administered athletic programs for male students and female
12 students, the athletic program for males or the athletic
13 program for females, as appropriate.

14 "Contact" means a communication, direct or indirect,
15 between an athlete agent and a student-athlete, to recruit or
16 solicit the student-athlete to enter into an agency contract.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Email address of record" means the designated email
20 address recorded by the Department in the applicant's
21 application file or the licensee's license file as maintained
22 by the Department's licensure maintenance unit.

23 "Endorsement contract" means an agreement under which a
24 student-athlete is employed or receives consideration to use on
25 behalf of the other party any value that the student-athlete
26 may have because of publicity, reputation, following, or fame

1 obtained because of athletic ability or performance.

2 "Intercollegiate sport" means a sport played at the
3 collegiate level for which eligibility requirements for
4 participation by a student-athlete are established by a
5 national association for the promotion or regulation of
6 collegiate athletics.

7 "Licensed athlete agent" means an individual who is
8 licensed under this Act to engage as an athlete agent in
9 Illinois.

10 "Professional-sports-services contract" means an agreement
11 under which an individual is employed, or agrees to render
12 services, as a player on a professional sports team, with a
13 professional sports organization, or as a professional
14 athlete.

15 "Record" means information that is inscribed on a tangible
16 medium or that is stored in an electronic or other medium and
17 is retrievable in perceivable form.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation or a person authorized by the Secretary
20 to act in the Secretary's stead.

21 "Student-athlete" means an individual who engages in, is
22 eligible to engage in, or may be eligible in the future to
23 engage in, any intercollegiate sport. If an individual is
24 permanently ineligible to participate in a particular
25 intercollegiate sport, the individual is not a student-athlete
26 for purposes of that sport.

1 Section 15. Address of record; email address of record. All
2 applicants and licensees shall:

3 (1) provide a valid address and email address to the
4 Department, which shall serve as the address of record and
5 email address of record, respectively, at the time of
6 application for licensure or renewal of a license; and

7 (2) inform the Department of any change of address of
8 record or email address of record within 14 days after such
9 change either through the Department's website or by
10 contacting the Department's licensure maintenance unit.

11 Section 20. Exemptions. Nothing in this Act shall be
12 construed to prohibit practice as an athlete agent for the
13 following:

14 (1) Practice as an athlete agent by officers and
15 employees of the United States government within the scope
16 of their employment.

17 (2) Practice as an athlete agent by any person licensed
18 in this State under any other Act from engaging in the
19 practice for which he is licensed.

20 (3) Practice as an athlete agent by a spouse, parent,
21 sibling, grandparent, or guardian of the student-athlete
22 or an individual acting solely on behalf of a professional
23 sports team or professional sports organization.

1 Section 25. Restrictions and limitations.

2 (a) No person without a license under this Act or who is
3 otherwise exempt from this Act shall: (i) in any manner hold
4 himself or herself out to the public as a licensed athlete
5 agent; (ii) attach the title "licensed athlete agent" to his or
6 her name; or (iii) render or offer to render to any individual,
7 athlete, or other person or entity any services or activities
8 constituting the practice of an athlete agent as defined in
9 this Act.

10 (b) A person shall be construed to practice, render, or
11 offer to practice as an athlete agent, within the meaning and
12 intent of this Act, if that person: (i) by verbal claim, sign,
13 advertisement, letterhead, card, or any other means,
14 represents himself or herself to be an athlete agent or through
15 the use of some title implies that he or she is an athlete
16 agent or is licensed under this Act; (ii) holds himself or
17 herself out as able to perform or does perform services or work
18 defined in this Act as the practice of an athlete agent; or
19 (iii) provides services as an athlete agent as set forth in
20 this Act.

21 Section 30. Powers and duties of the Department. The
22 Department shall, subject to the provisions of this Act,
23 exercise the following functions, powers, and duties:

24 (1) Ascertain the fitness and qualifications of
25 applicants for licensure.

1 (2) Adopt rules required for the administration of this
2 Act.

3 (3) Conduct hearings on proceedings to refuse to issue,
4 renew, or restore licenses or to revoke, suspend, place on
5 probation, or reprimand licenses issued under provisions
6 of this Act.

7 (4) Issue licenses to those who meet the requirements
8 under this Act.

9 (5) Conduct investigations related to possible
10 violations of this Act.

11 Section 35. Applications for licenses.

12 (a) Applications for licenses shall be made to the
13 Department in writing on forms or electronically as prescribed
14 by the Department and shall be accompanied by the required fee,
15 which shall not be refundable. All applications shall contain
16 information that, in the judgment of the Department, will
17 enable the Department to pass on the qualifications of the
18 applicant for a license as an athlete agent.

19 (b) Applicants have 3 years from the date of application to
20 complete the application process. If the process has not been
21 completed in 3 years, the application shall be denied, the fee
22 shall be forfeited, and the applicant must reapply and meet the
23 requirements in effect at the time of reapplication.

24 Section 40. Qualifications for licensure. A person is

1 qualified for licensure as an athlete agent if that person:

2 (1) is at least 21 years of age;

3 (2) has not engaged or is not engaged in any practice
4 or conduct that would be grounds for disciplining a
5 licensee under this Act;

6 (3) has complied with all other requirements of this
7 Act and rules adopted to implement this Act.

8 Section 45. Active licenses prior to Public Act 100-534. A
9 person who was actively licensed under the Illinois Athlete
10 Agents Act prior to the effective date of Public Act 100-534
11 may have his or her license restored upon application in
12 writing on forms or electronically to the Department, payment
13 of the fee as set by rule, and any other proof acceptable to
14 the Department as determined by rule.

15 Section 50. Licenses; renewals; restoration; person in
16 military service.

17 (a) The expiration date and renewal period for each license
18 issued under this Act shall be set by rule. The holder of a
19 license may renew such license during the month preceding the
20 expiration date by paying the required fee and meeting all
21 other requirements as determined by rule.

22 (b) An athlete agent who has permitted his or her license
23 to expire or had his or her license placed on inactive status
24 may have his or her license restored by making application to

1 the Department and filing proof acceptable to the Department of
2 his or her fitness to have his or her license restored,
3 including, but not limited to, sworn evidence certifying to
4 active practice in another jurisdiction satisfactory to the
5 Department and paying the required restoration fee as
6 determined by rule.

7 (c) An athlete agent whose license has expired while
8 engaged (i) in federal service on active duty with the Armed
9 Forces of the United States or the State Militia called into
10 service or training, or (ii) in training or education under the
11 supervision of the United States before induction into the
12 military service, may have the license restored or reinstated
13 without paying any lapsed reinstatement, renewal, or
14 restoration fees if, within 2 years after termination other
15 than by dishonorable discharge of such service, training, or
16 education, the Department is furnished with satisfactory
17 evidence that the licensee has been so engaged in the practice
18 of athletic agency and that such service, training, or
19 education has been so terminated.

20 Section 55. Inactive status. A person licensed under this
21 Act who notifies the Department, in writing on forms or
22 electronically as prescribed by the Department, may place his
23 or her license on inactive status and shall be excused from
24 payment of renewal fees until the Department is notified in
25 writing of that person's desire to resume active status. Any

1 athlete agent whose license is in an inactive status shall not
2 practice as an athlete agent in the State of Illinois.

3 Section 60. Fees.

4 (a) The fees for the administration and enforcement of this
5 Act, including, but not limited to, original licensure,
6 renewal, and restoration fees, shall be set by the Department
7 by rule. The fees shall not be refundable.

8 (b) All fees and other moneys collected as authorized under
9 this Act shall be deposited into the General Professions
10 Dedicated Fund.

11 Section 65. Returned checks; fines. Any person who delivers
12 a check or other payment to the Department that is returned to
13 the Department unpaid by the financial institution upon which
14 it is drawn shall pay to the Department, in addition to the
15 amount already owed to the Department, a fine of \$50. The fines
16 imposed by this Section are in addition to any other discipline
17 provided under this Act for unlicensed practice or practice on
18 a nonrenewed license. The Department shall notify the person
19 that payment of fees and fines shall be paid to the Department
20 by certified check or money order within 30 calendar days of
21 the notification. If, after the expiration of 30 days from the
22 date of the notification, the person has failed to submit the
23 necessary remittance, then the Department shall automatically
24 terminate the license or deny the application, without hearing.

1 If, after termination or denial, the person seeks a license,
2 then he or she shall apply to the Department for restoration or
3 issuance of the license and pay all fees and fines due to the
4 Department. The Department may establish a fee for the
5 processing of an application for restoration of a license to
6 pay all expenses of processing this application. The Secretary
7 may waive the fines due under this Section in individual cases
8 where the Secretary finds that the fines would be unreasonable
9 or unnecessarily burdensome.

10 Section 70. Grounds for disciplinary action.

11 (a) The Department may refuse to issue or renew a license,
12 or may revoke, suspend, place on probation, reprimand, or take
13 other disciplinary or nondisciplinary action as the Department
14 may deem proper, including imposing fines not to exceed \$10,000
15 for each violation, with regard to any license issued under the
16 provisions of this Act, for any one or combination of the
17 following reasons:

18 (1) Making a material misstatement in furnishing
19 information to the Department.

20 (2) Negligence, incompetence, gross malpractice, or
21 misconduct in the practice of athletic agency.

22 (3) Failing to comply with any provision of this Act or
23 any rule adopted by the Department pursuant to this Act.

24 (4) Conviction of or entry of a plea of guilty or nolo
25 contendere, finding of guilt, jury verdict, or entry of

1 judgment or sentencing, including, but not limited to,
2 convictions, preceding sentences of supervision,
3 conditional discharge, or first offender probation under
4 the law of any jurisdiction of the United States that is
5 (i) a felony or (ii) a misdemeanor, an essential element of
6 which is dishonesty, that is directly related to the
7 practice of athletic agency.

8 (5) Fraud or any misrepresentation in applying for or
9 procuring a license under this Act or in connection with
10 applying for renewal or restoration of a license under this
11 Act.

12 (6) Aiding or assisting another in violating any
13 provision of this Act or its rules.

14 (7) Failing to provide information in response to a
15 written request made by the Department within 60 days after
16 receipt of such written request.

17 (8) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public.

20 (9) Habitual or excessive use or abuse of drugs defined
21 in law as controlled substances, alcohol, narcotics,
22 stimulants, or any other substances that results in the
23 inability to practice with reasonable judgment, skill, or
24 safety.

25 (10) Discipline by another state, territory, foreign
26 country, the District of Columbia, the United States

1 government, or any other government agency if at least one
2 of the grounds for discipline is the same or substantially
3 equivalent to those set forth in this Act.

4 (11) A finding by the Department that the licensee,
5 after having his or her license placed on probationary
6 status, has violated the terms of probation or failed to
7 comply with such terms.

8 (12) Willfully making or filing false records or
9 reports in his or her practice, including, but not limited
10 to, false records filed with State agencies or departments.

11 (13) Inability to practice the profession with
12 reasonable judgment, skill, or safety as a result of
13 physical illness, including, but not limited to,
14 deterioration through the aging process, loss of motor
15 skill, mental illness, or disability.

16 (14) Solicitation of professional services other than
17 permitted advertising.

18 (15) Conviction of or cash compromise of a charge or
19 violation of the Illinois Controlled Substances Act
20 regulating narcotics.

21 (16) Gross, willful, or continued overcharging for
22 professional services, including filing false statements
23 for collection of fees for which services are not rendered.

24 (17) Practicing under a false or, except as provided by
25 law, an assumed name.

26 (18) Any instance in which the conduct of the applicant

1 or licensee resulted in the imposition of a sanction,
2 suspension, or declaration of ineligibility to participate
3 in an interscholastic or intercollegiate athletic event on
4 a student-athlete or educational institution.

5 (19) Failure to pay a fine authorized under this Act
6 within 60 days or as provided by an order authorized under
7 this Act.

8 (b) In enforcing this Section, the Department, upon a
9 showing of a possible violation, may order a licensee or
10 applicant to submit to a mental or physical examination, or
11 both, at the expense of the Department. The Department may
12 order the examining physician to present testimony concerning
13 his or her examination of the licensee or applicant. No
14 information shall be excluded by reason of any common law or
15 statutory privilege relating to communications between the
16 licensee or applicant and the examining physician. The
17 examining physicians shall be specifically designated by the
18 Department. The licensee or applicant may have, at his or her
19 own expense, another physician of his or her choice present
20 during all aspects of the examination. Failure of a licensee or
21 applicant to submit to any such examination when directed,
22 without reasonable cause as defined by rule, shall be grounds
23 for either the immediate suspension of his or her license or
24 immediate denial of his or her application.

25 If the Secretary immediately suspends the license of a
26 licensee for his or her failure to submit to a mental or

1 physical examination when directed, a hearing must be convened
2 by the Department within 15 days after the suspension and
3 completed without appreciable delay.

4 If the Secretary otherwise suspends a license pursuant to
5 the results of the licensee's mental or physical examination, a
6 hearing must be convened by the Department within 15 days after
7 the suspension and completed without appreciable delay. The
8 Department shall have the authority to review the licensee's
9 record of treatment and counseling regarding the relevant
10 impairment or impairments to the extent permitted by applicable
11 federal statutes and regulations safeguarding the
12 confidentiality of medical records.

13 Any licensee suspended under this subsection (b) shall be
14 afforded an opportunity to demonstrate to the Department that
15 he or she can resume practice in compliance with the acceptable
16 and prevailing standards under the provisions of his or her
17 license.

18 (c) The determination by a circuit court that a licensee is
19 subject to involuntary admission or judicial admission as
20 provided in the Mental Health and Developmental Disabilities
21 Code operates as an automatic suspension. The suspension will
22 end only upon a finding by a court that the licensee is no
23 longer subject to the involuntary admission or judicial
24 admission and issues an order so finding and discharging the
25 licensee; and upon review of the order by the Secretary or his
26 or her designee, the licensee may be allowed to resume his or

1 her practice.

2 (d) The Department may refuse to issue or may suspend
3 without hearing as provided for in the Code of Civil Procedure
4 the license of any person who fails to file a return, to pay
5 the tax, penalty, or interest shown in a filed return, or to
6 pay any final assessment of the tax, penalty, or interest as
7 required by any tax Act administered by the Illinois Department
8 of Revenue, until the requirements of any such tax Act are
9 satisfied.

10 (e) In cases where the Department of Healthcare and Family
11 Services has previously determined that a licensee or a
12 potential licensee is more than 30 days delinquent in the
13 payment of child support and has subsequently certified the
14 delinquency to the Department, the Department shall refuse to
15 issue or renew or shall revoke or suspend that person's license
16 or shall take other disciplinary action against that person
17 based solely upon the certification of delinquency made by the
18 Department of Healthcare and Family Services in accordance with
19 paragraph (5) of subsection (a) of Section 2105-15 of the
20 Department of Professional Regulation Law of the Civil
21 Administration Code of Illinois.

22 Section 75. Required form of contract.

23 (a) An agency contract must be in a record, signed or
24 otherwise authenticated by the parties.

25 (b) An agency contract must state or contain the following:

1 (1) the amount and method of calculating the
2 consideration to be paid by the student-athlete for
3 services to be provided by the athlete agent under the
4 contract and any other consideration the athlete agent has
5 received or will receive from any other source for entering
6 into the contract or for providing the services;

7 (2) the name of any person not listed in the
8 application for licensure or renewal of licensure who will
9 be compensated because the student-athlete signed the
10 agency contract;

11 (3) a description of any expenses that the
12 student-athlete agrees to reimburse;

13 (4) a description of the services to be provided to the
14 student-athlete;

15 (5) the duration of the contract; and

16 (6) the date of execution.

17 (c) An agency contract must contain, in close proximity to
18 the signature of the student-athlete, a conspicuous notice in
19 boldface type in capital letters stating:

20 WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT:

21 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
22 STUDENT-ATHLETE IN YOUR SPORT;

23 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
24 AFTER ENTERING INTO THIS CONTRACT OR BEFORE YOUR NEXT
25 SCHEDULED ATHLETIC EVENT, WHICHEVER OCCURS FIRST, BOTH YOU

1 AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;
2 AND

3 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
4 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
5 YOUR ELIGIBILITY.

6 (d) An agency contract that does not conform to this
7 Section is voidable by the student-athlete. If a
8 student-athlete voids an agency contract, then the
9 student-athlete is not required to pay any consideration under
10 the contract or to return any consideration received from the
11 athlete agent to induce the student-athlete to enter into the
12 contract.

13 (e) The athlete agent shall give a record of the signed or
14 otherwise authenticated agency contract to the student-athlete
15 at the time of execution.

16 Section 80. Student-athlete's right to cancel.

17 (a) A student-athlete may cancel an agency contract by
18 giving notice of the cancellation to the athlete agent in a
19 record within 14 days after the contract is signed.

20 (b) A student-athlete may not waive the right to cancel an
21 agency contract.

22 (c) If a student-athlete cancels an agency contract, then
23 the student-athlete is not required to pay any consideration
24 under the contract or to return any consideration received from

1 the athlete agent to induce the student-athlete to enter into
2 the contract.

3 Section 85. Notice to educational institution.

4 (a) Within 72 hours after entering into an agency contract
5 or before the next scheduled athletic event in which the
6 student-athlete may participate, whichever occurs first, the
7 athlete agent shall give notice in a record of the existence of
8 the contract to the athletic director of the educational
9 institution at which the student-athlete is enrolled or the
10 athlete agent has reasonable grounds to believe the
11 student-athlete intends to enroll.

12 (b) Within 72 hours after entering into an agency contract
13 or before the next athletic event in which the student-athlete
14 may participate, whichever occurs first, the student-athlete
15 shall inform the athletic director of the educational
16 institution at which the student-athlete is enrolled that he or
17 she has entered into an agency contract.

18 Section 90. Required records.

19 (a) An athlete agent shall retain the following records for
20 a period of 5 years:

21 (1) the name and address of each individual represented
22 by the athlete agent;

23 (2) any agency contract entered into by the athlete
24 agent; and

1 (3) any direct costs incurred by the athlete agent in
2 the recruitment or solicitation of a student-athlete to
3 enter into an agency contract.

4 (b) Records required by subsection (a) of this Section to
5 be retained shall be open to inspection by the Department
6 during normal business hours.

7 Section 95. Injunctive action; cease and desist order.

8 (a) If any person violates the provisions of this Act, then
9 the Secretary, in the name of the People of the State of
10 Illinois, through the Attorney General or the State's Attorney
11 of the county in which the violation is alleged to have
12 occurred, may petition for an order enjoining the violation or
13 for an order enforcing compliance with this Act. Upon the
14 filing of a verified petition, the court with appropriate
15 jurisdiction may issue a temporary restraining order, without
16 notice or bond, and may preliminarily and permanently enjoin
17 the violation. If it is established that the person has
18 violated or is violating the injunction, then the court may
19 punish the offender for contempt of court. Proceedings under
20 this Section are in addition to, and not in lieu of, all other
21 remedies and penalties provided by this Act.

22 (b) Whenever, in the opinion of the Department, a person
23 violates any provision of this Act, the Department may issue a
24 rule to show cause why an order to cease and desist should not
25 be entered against that person. The rule shall clearly set

1 forth the grounds relied upon by the Department and shall allow
2 at least 7 days from the date of the rule to file an answer
3 satisfactory to the Department. Failure to answer to the
4 satisfaction of the Department shall cause an order to cease
5 and desist to be issued.

6 Section 100. Investigations; notice and hearing.

7 (a) The Department may investigate the actions of any
8 applicant or of any person or entity holding or claiming to
9 hold a license under this Act.

10 (b) The Department, shall before disciplining an applicant
11 or licensee, at least 30 days prior to the date set for the
12 hearing, (i) notify in writing the accused of the charges made
13 and the time and place for the hearing on the charges, (ii)
14 direct the applicant or licensee to file a written answer to
15 the charges under oath within 20 days after the service of the
16 notice, and (iii) inform the applicant or licensee that failure
17 to file a written answer to the charges will result in a
18 default being entered against the applicant or licensee.

19 (c) Written or electronic notice, and any notice in the
20 subsequent proceeding, may be served by personal delivery, by
21 email, or by mail to the applicant or licensee at his or her
22 address of record or email address of record.

23 (d) At the time and place fixed in the notice, the hearing
24 officer appointed by the Secretary shall proceed to hear the
25 charges and the parties or their counsel shall be accorded

1 ample opportunity to present any statement, testimony,
2 evidence, and argument as may be pertinent to the charges or to
3 their defense. The hearing officer may continue the hearing
4 from time to time.

5 (e) In case the licensee or applicant, after receiving the
6 notice, fails to file an answer, his or her license may, in the
7 discretion of the Secretary, be suspended, revoked, or placed
8 on probationary status, or be subject to whatever disciplinary
9 action the Secretary considers proper, including limiting the
10 scope, nature, or extent of the person's practice or imposition
11 of a fine, without hearing, if the act or acts charges
12 constitute sufficient grounds for the action under this Act.

13 Section 105. Record of proceedings; transcript.

14 (a) The Department, at its expense, shall provide a
15 certified shorthand reporter to take down the testimony and
16 preserve a record of all proceedings at the hearing of any case
17 in which a license may be revoked, suspended, placed on
18 probationary status, reprimanded, fined, or subjected to other
19 disciplinary action with reference to the license when a
20 disciplinary action is authorized under this Act and rules. The
21 notice of hearing, complaint, and all other documents in the
22 nature of pleadings and written motions filed in the
23 proceedings, the transcript of the testimony, the report of the
24 hearing officer, and the orders of the Department shall be the
25 record of the proceedings. The record may be made available to

1 any person interested in the hearing upon payment of the fee
2 required by Section 2105-115 of the Department of Professional
3 Regulation Law.

4 (b) The Department may contract for court reporting
5 services, and if it does so, the Department shall provide the
6 name and contact information for the certified shorthand
7 reporter who transcribed the testimony at a hearing to any
8 person interested, who may obtain a copy of the transcript of
9 any proceedings at a hearing upon payment of the fee specified
10 by the certified shorthand reporter.

11 Section 110. Subpoenas; depositions; oaths. The Department
12 has the power to subpoena documents, books, records, or other
13 materials and to bring before it any person and to take
14 testimony either orally or by deposition, or both, with the
15 same fees and mileage and in the same manner as prescribed in
16 civil cases in the courts of this State.

17 The Secretary, the designated hearing officer, and other
18 parties designated by the Department have the power to
19 administer oaths to witnesses at any hearing that the
20 Department is authorized to conduct, and any other oaths
21 authorized in any Act administered by the Department.

22 Section 115. Compelling testimony. Any circuit court, upon
23 application of the Department or designated hearing officer may
24 enter an order requiring the attendance of witnesses and their

1 testimony, and the production of documents, papers, files,
2 books, and records in connection with any hearing or
3 investigation. The court may compel obedience to its order by
4 proceedings for contempt.

5 Section 120. Hearing; motion for rehearing.

6 (a) The hearing officer appointed by the Secretary shall
7 hear evidence in support of the formal charges and evidence
8 produced by the licensee. At the conclusion of the hearing, the
9 hearing officer shall present to the Secretary a written report
10 of his or her findings of fact, conclusions of law, and
11 recommendations.

12 (b) At the conclusion of the hearing, a copy of the hearing
13 officer's report shall be served upon the applicant or
14 licensee, either personally or as provided in this Act for the
15 service of the notice of hearing. Within 20 calendar days after
16 such service, the applicant or licensee may present to the
17 Department a motion, in writing, for a rehearing that shall
18 specify the particular grounds for rehearing. The Department
19 may respond to the motion for rehearing within 20 calendar days
20 after its service on the Department. If no motion for rehearing
21 is filed, then upon the expiration of the time specified for
22 filing such a motion, or upon denial of a motion for rehearing,
23 the Secretary may enter an order in accordance with the
24 recommendations of the hearing officer. If the applicant or
25 licensee orders from the reporting service and pays for a

1 transcript of the record within the time for filing a motion
2 for rehearing, the 20 calendar day period within which a motion
3 may be filed shall commence upon delivery of the transcript to
4 the applicant or licensee.

5 (c) If the Secretary disagrees in any regard with the
6 report of the hearing officer, the Secretary may issue an order
7 contrary to the report.

8 (d) Whenever the Secretary is not satisfied that
9 substantial justice has been done, the Secretary may order a
10 hearing by the same or another hearing officer.

11 (e) At any point in any investigation or disciplinary
12 proceeding provided for in this Act, both parties may agree to
13 a negotiated consent order. The consent order shall be final
14 upon signature of the Secretary.

15 Section 125. Hearing officer. Notwithstanding any
16 provision in this Act, the Secretary has the authority to
17 appoint an attorney duly licensed to practice law in the State
18 of Illinois to serve as the hearing officer in any action for
19 refusal to issue or renew a license or discipline a license.
20 The hearing officer shall have full authority to conduct the
21 hearing. The hearing officer shall report his or her findings
22 of fact, conclusions of law, and recommendations to the
23 Secretary.

24 Section 130. Order or certified copy; prima facie proof. An

1 order or certified copy thereof, over the seal of the
2 Department and purporting to be signed by the Secretary, is
3 prima facie proof that:

4 (1) the signature is the genuine signature of the
5 Secretary; and

6 (2) the Secretary is duly appointed and qualified.

7 Section 135. Restoration from disciplinary status.

8 (a) At any time after the successful completion of a term
9 of probation, suspension, or revocation of a license issued
10 under this Act, the Department may restore the license to the
11 licensee, unless after an investigation and a hearing the
12 Department determines that restoration is not in the public
13 interest.

14 (b) Where circumstances of suspension or revocation so
15 indicate, the Department may require an examination of the
16 licensee prior to restoring his or her license.

17 (c) No person whose license has been revoked as authorized
18 in this Act may apply for restoration of that license or permit
19 until such time as provided for in the Civil Administrative
20 Code of Illinois.

21 (d) A license that has been suspended or revoked shall be
22 considered nonrenewed for purposes of restoration and a
23 licensee restoring his or her license from suspension or
24 revocation must comply with the requirements for restoration as
25 set forth in Section 55 of this Act and any related rules

1 adopted.

2 Section 140. Surrender of license. Upon the revocation or
3 suspension of a license, the licensee shall immediately
4 surrender his or her license to the Department. If the licensee
5 fails to do so, then the Department has the right to seize the
6 license.

7 Section 145. Summary suspension of a license. The Secretary
8 may summarily suspend a license, without a hearing,
9 simultaneously with the institution of proceedings for a
10 hearing provided for in Section 105 of this Act, if the
11 Secretary finds that evidence in the Secretary's possession
12 indicates that the continuation of practice as an athlete agent
13 would constitute an imminent danger to the public. If the
14 Secretary summarily suspends a license without a hearing, a
15 hearing must be commenced within 30 days after the suspension
16 has occurred and concluded as expeditiously as practical.

17 Section 150. Administrative review.

18 (a) All final administrative decisions of the Department
19 are subject to judicial review under the Administrative Review
20 Law and all rules adopted under the Administrative Review Law.
21 The term "administrative decision" is defined as in Section
22 3-101 of the Code of Civil Procedure.

23 (b) Proceedings for judicial review shall be commenced in

1 the circuit court of the county in which the party applying for
2 review resides, but if the party is not a resident of Illinois,
3 the venue shall be in Sangamon County.

4 (c) The Department shall not be required to certify any
5 record to the court or file any answer in court or to otherwise
6 appear in any court in a judicial review proceeding, unless
7 until the Department has received from the plaintiff payment of
8 the costs of furnishing and certifying the record, which costs
9 shall be determined by the Department.

10 (d) Failure on the part of the plaintiff to file a receipt
11 in court shall be grounds for dismissal of the action.

12 (e) During the pendency and hearing of any and all judicial
13 proceedings incident to a disciplinary action the sanctions
14 imposed upon the accused by the Department shall remain in full
15 force and effect.

16 Section 155. Unlicensed practice; violation; civil
17 penalty.

18 (a) Any person who practices, offers to practice, attempts
19 to practice, or holds himself or herself out to practice as an
20 athlete agent without being licensed or exempt under this Act
21 shall, in addition to any other penalty provided by law, pay a
22 civil penalty to the Department in an amount not to exceed
23 \$10,000 for each offense, as determined by the Department. The
24 civil penalty shall be assessed by the Department after a
25 hearing is held in accordance with the provisions set forth in

1 this Act regarding the provision of a hearing for the
2 discipline of a licensee.

3 (b) The Department may investigate any actual, alleged, or
4 suspected unlicensed activity.

5 (c) The civil penalty shall be paid within 60 days after
6 the effective date of the order imposing the civil penalty. The
7 order shall constitute a final judgment and may be filed and
8 execution had thereon in the same manner as any judgment from
9 any court of record.

10 (e) A person or entity not registered under this Act who
11 has violated any provision of this Act or its rules is guilty
12 of a Class A misdemeanor for the first offense and a Class 4
13 felony for a second and subsequent offenses.

14 Section 160. Illinois Administrative Procedure Act;
15 application. The Illinois Administrative Procedure Act is
16 expressly adopted and incorporated in this Act as if all of the
17 provisions of that Act were included in this Act, except that
18 the provision of subsection (d) of Section 10-65 of the
19 Illinois Administrative Procedure Act, which provides that at
20 hearings the licensee has the right to show compliance with all
21 lawful requirements for retention or continuation or renewal of
22 the license, is specifically excluded. The Department shall not
23 be required to annually verify email addresses as specified in
24 paragraph (2) of subsection (a) of Section 10-75 of the
25 Illinois Administrative Procedure Act. For the purpose of this

1 Act, the notice required under Section 10-25 of the Illinois
2 Administrative Procedure Act is considered sufficient when
3 mailed or emailed to the address of record.

4 Section 165. Home rule. The regulation and licensing as an
5 athlete agent are exclusive powers and functions of the State.
6 A home rule unit may not regulate or license an athlete agent
7 or the practice as an athlete agent, except as provided under
8 Section 20 of this Act. This Section is a denial and limitation
9 of home rule powers and functions under subsection (h) of
10 Section 6 of Article VII of the Illinois Constitution.

11 Section 170. Relation to electronic signatures in Global
12 and National Commerce Act. This Act modifies, limits, and
13 supersedes the federal Electronic Signatures in Global and
14 National Commerce Act, 15 U.S.C. Section 7001, et seq., but
15 does not modify, limit, or supersede Section 101(c) of that
16 Act, 15 U.S.C. Section 7001(c), or authorize electronic
17 delivery of any of the notices described in Section 103(b) of
18 that Act, 15 U.S.C. Section 7003(b).

19 Section 997. Severability. The provisions of this Act are
20 severable under Section 1.31 of the Statute on Statutes.

21 Section 999. Effective date. This Act takes effect January
22 1, 2021.