



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB3264

Introduced 2/11/2020, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

See Index

Amends the Regulatory Sunset Act. Extends the repeal date of the Community Association Manager Licensing and Disciplinary Act from January 1, 2022 to January 1, 2031. Amends the Community Association Manager Licensing and Disciplinary Act. Provides that all applicants and licensees under the Act shall provide a valid address and email address to the Department of Financial and Professional Regulation. Creates provisions concerning qualifications for licensure as a community association management firm and illegal discrimination. Makes changes in provisions concerning definitions; license requirements; exemptions; the Community Association Manager Licensing and Disciplinary Board; powers and duties of the Department; qualifications for licensure as a community association manager; examinations; fidelity insurance and segregation of accounts; license renewals; penalties for insufficient payments; endorsement; grounds for discipline; injunctions and cease and desist orders; unlicensed practice; investigation, notice, and hearings; appointment of a hearing officer; judicial review; violations and penalties; and home rule. Repeals provisions concerning qualifications for licensure as a supervising community association manager; rosters; violations and penalties; and enforcement. Effective immediately.

LRB101 20554 SPS 70170 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 5. The Regulatory Sunset Act is amended by changing
5 Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Collateral Recovery Act.

11 ~~The Community Association Manager Licensing and~~
12 ~~Disciplinary Act.~~

13 The Detection of Deception Examiners Act.

14 The Home Inspector License Act.

15 The Medical Practice Act of 1987.

16 The Registered Interior Designers Act.

17 The Massage Licensing Act.

18 The Petroleum Equipment Contractors Licensing Act.

19 The Real Estate Appraiser Licensing Act of 2002.

20 The Water Well and Pump Installation Contractor's License
21 Act.

22 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
23 101-614, eff. 12-20-19.)

1 (5 ILCS 80/4.41 new)

2 Sec. 4.41. Act repealed on January 1, 2031. The following
3 Act is repealed on January 1, 2031:

4 The Community Association Manager Licensing and
5 Disciplinary Act.

6 Section 10. The Community Association Manager Licensing
7 and Disciplinary Act is amended by changing Sections 10, 15,
8 20, 25, 30, 40, 45, 50, 55, 60, 70, 75, 85, 90, 92, 95, 115,
9 120, 145, 155, and 165 and by adding Sections 12, 41, and 86 as
10 follows:

11 (225 ILCS 427/10)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 10. Definitions. As used in this Act:

14 "Address of record" means the designated street address,
15 which may not be a post office box, recorded by the Department
16 in the applicant's or licensee's application file or license
17 file maintained by the Department ~~Department's licensure~~
18 ~~maintenance unit. It is the duty of the applicant or licensee~~
19 ~~to inform the Department of any change of address, and such~~
20 ~~changes must be made either through the Department's website or~~
21 ~~by contacting the Department's licensure maintenance unit.~~

22 "Advertise" means, but is not limited to, issuing or
23 causing to be distributed any card, sign or device to any

1 person; or causing, permitting or allowing any sign or marking
2 on or in any building, structure, newspaper, magazine or
3 directory, or on radio or television; or advertising by any
4 other means designed to secure public attention, including, but
5 not limited to, print, electronic, social media, and digital
6 forums.

7 "Board" means the Community Association Manager Licensing
8 and Disciplinary Board.

9 "Community association" means an association in which
10 membership is a condition of ownership or shareholder interest
11 of a unit in a condominium, cooperative, townhouse, villa, or
12 other residential unit which is part of a residential
13 development plan and that is authorized to impose an
14 assessment, rents, or other costs that may become a lien on the
15 unit or lot.

16 "Community association funds" means any assessments, fees,
17 fines, or other funds collected by the community association
18 manager from the community association, or its members, other
19 than the compensation paid to the community association manager
20 for performance of community association management services.

21 "Community association management firm" means a company,
22 corporation, limited liability company, partnership, or other
23 entity that engages in community association management
24 services.

25 "Community association management services" means those
26 services listed in the definition of community association

1 manager in this Section.

2 "Community association manager" means an individual who:

3 (1) has an ownership interest in or is employed by a
4 community association management firm, or is directly
5 employed by or provides services as an independent
6 contractor to a community association; and

7 (2) administers for remuneration the financial,
8 administrative, maintenance, or other duties for the
9 community association, including the following services:

10 (A) collecting, controlling or disbursing funds of
11 the community association or having the authority to do
12 so;

13 (B) preparing budgets or other financial documents
14 for the community association;

15 (C) assisting in the conduct of community
16 association meetings;

17 (D) maintaining association records; ~~and~~

18 (E) administrating association contracts or
19 procuring goods and services in accordance with, as
20 appropriate, ~~as stated in~~ the declaration, bylaws,
21 proprietary lease, declaration of covenants, or other
22 governing document of the community association or at
23 the direction of the Board of Managers; and

24 (F) coordinating or performing financial,
25 administrative, maintenance, or other duties as called
26 for in the management contract, including coordinating

1 individuals who are employees of the community
2 association.

3 "Community association manager" does not mean support
4 staff, including, but not limited to bookkeepers,
5 administrative assistants, secretaries, property inspectors,
6 or customer service representatives.

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Designated community association manager" means a
10 licensed community association manager who has an ownership
11 interest in or is employed by a community association
12 management firm to act as the controlling person and the
13 authorized signatory for the firm on community association
14 accounts and to otherwise supervise, manage, and be responsible
15 for the firm's community association manager activities
16 pursuant to Section 50 of this Act.

17 "Email address of record" means the designated email
18 address recorded by the Department in the applicant's
19 application file or the licensee's license file, as maintained
20 by the Department.

21 "License" means the privilege conferred by the Department
22 to a person that has fulfilled all the requirements
23 prerequisite to any type of licensure under this Act ~~license~~
24 ~~issued to a person, corporation, partnership, limited~~
25 ~~liability company, or other legal entity under this Act to~~
26 ~~provide community association management services.~~

1 "Licensee" means a community association manager or a
2 community association management firm.

3 "Person" means any individual, corporation, partnership,
4 limited liability company, or other legal entity.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation or his or her designee.

7 ~~"Supervising community association manager" means an~~
8 ~~individual licensed as a community association manager who~~
9 ~~manages and supervises a firm.~~

10 (Source: P.A. 100-201, eff. 8-18-17.)

11 (225 ILCS 427/12 new)

12 Sec. 12. Address of record; email address of record. The
13 Department shall require all applicants and licensees:

14 (1) to provide a valid address and email address to the
15 Department, which shall serve as the address of record and
16 email address of record, respectively, at the time of
17 application for licensure or renewal of a license; and

18 (2) to inform the Department of any change of address
19 of record or email address of record within 24 hours after
20 such change through the Department's website.

21 (225 ILCS 427/15)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 15. License required. It shall be unlawful for any
24 person, ~~corporation, partnership, limited liability company,~~

1 ~~or other entity~~ to provide community association management
2 services, provide services as a community association manager,
3 or hold himself, herself, or itself out as a community
4 association manager or community association management firm
5 to any community association in this State, unless he, she, or
6 it holds a current and valid license issued licensed by the
7 Department or is otherwise exempt from licensure under this
8 Act.

9 (Source: P.A. 98-365, eff. 1-1-14.)

10 (225 ILCS 427/20)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 20. Exemptions.

13 (a) The requirement for holding a license under this Act
14 shall not apply to any of the following:

15 (1) Any director or, ~~officer, or member~~ of a community
16 association providing one or more of the services of a
17 community association manager to a community association
18 without compensation for such services to the association.

19 (2) Any person, ~~corporation, partnership, or limited~~
20 ~~liability company~~ providing one or more of the services of
21 a community association manager to a community association
22 of 10 units or less.

23 (3) A licensed attorney acting solely as an incident to
24 the practice of law.

25 (4) An individual ~~A person~~ acting as a receiver,

1 trustee in bankruptcy, administrator, executor, or
2 guardian acting under a court order or under the authority
3 of a court will ~~or of a trust instrument~~.

4 (5) A person licensed in this State under any other Act
5 who engages in practices or activities specifically
6 authorized by the Act pursuant to which the license was
7 granted ~~from engaging the practice for which he or she is~~
8 ~~licensed~~.

9 (b) A licensed community association manager may not
10 perform or engage in any activities for which a real estate
11 managing broker, ~~or~~ real estate broker, or residential leasing
12 agent ~~broker's~~ license is required under the Real Estate
13 License Act of 2000, unless he or she also possesses a current
14 and valid license under the Real Estate License Act of 2000 and
15 is providing those services as provided for in the Real Estate
16 License Act of 2000 and the applicable rules.

17 (c) (Blank). ~~A person may temporarily act as, or provide~~
18 ~~services as, a community association manager without being~~
19 ~~licensed under this Act if the person (i) is a community~~
20 ~~association manager regulated under the laws of another state~~
21 ~~or territory of the United States or another country and (ii)~~
22 ~~has applied in writing to the Department, on forms prepared and~~
23 ~~furnished by the Department, for licensure under this Act. This~~
24 ~~temporary right to act as a community association manager shall~~
25 ~~expire 6 months after the filing of his or her written~~
26 ~~application to the Department; upon the withdrawal of the~~

1 ~~application for licensure under this Act; or upon delivery of a~~
2 ~~notice of intent to deny the application from the Department;~~
3 ~~or upon the denial of the application by the Department,~~
4 ~~whichever occurs first.~~

5 (Source: P.A. 98-365, eff. 1-1-14.)

6 (225 ILCS 427/25)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 25. Community Association Manager Licensing and
9 Disciplinary Board.

10 (a) There is hereby created the Community Association
11 Manager Licensing and Disciplinary Board, which shall consist
12 of 7 members appointed by the Secretary. All members must be
13 residents of the State and must have resided in the State for
14 at least 5 years immediately preceding the date of appointment.
15 Five members of the Board must be licensees under this Act,~~at~~
16 ~~least two members of which shall be supervising community~~
17 ~~association managers.~~ Two members of the Board shall be owners
18 of, or hold a shareholder's interest in, a unit in a community
19 association at the time of appointment who are not licensees
20 under this Act and have no direct affiliation ~~or work~~
21 ~~experience~~ with the community association's community
22 association manager. This Board shall act in an advisory
23 capacity to the Department.

24 (b) Each member's term ~~Members serving on the Board on the~~
25 ~~effective date of this amendatory Act of the 100th General~~

1 ~~Assembly may serve the remainder of their unexpired terms.~~
2 ~~Thereafter, the members' terms~~ shall be for 4 years or until
3 his or her successor is appointed ~~and expire upon completion of~~
4 ~~the term~~. No member shall be reappointed to the Board for a
5 term that would cause his or her cumulative service to the
6 Board to exceed 10 years. Appointments to fill vacancies shall
7 be made by the Secretary for the unexpired portion of the term.
8 The Secretary shall remove from the Board any member whose
9 license has become void or has been revoked or suspended and
10 may remove any member of the Board for neglect of duty,
11 misconduct, or incompetence. A member who is subject to formal
12 disciplinary proceedings shall disqualify himself or herself
13 from all Board business until the charge is resolved. A member
14 also shall disqualify himself or herself from any matter on
15 which the member cannot act objectively.

16 (c) Four Board members shall constitute a quorum. A quorum
17 is required for all Board decisions.

18 (d) The Board shall elect annually, at its first meeting of
19 the fiscal year, a chairperson and vice chairperson.

20 (e) Each member shall receive reimbursement as set by the
21 Governor's Travel Control Board for expenses incurred in
22 carrying out the duties as a Board member. The Board shall be
23 compensated as determined by the Secretary.

24 (f) The Board may recommend policies, procedures, and rules
25 relevant to the administration and enforcement of this Act.

26 (Source: P.A. 100-886, eff. 8-14-18.)

1 (225 ILCS 427/30)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 30. Powers and duties of the Department. The
4 Department may exercise the following functions, powers and
5 duties:

6 (a) formulate rules for the administration and
7 enforcement of this Act;

8 (b) prescribe forms to be issued for the administration
9 and enforcement of this Act and utilize regular or
10 electronic mail, at the discretion of the Department, to
11 send notices, pleadings, and other information to
12 applicants and licensees;

13 (c) conduct hearings or proceedings to refuse to issue
14 or renew, or to suspend, revoke, place on probation,
15 reprimand, or take disciplinary or non-disciplinary action
16 as the Department may deem appropriate under this Act;

17 (d) (blank); ~~maintain a roster of the names and~~
18 ~~addresses of all licensees in a manner as deemed~~
19 ~~appropriate by the Department; and~~

20 (e) seek the advice and expert knowledge of the Board
21 on any matter relating to the administration and
22 enforcement of this Act; and;

23 (f) exercise any and all general powers and duties set
24 forth in Section 2105-15 of the Professional Regulation Law
25 of the Civil Administrative Code of Illinois.

1 (Source: P.A. 96-726, eff. 7-1-10.)

2 (225 ILCS 427/40)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 40. Qualifications for licensure as a community
5 association manager.

6 (a) No person shall be qualified for licensure as a
7 community association manager under this Act, unless he or she
8 has applied in writing on the prescribed forms and has paid the
9 required, nonrefundable fees and meets all of the following
10 qualifications:

11 (1) He or she is at least 18 years of age.

12 (1.5) He or she successfully completed a 4-year course
13 of study in a high school, secondary school, an equivalent
14 course of study approved by the state in which the school
15 is located, or possess a high school equivalency
16 certificate that shall be verified under oath by the
17 applicant.

18 (2) He or she provides satisfactory evidence of having
19 completed at least 20 classroom hours in community
20 association management courses approved by the Board.

21 (3) He or she has passed an examination authorized by
22 the Department.

23 (4) He or she has not committed an act or acts, in this
24 or any other jurisdiction, that would be a violation of
25 this Act.

1 (5) He or she is of good moral character. In
2 determining moral character under this Section, the
3 Department may take into consideration whether the
4 applicant has engaged in conduct or activities that would
5 constitute grounds for discipline under this Act. Good
6 moral character is a continuing requirement of licensure.
7 Conviction of crimes may be used in determining moral
8 character, but shall not constitute an absolute bar to
9 licensure.

10 (6) He or she has not been declared by any court of
11 competent jurisdiction to be incompetent by reason of
12 mental or physical defect or disease, unless a court has
13 subsequently declared him or her to be competent.

14 (7) He or she complies with any additional
15 qualifications for licensure as determined by rule of the
16 Department.

17 (b) The education requirement set forth in item (2) of
18 subsection (a) of this Section shall not apply to persons
19 holding a real estate managing broker or real estate broker
20 license in good standing issued under the Real Estate License
21 Act of 2000.

22 (c) (Blank). ~~The examination and initial education~~
23 ~~requirement of items (2) and (3) of subsection (a) of this~~
24 ~~Section shall not apply to any person who within 6 months from~~
25 ~~the effective date of the requirement for licensure, as set~~
26 ~~forth in Section 170 of this Act, applies for a license by~~

1 ~~providing satisfactory evidence to the Department of~~
2 ~~qualifying experience or education, as may be set forth by~~
3 ~~rule, including without limitation evidence that he or she has~~
4 ~~practiced community association management for a period of 5~~
5 ~~years.~~

6 (d) Applicants have 2 3 years from the date of application
7 to complete the application process. If the process has not
8 been completed within the 2 3 years, the application shall be
9 denied, the fee shall be forfeited, and the applicant must
10 reapply and meet the requirements in effect at the time of
11 re-application.

12 (e) The Department shall not require applicants to report
13 the following information and shall not consider the following
14 criminal history records in connection with an application for
15 licensure or registration:

16 (1) juvenile adjudications of delinquent minors as
17 defined in Section 5-105 of the Juvenile Court Act of 1987
18 subject to the restrictions set forth in Section 5-130 of
19 that Act;

20 (2) law enforcement records, court records, and
21 conviction records of an individual who was 17 years old at
22 the time of the offense and before January 1, 2014, unless
23 the nature of the offense required the individual to be
24 tried as an adult;

25 (3) records of arrest not followed by a charge or
26 conviction;

1 (4) records of arrest in which the charges were
2 dismissed unless related to the practice of the profession;
3 however, applicants shall not be asked to report any
4 arrests, and an arrest not followed by a conviction shall
5 not be the basis of a denial and may be used only to assess
6 an applicant's rehabilitation;

7 (5) convictions overturned by a higher court; or

8 (6) convictions or arrests that have been sealed or
9 expunged.

10 (f) A licensee shall report to the Department, in a manner
11 prescribed by the Department, any plea of guilty or nolo
12 contendere to forgery, embezzlement, obtaining money under
13 false pretenses, larceny, extortion, conspiracy to defraud, or
14 any similar offense or offenses or any conviction of a felony
15 involving moral turpitude that occurs during the licensee's
16 term of licensure.

17 (Source: P.A. 100-892, eff. 8-14-18.)

18 (225 ILCS 427/41 new)

19 Sec. 41. Qualifications for licensure as a community
20 association management firm. Any person who desires to obtain a
21 community association management firm license must:

22 (1) apply to the Department on forms prescribed by the
23 Department and pay the required fee;

24 (2) provide evidence to the Department that the
25 community association management firm has a licensed

1 designated community association manager;
2 (3) be authorized to conduct business in the State of
3 Illinois and provide proof of such authorization to the
4 Department; and
5 (4) comply with all requirements as may be set forth by
6 rule.

7 (225 ILCS 427/45)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 45. Examinations.

10 (a) The Department shall authorize examinations of
11 applicants for licensure as a community association manager at
12 such times and places as it may determine. The examination of
13 applicants shall be of a character to give a fair test of the
14 qualifications of the applicant to practice as a community
15 association manager.

16 (b) Applicants for examination shall be required to pay,
17 either to the Department or the designated testing service, a
18 fee covering the cost of providing the examination.

19 (c) The Department may employ consultants to prepare and
20 conduct ~~for the purpose of preparing and conducting~~
21 examinations.

22 (d) An applicant shall be eligible to take the examination
23 only after successfully completing the education requirements
24 set forth in this Act and attaining the minimum education and
25 age required under this Act.

1 (e) (Blank). ~~The examination approved by the Department~~
2 ~~should utilize the basic principles of professional testing~~
3 ~~standards utilizing psychometric measurement. The examination~~
4 ~~shall use standards set forth by the National Organization for~~
5 ~~Competency Assurances and shall be approved by the Department.~~

6 (Source: P.A. 96-726, eff. 7-1-10.)

7 (225 ILCS 427/50)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 50. Community association management firm.

10 (a) No corporation, partnership, limited liability
11 company, or other legal entity shall provide or offer to
12 provide community association management services, unless it
13 has applied in writing on the prescribed forms and has paid the
14 required nonrefundable fees and provided evidence to the
15 Department that the firm has designated a licensed ~~supervising~~
16 community association manager to supervise and manage the firm.
17 Having a ~~A~~ designated ~~supervising~~ community association
18 manager shall be a continuing requirement of firm licensure. ~~No~~
19 ~~supervising community association manager may be the~~
20 ~~supervising community association manager for more than one~~
21 ~~firm.~~

22 (b) Any corporation, partnership, limited liability
23 company, or other legal entity that is providing, or offering
24 to provide, community association management services and is
25 not in compliance with this Section ~~50~~ and other provisions of

1 this Act shall be subject to the civil penalties, fines,
2 injunctions, cease and desist provisions, and penalties
3 provided for in Sections 90, 92, and 155 of this Act.

4 (c) No community association manager may be the designated
5 community association manager ~~licensee in charge~~ for more than
6 one firm, corporation, limited liability company, partnership,
7 or other legal entity. The designated community association
8 manager shall be responsible for the actions of all licensed
9 community association managers and unlicensed persons
10 purporting to act on behalf of, or holding themselves out as
11 acting on behalf of, the community association management firm.

12 (d) The Department may adopt rules and set all necessary
13 requirements for the implementation of this Section.

14 (Source: P.A. 98-365, eff. 1-1-14.)

15 (225 ILCS 427/55)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 55. Fidelity insurance; segregation of accounts.

18 (a) The designated ~~supervising~~ community association
19 manager or the community association management firm with which
20 he or she is employed shall not have access to and disburse
21 community association funds unless each of the following
22 conditions occur:

23 (1) There is fidelity insurance in place to insure
24 against loss or ~~for~~ theft of community association funds.

25 (2) The fidelity insurance is not less than all moneys

1 under the control of the designated ~~supervising~~ community
2 association manager or the employing community association
3 management firm for the association.

4 (3) The fidelity insurance covers the designated
5 community association manager, all other licensees
6 ~~supervising community association manager~~, and all
7 partners, officers, and employees of the community
8 association management firm during the term of the
9 insurance coverage, ~~which shall be at least for the same~~
10 ~~term as the service agreement between the community~~
11 ~~association management firm or supervising community~~
12 ~~association manager~~ as well as the community association
13 officers, directors, and employees.

14 (4) The insurance company issuing the fidelity
15 insurance may not cancel or refuse to renew the bond
16 without giving at least 10 days' prior written notice.

17 (5) Unless an agreement between the community
18 association and the designated ~~supervising~~ community
19 association manager or the community association
20 management firm provides to the contrary, a community
21 association may secure and pay for the fidelity insurance
22 required by this Section. The designated ~~supervising~~
23 community association manager, all other licensees, and ~~or~~
24 the community association management firm must be named as
25 additional insured parties on the community association
26 policy.

1 (b) A community association management firm that provides
2 community association management services for more than one
3 community association shall maintain separate, segregated
4 accounts for each community association ~~or, with the consent of~~
5 ~~the community association, combine the accounts of one or more~~
6 ~~community associations, but in that event, separately account~~
7 ~~for the funds of each community association. The funds shall~~
8 ~~not, in any event, be commingled with the supervising community~~
9 ~~association manager's or community association management~~
10 ~~firm's funds. The funds shall not be commingled with the funds~~
11 ~~of the community association manager, the community~~
12 ~~association management firm, or any other community~~
13 ~~association.~~ The maintenance of such accounts shall be
14 custodial, and such accounts shall be in the name of the
15 respective community association ~~or community association~~
16 ~~manager or Community Association Management Agency as the agent~~
17 ~~for the association.~~

18 (c) The designated ~~supervising~~ community association
19 manager or community association management firm shall obtain
20 the appropriate general liability and errors and omissions
21 insurance, as determined by the Department, to cover any losses
22 or claims against a ~~the supervising~~ community association
23 manager, the designated community association manager, or the
24 community association management firm.

25 (d) The Department shall have authority to promulgate
26 additional rules regarding insurance, fidelity insurance and

1 all accounts maintained and to be maintained by a community
2 association manager, designated ~~supervising~~ community
3 association manager, or community association management firm.
4 (Source: P.A. 98-365, eff. 1-1-14.)

5 (225 ILCS 427/60)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 60. Licenses; renewals; restoration; person in
8 military service.

9 (a) The expiration date, fees, and renewal period for each
10 license issued under this Act shall be set by rule. The
11 Department may promulgate rules requiring continuing education
12 and set all necessary requirements for such, including but not
13 limited to fees, approved coursework, number of hours, and
14 waivers of continuing education.

15 (b) Any licensee who has permitted his, her, or its license
16 to expire may have the license restored by making application
17 to the Department and filing proof acceptable to the Department
18 of fitness to have his, her, or its license restored, ~~by~~ which
19 may include sworn evidence certifying to active practice in
20 another jurisdiction satisfactory to the Department, complying
21 with any continuing education requirements, and paying the
22 required restoration fee.

23 (c) ~~Any If the person has not maintained an active practice~~
24 ~~in another jurisdiction satisfactory to the Department, the~~
25 ~~Department shall determine, by an evaluation program~~

1 ~~established by rule, the person's fitness to resume active~~
2 ~~status and may require the person to complete a period of~~
3 ~~evaluated clinical experience and successful completion of a~~
4 ~~practical examination. However, any person whose license~~
5 expired while (i) in federal service on active duty with the
6 Armed Forces of the United States or called into service or
7 training with the State Militia or (ii) in training or
8 education under the supervision of the United States
9 preliminary to induction into the military service may have his
10 or her license renewed or restored without paying any lapsed
11 renewal fees if, within 2 years after honorable termination of
12 the service, training or education, except under condition
13 other than honorable, he or she furnishes the Department with
14 satisfactory evidence to the effect that he or she has been so
15 engaged and that the service, training, or education has been
16 so honorably terminated.

17 (d) A community association manager ~~or~~ community
18 association management firm ~~or supervising community~~
19 ~~association manager~~ who notifies the Department, in a manner
20 ~~writing on forms~~ prescribed by the Department, may place his,
21 her, or its license on inactive status for a period not to
22 exceed 2 years and shall be excused from the payment of renewal
23 fees until the person notifies the Department in writing of the
24 intention to resume active practice.

25 (e) A community association manager ~~or~~ community
26 association management firm, ~~or supervising community~~

1 ~~association manager~~ requesting that his, her, or its license be
2 changed from inactive to active status shall be required to pay
3 the current renewal fee and shall also demonstrate compliance
4 with the continuing education requirements.

5 (f) No ~~Any~~ licensee with a nonrenewed or ~~on~~ inactive
6 license status or community association management firm
7 operation without a designated community association manager
8 shall ~~not~~ provide community association management services as
9 set forth in this Act.

10 (g) Any person violating subsection (f) of this Section
11 shall be considered to be practicing without a license and will
12 be subject to the disciplinary provisions of this Act.

13 (h) The Department shall not renew a license if the
14 licensee has an unpaid fine from a disciplinary matter or an
15 unpaid fee from a non-disciplinary action imposed by the
16 Department until the fine or fee is paid to the Department or
17 the licensee has entered into a payment plan and is current on
18 the required payments.

19 (i) The Department shall not issue a license if the
20 applicant has an unpaid fine imposed by the Department for
21 unlicensed practice until the fine is paid to the Department or
22 the applicant has entered into a payment plan and is current on
23 the required payments.

24 (Source: P.A. 98-365, eff. 1-1-14.)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 70. Penalty for insufficient funds; payments. Any
3 person who:

4 (1) delivers a check or other payment to the Department
5 that is returned to the Department unpaid by the financial
6 institution upon which it is drawn; or

7 (2) presents a credit or debit card for payment that is
8 invalid or expired or against which charges by the
9 Department are declined or dishonored;

10 shall pay to the Department, in addition to the amount already
11 owed to the Department, a fine of \$50. The Department shall
12 notify the person that payment of fees and fines shall be paid
13 to the Department by certified check or money order within 30
14 calendar days after notification. If, after the expiration of
15 30 days from the date of the notification, the person has
16 failed to submit the necessary remittance, the Department shall
17 automatically terminate the license or deny the application,
18 without hearing. If, after termination or denial, the person
19 seeks a license, he, she, or it shall apply to the Department
20 for restoration or issuance of the license and pay all fees and
21 fines due to the Department. The Department may establish a fee
22 for the processing of an application for restoration of a
23 license to pay all expenses of processing this application. The
24 Secretary may waive the fines due under this Section in
25 individual cases where the Secretary finds that the fines would
26 be unreasonable or unnecessarily burdensome.

1 (Source: P.A. 98-365, eff. 1-1-14.)

2 (225 ILCS 427/75)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 75. Endorsement. The Department may issue a community
5 association manager ~~or supervising community association~~
6 ~~manager~~ license, without the required examination, to an
7 applicant licensed under the laws of another state if the
8 requirements for licensure in that state are, on the date of
9 licensure, substantially equal to the requirements of this Act
10 or to a person who, at the time of his or her application for
11 licensure, possessed individual qualifications that were
12 substantially equivalent to the requirements then in force in
13 this State. An applicant under this Section shall pay all of
14 the required fees.

15 All applicants under this Act ~~Applicants~~ have 2 ~~3~~ years
16 from the date of application to complete the application
17 process. If the process has not been completed within the 2 ~~3~~
18 years, the application shall be denied, the fee shall be
19 forfeited, and the applicant must reapply and meet the
20 requirements in effect at the time of reapplication.

21 (Source: P.A. 98-365, eff. 1-1-14.)

22 (225 ILCS 427/85)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

2 (a) The Department may refuse to issue or renew a license,
3 or may place on probation, reprimand, suspend, or revoke any
4 license, or take any other disciplinary or non-disciplinary
5 action as the Department may deem proper and impose a fine not
6 to exceed \$10,000 for each violation upon any licensee or
7 applicant under this Act or any person or entity who holds
8 himself, herself, or itself out as an applicant or licensee for
9 any one or combination of the following causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violations of this Act or its rules.

13 (3) Conviction of or entry of a plea of guilty or plea
14 of nolo contendere to a felony or a misdemeanor under the
15 laws of the United States, any state, or any other
16 jurisdiction or entry of an administrative sanction by a
17 government agency in this State or any other jurisdiction.
18 Action taken under this paragraph (3) for a misdemeanor or
19 an administrative sanction is limited to a misdemeanor or
20 administrative sanction that has as an essential element
21 dishonesty or fraud, that involves larceny, embezzlement,
22 or obtaining money, property, or credit by false pretenses
23 or by means of a confidence game, or that is directly
24 related to the practice of the profession.

25 (4) Making any misrepresentation for the purpose of
26 obtaining a license or violating any provision of this Act

1 or its rules.

2 (5) Professional incompetence.

3 (6) Gross negligence.

4 (7) Aiding or assisting another person in violating any
5 provision of this Act or its rules.

6 (8) Failing, within 30 days, to provide information in
7 response to a request made by the Department.

8 (9) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud or harm the public as defined by the rules of the
11 Department, or violating the rules of professional conduct
12 adopted by the Department.

13 (10) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in the inability to practice with reasonable
16 judgment, skill, or safety.

17 (11) Having been disciplined by another state, the
18 District of Columbia, a territory, a foreign nation, or a
19 governmental agency authorized to impose discipline if at
20 least one of the grounds for the discipline is the same or
21 substantially equivalent of one of the grounds for which a
22 licensee may be disciplined under this Act. A certified
23 copy of the record of the action by the other state or
24 jurisdiction shall be prima facie evidence thereof.

25 (12) Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership or association

1 any fee, commission, rebate, or other form of compensation
2 for any ~~professional~~ services not actually or personally
3 rendered.

4 (13) A finding by the Department that the licensee,
5 after having his, her, or its license placed on
6 probationary status, has violated the terms of probation.

7 (14) Willfully making or filing false records or
8 reports relating to a licensee's practice, including but
9 not limited to false records filed with any State or
10 federal agencies or departments.

11 (15) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and upon
14 proof by clear and convincing evidence that the licensee
15 has caused a child to be an abused child or neglected child
16 as defined in the Abused and Neglected Child Reporting Act.

17 (16) Physical illness or mental illness or impairment,
18 ~~including, but not limited to, deterioration through the~~
19 ~~aging process or loss of motor skill~~ that results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

22 (17) Solicitation of professional services by using
23 false or misleading advertising.

24 (18) A finding that licensure has been applied for or
25 obtained by fraudulent means.

26 (19) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any
2 other legally authorized name unless approved by the
3 Department.

4 (20) Gross overcharging for professional services
5 including, but not limited to, (i) collection of fees or
6 moneys for services that are not rendered; and (ii)
7 charging for services that are not in accordance with the
8 contract between the licensee and the community
9 association.

10 (21) Improper commingling of personal and client funds
11 in violation of this Act or any rules promulgated thereto.

12 (22) Failing to account for or remit any moneys or
13 documents coming into the licensee's possession that
14 belong to another person or entity.

15 (23) Giving differential treatment to a person that is
16 to that person's detriment on the basis ~~because~~ of race,
17 color, ~~creed,~~ sex, ancestry, age, order of protection
18 status, marital status, physical or mental disability,
19 military status, unfavorable discharge from military
20 status, sexual orientation, pregnancy, religion, or
21 national origin.

22 (24) Performing and charging for services without
23 reasonable authorization to do so from the person or entity
24 for whom service is being provided.

25 (25) Failing to make available to the Department, upon
26 request, any books, records, or forms required by this Act.

1 (26) Purporting to be a designated ~~supervising~~
2 community association manager of a firm without active
3 participation in the firm and having been designated as
4 such.

5 (27) Failing to make available to the Department at the
6 time of the request any indicia of licensure or
7 registration issued under this Act.

8 (28) Failing to maintain and deposit funds belonging to
9 a community association in accordance with subsection (b)
10 of Section 55 of this Act.

11 (29) Violating the terms of a disciplinary order issued
12 by the Department.

13 (30) Operating a community association management firm
14 without a designated community association manager who
15 holds an active community association manager license.

16 (31) For a designated community association manager,
17 failing to meet the requirements for acting as a designated
18 community association manager.

19 (32) Failing to disclose to a community association any
20 compensation received by a licensee from a third party in
21 connection with or related to a transaction entered into by
22 the licensee on behalf of the community association.

23 (33) Failing to disclose to a community association, at
24 the time of making the referral, that a licensee: (A) has
25 greater than a 1% ownership interest in a third party to
26 which it refers the community association or (B) receives

1 or may receive dividends or other profit sharing
2 distributions from a third party, other than a publicly
3 held or traded company, to which it refers the community
4 association.

5 (b) (Blank).

6 (c) The determination by a circuit court that a licensee is
7 subject to involuntary admission or judicial admission, as
8 provided in the Mental Health and Developmental Disabilities
9 Code, operates as an automatic suspension. The suspension will
10 terminate only upon a finding by a court that the patient is no
11 longer subject to involuntary admission or judicial admission
12 and the issuance of an order so finding and discharging the
13 patient, and upon the recommendation of the Board to the
14 Secretary that the licensee be allowed to resume his or her
15 practice as a licensed community association manager.

16 (d) In accordance with subsection (g) of Section 2105-15 of
17 the Department of Professional Regulation Law of the Civil
18 Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~), the
19 Department may refuse to issue or renew or may suspend the
20 license of any person who fails to file a return, to pay the
21 tax, penalty, or interest shown in a filed return, or to pay
22 any final assessment of tax, penalty, or interest, as required
23 by any tax Act administered by the Department of Revenue, until
24 such time as the requirements of that tax Act are satisfied.

25 (e) In accordance with subdivision (a)(5) of Section
26 2105-15 of the Department of Professional Regulation Law of the

1 Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-15)~~
2 and in cases where the Department of Healthcare and Family
3 Services (formerly Department of Public Aid) has previously
4 determined that a licensee or a potential licensee is more than
5 30 days delinquent in the payment of child support and has
6 subsequently certified the delinquency to the Department, the
7 Department may refuse to issue or renew or may revoke or
8 suspend that person's license or may take other disciplinary
9 action against that person based solely upon the certification
10 of delinquency made by the Department of Healthcare and Family
11 Services.

12 (f) (Blank). ~~In enforcing this Section, the Department or~~
13 ~~Board upon a showing of a possible violation may compel a~~
14 ~~licensee or an individual licensed to practice under this Act,~~
15 ~~or who has applied for licensure under this Act, to submit to a~~
16 ~~mental or physical examination, or both, as required by and at~~
17 ~~the expense of the Department. The Department or Board may~~
18 ~~order the examining physician to present testimony concerning~~
19 ~~the mental or physical examination of the licensee or~~
20 ~~applicant. No information shall be excluded by reason of any~~
21 ~~common law or statutory privilege relating to communications~~
22 ~~between the licensee or applicant and the examining physician.~~
23 ~~The examining physicians shall be specifically designated by~~
24 ~~the Board or Department. The individual to be examined may~~
25 ~~have, at his or her own expense, another physician of his or~~
26 ~~her choice present during all aspects of this examination.~~

1 ~~Failure of an individual to submit to a mental or physical~~
2 ~~examination, when directed, shall be grounds for suspension of~~
3 ~~his or her license or denial of his or her application or~~
4 ~~renewal until the individual submits to the examination if the~~
5 ~~Department finds, after notice and hearing, that the refusal to~~
6 ~~submit to the examination was without reasonable cause.~~

7 ~~If the Department or Board finds an individual unable to~~
8 ~~practice because of the reasons set forth in this Section, the~~
9 ~~Department or Board may require that individual to submit to~~
10 ~~care, counseling, or treatment by physicians approved or~~
11 ~~designated by the Department or Board, as a condition, term, or~~
12 ~~restriction for continued, reinstated, or renewed licensure to~~
13 ~~practice; or, in lieu of care, counseling, or treatment, the~~
14 ~~Department may file, or the Board may recommend to the~~
15 ~~Department to file, a complaint to immediately suspend, revoke,~~
16 ~~deny, or otherwise discipline the license of the individual. An~~
17 ~~individual whose license was granted, continued, reinstated,~~
18 ~~renewed, disciplined or supervised subject to such terms,~~
19 ~~conditions, or restrictions, and who fails to comply with such~~
20 ~~terms, conditions, or restrictions, shall be referred to the~~
21 ~~Secretary for a determination as to whether the individual~~
22 ~~shall have his or her license suspended immediately, pending a~~
23 ~~hearing by the Department.~~

24 ~~In instances in which the Secretary immediately suspends a~~
25 ~~person's license under this Section, a hearing on that person's~~
26 ~~license must be convened by the Department within 30 days after~~

1 ~~the suspension and completed without appreciable delay. The~~
2 ~~Department and Board shall have the authority to review the~~
3 ~~subject individual's record of treatment and counseling~~
4 ~~regarding the impairment to the extent permitted by applicable~~
5 ~~federal statutes and regulations safeguarding the~~
6 ~~confidentiality of medical records.~~

7 ~~An individual licensed under this Act and affected under~~
8 ~~this Section shall be afforded an opportunity to demonstrate to~~
9 ~~the Department or Board that he or she can resume practice in~~
10 ~~compliance with acceptable and prevailing standards under the~~
11 ~~provisions of his or her license.~~

12 (Source: P.A. 100-872, eff. 8-14-18.)

13 (225 ILCS 427/86 new)

14 Sec. 86. Illegal discrimination. When there has been an
15 adjudication in a civil or criminal proceeding that a community
16 association manager or community association management firm
17 has illegally discriminated while engaged in any activity for
18 which a license is required under this Act, the Department,
19 upon the recommendation of the Board as to the extent of the
20 suspension or revocation, shall suspend or revoke the license
21 of that licensee in a timely manner, unless the adjudication is
22 in the appeal process. When there has been an order in an
23 administrative proceeding finding that a licensee has
24 illegally discriminated while engaged in any activity for which
25 a license is required under this Act, the Department, upon

1 recommendation of the Board as to the nature and extent of the
2 discipline, shall take one or more of the disciplinary actions
3 provided for in Section 85 of this Act in a timely manner,
4 unless the administrative order is in the appeal process.

5 (225 ILCS 427/90)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 90. Violations; injunctions; cease and desist orders.

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

21 (b) If any person provides, ~~entity or other business may~~
22 ~~provide~~ community association management services or provides
23 ~~provide~~ services as a community association manager to any
24 community association in this State without having a valid
25 license under this Act or, in the case of a community

1 association management firm, without a designated community
2 association manager, then any licensee, any interested party or
3 any person injured thereby may, in addition to the Secretary,
4 petition for relief as provided in subsection (a) of this
5 Section.

6 (c) Whenever in the opinion of the Department any person,
7 entity or other business violates any provision of this Act,
8 the Department may issue a rule to show cause why an order to
9 cease and desist should not be entered against such person,
10 firm or other entity. The rule shall clearly set forth the
11 grounds relied upon by the Department and shall provide a
12 period of at least 7 days from the date of the rule to file an
13 answer to the satisfaction of the Department. If the person,
14 firm or other entity fails to file an answer satisfactory to
15 the Department, the matter shall be considered as a default and
16 the Department may cause an order to cease and desist to be
17 issued immediately.

18 (Source: P.A. 96-726, eff. 7-1-10.)

19 (225 ILCS 427/92)

20 (Section scheduled to be repealed on January 1, 2022)

21 Sec. 92. Unlicensed practice; violation; civil penalty.

22 (a) Any person, entity or other business who practices,
23 offers to practice, attempts to practice, or holds himself,
24 herself or itself out to practice as a community association
25 manager or community association management firm or provides

1 ~~provide~~ services as a community association manager or
2 community association management firm to any community
3 association in this State without being licensed under this Act
4 or, in the case of a community association management firm,
5 without a designated community association manager shall, in
6 addition to any other penalty provided by law, pay a civil
7 penalty to the Department in an amount not to exceed \$10,000
8 for each offense, as determined by the Department. The civil
9 penalty shall be assessed by the Department after a hearing is
10 held in accordance with the provisions set forth in this Act
11 regarding the provision of a hearing for the discipline of a
12 licensee.

13 (b) The Department may investigate any and all unlicensed
14 activity.

15 (c) The civil penalty shall be paid within 60 days after
16 the effective date of the order imposing the civil penalty. The
17 order shall constitute a judgment and may be filed and
18 execution had thereon in the same manner as any judgment from
19 any court of record.

20 (Source: P.A. 98-365, eff. 1-1-14.)

21 (225 ILCS 427/95)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 95. Investigation; notice and hearing. The Department
24 may investigate the actions or qualifications of a person,
25 entity, or other business applying for, holding or claiming to

1 hold, or holding himself, herself, or itself out as having a
2 license or rendering or offering to render services for which a
3 license is required by this Act and may notify their designated
4 community association manager, if any, of the pending
5 investigation. Before suspending, revoking, placing on
6 probationary status, or taking any other disciplinary action as
7 the Department may deem proper with regard to any license, at
8 least 30 days before the date set for the hearing, the
9 Department shall (i) notify the accused and their designated
10 community association manager, if any, in writing of any
11 charges made and the time and place for a hearing on the
12 charges before the Board, (ii) direct the accused ~~individual or~~
13 ~~entity~~ to file a written answer to the charges with the Board
14 under oath within 20 days after the service on the accused ~~him~~
15 ~~or her~~ of such notice, and (iii) inform the accused ~~person,~~
16 ~~entity or other business~~ that if it ~~the person, entity, or~~
17 ~~other business~~ fails to file an answer, default will be taken
18 against it ~~such person, entity, or other business~~ and the
19 license of such person, entity, or other business may be
20 suspended, revoked, placed on probationary status, or other
21 disciplinary action taken with regard to the license, including
22 limiting the scope, nature, or extent of his or her practice,
23 as the Department may deem proper. The Department shall serve
24 notice under this Section by regular or electronic ~~Written~~
25 ~~notice may be served by personal delivery or by registered or~~
26 ~~certified~~ mail to the applicant or licensee at his or her last

1 address of record or email address of record as provided to
2 ~~with~~ the Department. If the accused ~~In case the person~~ fails to
3 file an answer after receiving notice, his or her license may,
4 in the discretion of the Department, be suspended, revoked, or
5 placed on probationary status, or the Department may take
6 whatever disciplinary action deemed proper, including limiting
7 the scope, nature, or extent of the person's practice or the
8 imposition of a fine, without a hearing, if the act or acts
9 charged constitute sufficient grounds for such action under
10 this Act. The ~~written~~ answer shall be served by personal
11 delivery or regular, ~~certified delivery, or certified or~~
12 ~~registered~~ mail to the Department. At the time and place fixed
13 in the notice, the Department shall proceed to hear the charges
14 and the parties or their counsel shall be accorded ample
15 opportunity to present such statements, testimony, evidence,
16 and argument as may be pertinent to the charges or to the
17 defense thereto. The Department may continue such hearing from
18 time to time. At the discretion of the Secretary after having
19 first received the recommendation of the Board, the accused
20 person's license may be suspended or revoked placed on
21 probationary status or the Department may take whatever
22 disciplinary action considered proper, including limiting the
23 scope, nature, or extent of the person's practice or the
24 imposition of a fine if the act or acts charged constitute
25 sufficient grounds for that action under this Act. A copy of
26 the Department's final order shall be delivered to the

1 accused's designated community association manager or, if the
2 accused is directly employed by a community association, to the
3 board of managers of that association if known to the
4 Department, if the evidence constitutes sufficient grounds for
5 ~~such action under this Act.~~

6 (Source: P.A. 96-726, eff. 7-1-10; 97-333, eff. 8-12-11.)

7 (225 ILCS 427/115)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 115. Rehearing. At the conclusion of a hearing and
10 following deliberation by the Board, a copy of the Board's
11 report shall be served upon the applicant, licensee, or
12 unlicensed person by the Department, either personally or as
13 provided in this Act for the service of a notice of hearing ~~In~~
14 ~~any hearing involving disciplinary action against a licensee, a~~
15 ~~copy of the Board's report shall be served upon the respondent~~
16 ~~by the Department, either personally or as provided in this Act~~
17 ~~for the service of the notice of hearing.~~ Within 20 calendar
18 days after service, the respondent may present to the
19 Department a motion in writing for a rehearing that shall
20 specify the particular grounds for rehearing. If no motion for
21 rehearing is filed, then upon the expiration of the time
22 specified for filing a motion, or if a motion for rehearing is
23 denied, then upon denial, the Secretary may enter an order in
24 accordance with recommendations of the Board, except as
25 provided in this Act. If the respondent orders from the

1 reporting service, and pays for, a transcript of the record
2 within the time for filing a motion for rehearing, the 20
3 calendar day period within which a motion may be filed shall
4 commence upon the delivery of the transcript to the respondent.
5 (Source: P.A. 96-726, eff. 7-1-10.)

6 (225 ILCS 427/120)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 120. Appointment of a hearing officer. The Secretary
9 has the authority to appoint any attorney duly licensed to
10 practice law in the State of Illinois to serve as the hearing
11 officer in any action for refusal to issue or renew a license,
12 or to discipline a licensee. The hearing officer has full
13 authority to conduct the hearing. The hearing officer shall
14 report his or her findings and recommendations to the Board and
15 the Secretary. At its next meeting following ~~The Board has 60~~
16 ~~calendar days from~~ receipt of the report, the Board shall ~~to~~
17 review the report of the hearing officer and present its
18 findings of fact, conclusions of law, and recommendations to
19 the Secretary.

20 If the Board fails to present its report within 30 calendar
21 days following its next meeting after receiving the report
22 ~~within the 60 calendar day period~~, the respondent may request
23 in writing a direct appeal to the Secretary, in which case the
24 Secretary shall, within 7 calendar days after the request,
25 issue an order directing the Board to issue its findings of

1 fact, conclusions of law, and recommendations to the Secretary
2 within 30 calendar days after such order.

3 If the Board fails to issue its findings of fact,
4 conclusions of law, and recommendations within that time frame
5 to the Secretary after the entry of such order, the Secretary
6 shall, within 30 calendar days thereafter, issue an order based
7 upon the report of the hearing officer and the record of the
8 proceedings or issue an order remanding the matter back to the
9 hearing officer for additional proceedings in accordance with
10 the order.

11 If (i) a direct appeal is requested, (ii) the Board fails
12 to issue its findings of fact, conclusions of law, and
13 recommendations within the 30-day mandate from the Secretary or
14 the Secretary fails to order the Board to do so, and (iii) the
15 Secretary fails to issue an order within 30 calendar days
16 thereafter, then the hearing officer's report is deemed
17 accepted and a final decision of the Secretary.

18 Notwithstanding any other provision of this Section, if the
19 Secretary, upon review, determines that substantial justice
20 has not been done in the revocation, suspension, or refusal to
21 issue or renew a license or other disciplinary action taken as
22 the result of the entry of the hearing officer's report, the
23 Secretary may order a rehearing by the same or other examiners.
24 If the Secretary disagrees with the recommendation of the Board
25 or the hearing officer, the Secretary may issue an order in
26 contravention of either recommendation.

1 (Source: P.A. 96-726, eff. 7-1-10.)

2 (225 ILCS 427/145)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 145. Judicial review. All final administrative
5 decisions of the Department are subject to judicial review
6 under the Administrative Review Law and its rules. The term
7 "administrative decision" is defined as in Section 3-101 of the
8 Code of Civil Procedure. Proceedings for judicial review shall
9 be commenced in the circuit court of the county in which the
10 party applying for review resides; but if the party is not a
11 resident of this State, the venue shall be in Cook ~~Sangamon~~
12 County.

13 (Source: P.A. 96-726, eff. 7-1-10.)

14 (225 ILCS 427/155)

15 (Section scheduled to be repealed on January 1, 2022)

16 Sec. 155. Violations; penalties.

17 (a) A person who violates any of the following provisions
18 shall be guilty of a Class A misdemeanor; a person who commits
19 a second or subsequent violation of these provisions is guilty
20 of a Class 4 felony:

21 (1) Practicing or attempting to ~~The practice of or~~
22 ~~attempted~~ practice of or holding himself or herself out as
23 available to practice as a community association manager ~~or~~
24 ~~supervising community association manager~~ without a

1 license.

2 (2) Operating or attempting ~~Operation of or attempt~~ to
3 operate a community association management firm without a
4 firm license or a designated supervising community
5 association manager.

6 (3) Obtaining or attempting ~~The obtaining of or the~~
7 ~~attempt~~ to obtain any license or authorization issued under
8 this Act by fraudulent misrepresentation.

9 (b) Whenever a licensee is convicted of a felony related to
10 the violations set forth in this Section, the clerk of the
11 court in any jurisdiction shall promptly report the conviction
12 to the Department and the Department shall immediately revoke
13 any license authorized under this Act held by that licensee.
14 The licensee shall not be eligible for licensure under this Act
15 until at least 5 years have elapsed since a felony conviction
16 or 3 years since release from confinement for the conviction,
17 whichever is later, without a subsequent conviction ~~10 years~~
18 ~~have elapsed since the time of full discharge from any sentence~~
19 ~~imposed for a felony conviction.~~ If any person in making any
20 oath or affidavit required by this Act swears falsely, the
21 person is guilty of perjury and may be punished accordingly.

22 (Source: P.A. 98-365, eff. 1-1-14; 99-78, eff. 7-20-15.)

23 (225 ILCS 427/165)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 165. Home rule. The regulation and licensing of

1 community association managers, ~~supervising community~~
2 ~~association managers,~~ and community association management
3 firms are exclusive powers and functions of the State. A home
4 rule unit may not regulate or license community association
5 managers, ~~supervising community association managers,~~ or
6 community association management firms. This Section is a
7 denial and limitation of home rule powers and functions under
8 subsection (h) of Section 6 of Article VII of the Illinois
9 Constitution.

10 (Source: P.A. 98-365, eff. 1-1-14.)

11 (225 ILCS 427/42 rep.)

12 (225 ILCS 427/80 rep.)

13 (225 ILCS 427/135 rep.)

14 (225 ILCS 427/170 rep.)

15 Section 15. The Community Association Manager Licensing
16 and Disciplinary Act is amended by repealing Sections 42, 80,
17 135, and 170.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.32

4 5 ILCS 80/4.41 new

5 225 ILCS 427/10

6 225 ILCS 427/12 new

7 225 ILCS 427/15

8 225 ILCS 427/20

9 225 ILCS 427/25

10 225 ILCS 427/30

11 225 ILCS 427/40

12 225 ILCS 427/41 new

13 225 ILCS 427/45

14 225 ILCS 427/50

15 225 ILCS 427/55

16 225 ILCS 427/60

17 225 ILCS 427/70

18 225 ILCS 427/75

19 225 ILCS 427/85

20 225 ILCS 427/86 new

21 225 ILCS 427/90

22 225 ILCS 427/92

23 225 ILCS 427/95

24 225 ILCS 427/115

25 225 ILCS 427/120

- 1 225 ILCS 427/145
- 2 225 ILCS 427/155
- 3 225 ILCS 427/165
- 4 225 ILCS 427/42 rep.
- 5 225 ILCS 427/80 rep.
- 6 225 ILCS 427/135 rep.
- 7 225 ILCS 427/170 rep.