



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0093

Introduced 1/14/2021, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

225 ILCS 454/10-45
225 ILCS 454/20-20
225 ILCS 458/10-25 new
225 ILCS 458/15-10

Amends the Real Estate License Act of 2000. Provides that a real estate broker or managing broker may not engage in discrimination when preparing a broker price opinion or comparative market analysis for residential real estate. Provides that a real estate broker or managing broker engages in discrimination when he or she considers the actual or perceived race, color, religion, or national origin of the owner of the real estate or the residents of the geographic area in which the real estate is located when determining the market value of the real estate. Amends the Real Estate Appraiser Licensing Act of 2002. Provides that an appraiser may not engage in discrimination when preparing a comparative market analysis for residential real estate. Provides that an appraiser engages in discrimination when he or she considers the actual or perceived race, color, religion, or national origin of the owner of the real estate or the residents of the geographic area in which the real estate is located when determining the market value of the real estate. Provides for a private right of action in the circuit court and a civil action initiated by the Illinois Attorney General. Provides for professional discipline of brokers and appraisers who engage in discrimination.

LRB102 03609 SPS 13622 b

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning real estate appraisal.

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

4 Section 5. The Real Estate License Act of 2000 is amended
5 by changing Sections 10-45 and 20-20 as follows:

6 (225 ILCS 454/10-45)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 10-45. Broker price opinions and comparative market
9 analyses.

10 (a) A broker price opinion or comparative market analysis
11 may be prepared or provided by a real estate broker or managing
12 broker for any of the following:

13 (1) an existing or potential buyer or seller of an
14 interest in real estate;

15 (2) an existing or potential lessor or lessee of an
16 interest in real estate;

17 (3) a third party making decisions or performing due
18 diligence related to the potential listing, offering,
19 sale, option, lease, or acquisition price of an interest
20 in real estate; or

21 (4) an existing or potential lienholder or other third
22 party for any purpose other than as the primary basis to
23 determine the market value of an interest in real estate

1 for the purpose of a mortgage loan origination by a
2 financial institution secured by such real estate.

3 (b) A broker price opinion or comparative market analysis
4 shall be in writing either on paper or electronically and
5 shall include the following provisions:

6 (1) a statement of the intended purpose of the broker
7 price opinion or comparative market analysis;

8 (2) a brief description of the interest in real estate
9 that is the subject of the broker price opinion or
10 comparative market analysis;

11 (3) a brief description of the methodology used to
12 develop the broker price opinion or comparative market
13 analysis;

14 (4) any assumptions or limiting conditions;

15 (5) a disclosure of any existing or contemplated
16 interest of the broker or managing broker in the interest
17 in real estate that is the subject of the broker price
18 opinion or comparative market analysis;

19 (6) the name, license number, and signature of the
20 broker or managing broker that developed the broker price
21 opinion or comparative market analysis;

22 (7) a statement in substantially the following form:

23 "This is a broker price opinion/comparative market
24 analysis, not an appraisal of the market value of the real
25 estate, and was prepared by a licensed real estate broker
26 or managing broker who was not acting as a State certified

1 real estate appraiser."; and

2 (8) such other items as the broker or managing broker
3 may deem appropriate.

4 (b) A real estate broker or managing broker shall not
5 discriminate when preparing a broker price opinion or
6 comparative market analysis for residential real estate. For
7 the purposes of this Section, a real estate broker or managing
8 broker discriminates when he or she considers the actual or
9 perceived race, color, religion, or national origin of the
10 owner of the real estate or the residents of the geographic
11 area in which the real estate is located when determining the
12 market value of the real estate. In addition to the
13 disciplinary procedures set forth in Section 20-20, an
14 aggrieved party may commence a civil action alleging
15 discrimination in an appropriate circuit court not later than
16 2 years after the occurrence that constitutes discrimination
17 under this subsection (b). Such a civil action shall be
18 subject to the same procedures, rights, and remedies as a
19 civil action alleging a civil rights violation under Section
20 10-102 of the Illinois Human Rights Act. A circuit court
21 action may also be initiated by the Illinois Attorney General
22 whenever the Illinois Attorney General has reasonable cause to
23 believe that a real estate broker or managing broker is
24 engaged in a pattern and practice of discrimination prohibited
25 by this subsection. Such a civil action shall be subject to the
26 same procedures, rights, and remedies as a civil action

1 alleging a civil rights violation under Section 10-104 of the
2 Illinois Human Rights Act.

3 (Source: P.A. 101-71, eff. 7-12-19.)

4 (225 ILCS 454/20-20)

5 (Section scheduled to be repealed on January 1, 2030)

6 Sec. 20-20. Nature of and grounds for discipline.

7 (a) The Department may refuse to issue or renew a license,
8 may place on probation, suspend, or revoke any license,
9 reprimand, or take any other disciplinary or non-disciplinary
10 action as the Department may deem proper and impose a fine not
11 to exceed \$25,000 upon any licensee or applicant under this
12 Act or any person who holds himself or herself out as an
13 applicant or licensee or against a licensee in handling his or
14 her own property, whether held by deed, option, or otherwise,
15 for any one or any combination of the following causes:

16 (1) Fraud or misrepresentation in applying for, or
17 procuring, a license under this Act or in connection with
18 applying for renewal of a license under this Act.

19 (2) The licensee's conviction of or plea of guilty or
20 plea of nolo contendere to: (A) a felony or misdemeanor in
21 this State or any other jurisdiction; or (B) the entry of
22 an administrative sanction by a government agency in this
23 State or any other jurisdiction. Action taken under this
24 paragraph (2) for a misdemeanor or an administrative
25 sanction is limited to a misdemeanor or administrative

1 sanction that has as an essential element dishonesty or
2 fraud or involves larceny, embezzlement, or obtaining
3 money, property, or credit by false pretenses or by means
4 of a confidence game.

5 (3) Inability to practice the profession with
6 reasonable judgment, skill, or safety as a result of a
7 physical illness, including, but not limited to,
8 deterioration through the aging process or loss of motor
9 skill, or a mental illness or disability.

10 (4) Practice under this Act as a licensee in a retail
11 sales establishment from an office, desk, or space that is
12 not separated from the main retail business and located
13 within a separate and distinct area within the
14 establishment.

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

23 (6) Engaging in the practice of real estate brokerage
24 without a license or after the licensee's license or
25 temporary permit was expired or while the license was
26 inactive, revoked, or suspended.

1 (7) Cheating on or attempting to subvert the Real
2 Estate License Exam or a continuing education course or
3 examination.

4 (8) Aiding or abetting an applicant to subvert or
5 cheat on the Real Estate License Exam or continuing
6 education exam administered pursuant to this Act.

7 (9) Advertising that is inaccurate, misleading, or
8 contrary to the provisions of the Act.

9 (10) Making any substantial misrepresentation or
10 untruthful advertising.

11 (11) Making any false promises of a character likely
12 to influence, persuade, or induce.

13 (12) Pursuing a continued and flagrant course of
14 misrepresentation or the making of false promises through
15 licensees, employees, agents, advertising, or otherwise.

16 (13) Any misleading or untruthful advertising, or
17 using any trade name or insignia of membership in any real
18 estate organization of which the licensee is not a member.

19 (14) Acting for more than one party in a transaction
20 without providing written notice to all parties for whom
21 the licensee acts.

22 (15) Representing or attempting to represent, or
23 performing licensed activities for, a broker other than
24 the sponsoring broker.

25 (16) Failure to account for or to remit any moneys or
26 documents coming into his or her possession that belong to

1 others.

2 (17) Failure to maintain and deposit in a special
3 account, separate and apart from personal and other
4 business accounts, all escrow moneys belonging to others
5 entrusted to a licensee while acting as a broker, escrow
6 agent, or temporary custodian of the funds of others or
7 failure to maintain all escrow moneys on deposit in the
8 account until the transactions are consummated or
9 terminated, except to the extent that the moneys, or any
10 part thereof, shall be:

11 (A) disbursed prior to the consummation or
12 termination (i) in accordance with the written
13 direction of the principals to the transaction or
14 their duly authorized agents, (ii) in accordance with
15 directions providing for the release, payment, or
16 distribution of escrow moneys contained in any written
17 contract signed by the principals to the transaction
18 or their duly authorized agents, or (iii) pursuant to
19 an order of a court of competent jurisdiction; or

20 (B) deemed abandoned and transferred to the Office
21 of the State Treasurer to be handled as unclaimed
22 property pursuant to the Revised Uniform Unclaimed
23 Property Act. Escrow moneys may be deemed abandoned
24 under this subparagraph (B) only: (i) in the absence
25 of disbursement under subparagraph (A); (ii) in the
26 absence of notice of the filing of any claim in a court

1 of competent jurisdiction; and (iii) if 6 months have
2 elapsed after the receipt of a written demand for the
3 escrow moneys from one of the principals to the
4 transaction or the principal's duly authorized agent.

5 The account shall be noninterest bearing, unless the
6 character of the deposit is such that payment of interest
7 thereon is otherwise required by law or unless the
8 principals to the transaction specifically require, in
9 writing, that the deposit be placed in an interest-bearing
10 account.

11 (18) Failure to make available to the Department all
12 escrow records and related documents maintained in
13 connection with the practice of real estate within 24
14 hours of a request for those documents by Department
15 personnel.

16 (19) Failing to furnish copies upon request of
17 documents relating to a real estate transaction to a party
18 who has executed that document.

19 (20) Failure of a sponsoring broker or licensee to
20 timely provide sponsorship or termination of sponsorship
21 information to the Department.

22 (21) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public, including, but not limited
25 to, conduct set forth in rules adopted by the Department.

26 (22) Commingling the money or property of others with

1 his or her own money or property.

2 (23) Employing any person on a purely temporary or
3 single deal basis as a means of evading the law regarding
4 payment of commission to nonlicensees on some contemplated
5 transactions.

6 (24) Permitting the use of his or her license as a
7 broker to enable a residential leasing agent or unlicensed
8 person to operate a real estate business without actual
9 participation therein and control thereof by the broker.

10 (25) Any other conduct, whether of the same or a
11 different character from that specified in this Section,
12 that constitutes dishonest dealing.

13 (26) Displaying a "for rent" or "for sale" sign on any
14 property without the written consent of an owner or his or
15 her duly authorized agent or advertising by any means that
16 any property is for sale or for rent without the written
17 consent of the owner or his or her authorized agent.

18 (27) Failing to provide information requested by the
19 Department, or otherwise respond to that request, within
20 30 days of the request.

21 (28) Advertising by means of a blind advertisement,
22 except as otherwise permitted in Section 10-30 of this
23 Act.

24 (29) A licensee under this Act or an unlicensed
25 individual offering guaranteed sales plans, as defined in
26 Section 10-50, except to the extent set forth in Section

1 10-50.

2 (30) Influencing or attempting to influence, by any
3 words or acts, a prospective seller, purchaser, occupant,
4 landlord, or tenant of real estate, in connection with
5 viewing, buying, or leasing real estate, so as to promote
6 or tend to promote the continuance or maintenance of
7 racially and religiously segregated housing or so as to
8 retard, obstruct, or discourage racially integrated
9 housing on or in any street, block, neighborhood, or
10 community.

11 (31) Engaging in any act that constitutes a violation
12 of any provision of Article 3 of the Illinois Human Rights
13 Act, whether or not a complaint has been filed with or
14 adjudicated by the Human Rights Commission.

15 (32) Inducing any party to a contract of sale or lease
16 or brokerage agreement to break the contract of sale or
17 lease or brokerage agreement for the purpose of
18 substituting, in lieu thereof, a new contract for sale or
19 lease or brokerage agreement with a third party.

20 (33) Negotiating a sale, exchange, or lease of real
21 estate directly with any person if the licensee knows that
22 the person has an exclusive brokerage agreement with
23 another broker, unless specifically authorized by that
24 broker.

25 (34) When a licensee is also an attorney, acting as
26 the attorney for either the buyer or the seller in the same

1 transaction in which the licensee is acting or has acted
2 as a managing broker or broker.

3 (35) Advertising or offering merchandise or services
4 as free if any conditions or obligations necessary for
5 receiving the merchandise or services are not disclosed in
6 the same advertisement or offer. These conditions or
7 obligations include without limitation the requirement
8 that the recipient attend a promotional activity or visit
9 a real estate site. As used in this subdivision (35),
10 "free" includes terms such as "award", "prize", "no
11 charge", "free of charge", "without charge", and similar
12 words or phrases that reasonably lead a person to believe
13 that he or she may receive or has been selected to receive
14 something of value, without any conditions or obligations
15 on the part of the recipient.

16 (36) (Blank).

17 (37) Violating the terms of a disciplinary order
18 issued by the Department.

19 (38) Paying or failing to disclose compensation in
20 violation of Article 10 of this Act.

21 (39) Requiring a party to a transaction who is not a
22 client of the licensee to allow the licensee to retain a
23 portion of the escrow moneys for payment of the licensee's
24 commission or expenses as a condition for release of the
25 escrow moneys to that party.

26 (40) Disregarding or violating any provision of this

1 Act or the published rules adopted by the Department to
2 enforce this Act or aiding or abetting any individual,
3 foreign or domestic partnership, registered limited
4 liability partnership, limited liability company,
5 corporation, or other business entity in disregarding any
6 provision of this Act or the published rules adopted by
7 the Department to enforce this Act.

8 (41) Failing to provide the minimum services required
9 by Section 15-75 of this Act when acting under an
10 exclusive brokerage agreement.

11 (42) Habitual or excessive use of or addiction to
12 alcohol, narcotics, stimulants, or any other chemical
13 agent or drug that results in a managing broker, broker,
14 or residential leasing agent's inability to practice with
15 reasonable skill or safety.

16 (43) Enabling, aiding, or abetting an auctioneer, as
17 defined in the Auction License Act, to conduct a real
18 estate auction in a manner that is in violation of this
19 Act.

20 (44) Permitting any residential leasing agent or
21 temporary residential leasing agent permit holder to
22 engage in activities that require a broker's or managing
23 broker's license.

24 (45) Failing to notify the Department of any criminal
25 conviction that occurs during the licensee's term of
26 licensure within 30 days after the conviction.

1 (46) A designated managing broker's failure to provide
2 an appropriate written company policy or failure to
3 perform any of the duties set forth in Section 10-55.

4 (47) Engaging in discrimination as provided in
5 subsection (b) of Section 10-45.

6 (b) The Department may refuse to issue or renew or may
7 suspend the license of any person who fails to file a return,
8 pay the tax, penalty or interest shown in a filed return, or
9 pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Department of
11 Revenue, until such time as the requirements of that tax Act
12 are satisfied in accordance with subsection (g) of Section
13 2105-15 of the Department of Professional Regulation Law of
14 the Civil Administrative Code of Illinois.

15 (c) (Blank).

16 (d) In cases where the Department of Healthcare and Family
17 Services (formerly Department of Public Aid) has previously
18 determined that a licensee or a potential licensee is more
19 than 30 days delinquent in the payment of child support and has
20 subsequently certified the delinquency to the Department may
21 refuse to issue or renew or may revoke or suspend that person's
22 license or may take other disciplinary action against that
23 person based solely upon the certification of delinquency made
24 by the Department of Healthcare and Family Services in
25 accordance with item (5) of subsection (a) of Section 2105-15
26 of the Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois.

2 (e) In enforcing this Section, the Department or Board
3 upon a showing of a possible violation may compel an
4 individual licensed to practice under this Act, or who has
5 applied for licensure under this Act, to submit to a mental or
6 physical examination, or both, as required by and at the
7 expense of the Department. The Department or Board may order
8 the examining physician to present testimony concerning the
9 mental or physical examination of the licensee or applicant.
10 No information shall be excluded by reason of any common law or
11 statutory privilege relating to communications between the
12 licensee or applicant and the examining physician. The
13 examining physicians shall be specifically designated by the
14 Board or Department. The individual to be examined may have,
15 at his or her own expense, another physician of his or her
16 choice present during all aspects of this examination. Failure
17 of an individual to submit to a mental or physical
18 examination, when directed, shall be grounds for suspension of
19 his or her license until the individual submits to the
20 examination if the Department finds, after notice and hearing,
21 that the refusal to submit to the examination was without
22 reasonable cause.

23 If the Department or Board finds an individual unable to
24 practice because of the reasons set forth in this Section, the
25 Department or Board may require that individual to submit to
26 care, counseling, or treatment by physicians approved or

1 designated by the Department or Board, as a condition, term,
2 or restriction for continued, reinstated, or renewed licensure
3 to practice; or, in lieu of care, counseling, or treatment,
4 the Department may file, or the Board may recommend to the
5 Department to file, a complaint to immediately suspend,
6 revoke, or otherwise discipline the license of the individual.
7 An individual whose license was granted, continued,
8 reinstated, renewed, disciplined or supervised subject to such
9 terms, conditions, or restrictions, and who fails to comply
10 with such terms, conditions, or restrictions, shall be
11 referred to the Secretary for a determination as to whether
12 the individual shall have his or her license suspended
13 immediately, pending a hearing by the Department.

14 In instances in which the Secretary immediately suspends a
15 person's license under this Section, a hearing on that
16 person's license must be convened by the Department within 30
17 days after the suspension and completed without appreciable
18 delay. The Department and Board shall have the authority to
19 review the subject individual's record of treatment and
20 counseling regarding the impairment to the extent permitted by
21 applicable federal statutes and regulations safeguarding the
22 confidentiality of medical records.

23 An individual licensed under this Act and affected under
24 this Section shall be afforded an opportunity to demonstrate
25 to the Department or Board that he or she can resume practice
26 in compliance with acceptable and prevailing standards under

1 the provisions of his or her license.

2 (Source: P.A. 100-22, eff. 1-1-18; 100-188, eff. 1-1-18;
3 100-534, eff. 9-22-17; 100-831, eff. 1-1-19; 100-863, eff.
4 8-14-18; 100-872, eff. 8-14-18; 101-81, eff. 7-12-19; 101-357,
5 eff. 8-9-19.)

6 Section 10. The Real Estate Appraiser Licensing Act of
7 2002 is amended by changing Section 15-10 and by adding
8 Section 10-25 as follows:

9 (225 ILCS 458/10-25 new)

10 Sec. 10-25. Discrimination prohibited. An appraiser shall
11 not discriminate when preparing a comparative market analysis
12 for residential real estate. For the purposes of this Section,
13 an appraiser discriminates when he or she considers the actual
14 or perceived race, color, religion, or national origin of the
15 owner of the real estate or the residents of the geographic
16 area in which the real estate is located when determining the
17 market value of the real estate. In addition to the
18 disciplinary procedures set forth in Section 15-10, an
19 aggrieved party may commence a civil action alleging
20 discrimination in an appropriate circuit court not later than
21 2 years after the occurrence that constitutes discrimination
22 under this Section. Such a civil action shall be subject to the
23 same procedures, rights, and remedies as a civil action
24 alleging a civil rights violation under Section 10-102 of the

1 Illinois Human Rights Act. A circuit court action may also be
2 initiated by the Illinois Attorney General whenever the
3 Illinois Attorney General has reasonable cause to believe that
4 an appraiser is engaged in a pattern and practice of
5 discrimination prohibited by this Section. Such a civil action
6 shall be subject to the same procedures, rights, and remedies
7 as a civil action alleging a civil rights violation under
8 Section 10-104 of the Illinois Human Rights Act.

9 (225 ILCS 458/15-10)

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

11 Sec. 15-10. Grounds for disciplinary action.

12 (a) The Department may suspend, revoke, refuse to issue,
13 renew, or restore a license and may reprimand place on
14 probation or administrative supervision, or take any
15 disciplinary or non-disciplinary action, including imposing
16 conditions limiting the scope, nature, or extent of the real
17 estate appraisal practice of a licensee or reducing the
18 appraisal rank of a licensee, and may impose an administrative
19 fine not to exceed \$25,000 for each violation upon a licensee
20 for any one or combination of the following:

21 (1) Procuring or attempting to procure a license by
22 knowingly making a false statement, submitting false
23 information, engaging in any form of fraud or
24 misrepresentation, or refusing to provide complete
25 information in response to a question in an application

1 for licensure.

2 (2) Failing to meet the minimum qualifications for
3 licensure as an appraiser established by this Act.

4 (3) Paying money, other than for the fees provided for
5 by this Act, or anything of value to a member or employee
6 of the Board or the Department to procure licensure under
7 this Act.

8 (4) Conviction by plea of guilty or nolo contendere,
9 finding of guilt, jury verdict, or entry of judgment or by
10 sentencing of any crime, including, but not limited to,
11 convictions, preceding sentences of supervision,
12 conditional discharge, or first offender probation, under
13 the laws of any jurisdiction of the United States: (i)
14 that is a felony; or (ii) that is a misdemeanor, an
15 essential element of which is dishonesty, or that is
16 directly related to the practice of the profession.

17 (5) Committing an act or omission involving
18 dishonesty, fraud, or misrepresentation with the intent to
19 substantially benefit the licensee or another person or
20 with intent to substantially injure another person as
21 defined by rule.

22 (6) Violating a provision or standard for the
23 development or communication of real estate appraisals as
24 provided in Section 10-10 of this Act or as defined by
25 rule.

26 (7) Failing or refusing without good cause to exercise

1 reasonable diligence in developing, reporting, or
2 communicating an appraisal, as defined by this Act or by
3 rule.

4 (8) Violating a provision of this Act or the rules
5 adopted pursuant to this Act.

6 (9) Having been disciplined by another state, the
7 District of Columbia, a territory, a foreign nation, a
8 governmental agency, or any other entity authorized to
9 impose discipline if at least one of the grounds for that
10 discipline is the same as or the equivalent of one of the
11 grounds for which a licensee may be disciplined under this
12 Act.

13 (10) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public.

16 (11) Accepting an appraisal assignment when the
17 employment itself is contingent upon the appraiser
18 reporting a predetermined estimate, analysis, or opinion
19 or when the fee to be paid is contingent upon the opinion,
20 conclusion, or valuation reached or upon the consequences
21 resulting from the appraisal assignment.

22 (12) Developing valuation conclusions based on the
23 race, color, religion, sex, national origin, ancestry,
24 age, marital status, family status, physical or mental
25 disability, or unfavorable military discharge, as defined
26 under the Illinois Human Rights Act, of the prospective or

1 present owners or occupants of the area or property under
2 appraisal.

3 (13) Violating the confidential nature of government
4 records to which the licensee gained access through
5 employment or engagement as an appraiser by a government
6 agency.

7 (14) Being adjudicated liable in a civil proceeding on
8 grounds of fraud, misrepresentation, or deceit. In a
9 disciplinary proceeding based upon a finding of civil
10 liability, the appraiser shall be afforded an opportunity
11 to present mitigating and extenuating circumstances, but
12 may not collaterally attack the civil adjudication.

13 (15) Being adjudicated liable in a civil proceeding
14 for violation of a state or federal fair housing law.

15 (16) Engaging in misleading or untruthful advertising
16 or using a trade name or insignia of membership in a real
17 estate appraisal or real estate organization of which the
18 licensee is not a member.

19 (17) Failing to fully cooperate with a Department
20 investigation by knowingly making a false statement,
21 submitting false or misleading information, or refusing to
22 provide complete information in response to written
23 interrogatories or a written request for documentation
24 within 30 days of the request.

25 (18) Failing to include within the certificate of
26 appraisal for all written appraisal reports the

1 appraiser's license number and licensure title. All
2 appraisers providing significant contribution to the
3 development and reporting of an appraisal must be
4 disclosed in the appraisal report. It is a violation of
5 this Act for an appraiser to sign a report, transmittal
6 letter, or appraisal certification knowing that a person
7 providing a significant contribution to the report has not
8 been disclosed in the appraisal report.

9 (19) Violating the terms of a disciplinary order or
10 consent to administrative supervision order.

11 (20) Habitual or excessive use or addiction to
12 alcohol, narcotics, stimulants, or any other chemical
13 agent or drug that results in a licensee's inability to
14 practice with reasonable judgment, skill, or safety.

15 (21) A physical or mental illness or disability which
16 results in the inability to practice under this Act with
17 reasonable judgment, skill, or safety.

18 (22) Gross negligence in developing an appraisal or in
19 communicating an appraisal or failing to observe one or
20 more of the Uniform Standards of Professional Appraisal
21 Practice.

22 (23) A pattern of practice or other behavior that
23 demonstrates incapacity or incompetence to practice under
24 this Act.

25 (24) Using or attempting to use the seal, certificate,
26 or license of another as his or her own; falsely

1 impersonating any duly licensed appraiser; using or
2 attempting to use an inactive, expired, suspended, or
3 revoked license; or aiding or abetting any of the
4 foregoing.

5 (25) Solicitation of professional services by using
6 false, misleading, or deceptive advertising.

7 (26) Making a material misstatement in furnishing
8 information to the Department.

9 (27) Failure to furnish information to the Department
10 upon written request.

11 (28) Engaging in discrimination as provided in Section
12 10-25.

13 (b) The Department may reprimand suspend, revoke, or
14 refuse to issue or renew an education provider's license, may
15 reprimand, place on probation, or otherwise discipline an
16 education provider and may suspend or revoke the course
17 approval of any course offered by an education provider and
18 may impose an administrative fine not to exceed \$25,000 upon
19 an education provider, for any of the following:

20 (1) Procuring or attempting to procure licensure by
21 knowingly making a false statement, submitting false
22 information, engaging in any form of fraud or
23 misrepresentation, or refusing to provide complete
24 information in response to a question in an application
25 for licensure.

26 (2) Failing to comply with the covenants certified to

1 on the application for licensure as an education provider.

2 (3) Committing an act or omission involving
3 dishonesty, fraud, or misrepresentation or allowing any
4 such act or omission by any employee or contractor under
5 the control of the provider.

6 (4) Engaging in misleading or untruthful advertising.

7 (5) Failing to retain competent instructors in
8 accordance with rules adopted under this Act.

9 (6) Failing to meet the topic or time requirements for
10 course approval as the provider of a qualifying curriculum
11 course or a continuing education course.

12 (7) Failing to administer an approved course using the
13 course materials, syllabus, and examinations submitted as
14 the basis of the course approval.

15 (8) Failing to provide an appropriate classroom
16 environment for presentation of courses, with
17 consideration for student comfort, acoustics, lighting,
18 seating, workspace, and visual aid material.

19 (9) Failing to maintain student records in compliance
20 with the rules adopted under this Act.

21 (10) Failing to provide a certificate, transcript, or
22 other student record to the Department or to a student as
23 may be required by rule.

24 (11) Failing to fully cooperate with an investigation
25 by the Department by knowingly making a false statement,
26 submitting false or misleading information, or refusing to

1 provide complete information in response to written
2 interrogatories or a written request for documentation
3 within 30 days of the request.

4 (c) In appropriate cases, the Department may resolve a
5 complaint against a licensee through the issuance of a Consent
6 to Administrative Supervision order. A licensee subject to a
7 Consent to Administrative Supervision order shall be
8 considered by the Department as an active licensee in good
9 standing. This order shall not be reported or considered by
10 the Department to be a discipline of the licensee. The records
11 regarding an investigation and a Consent to Administrative
12 Supervision order shall be considered confidential and shall
13 not be released by the Department except as mandated by law. A
14 complainant shall be notified if his or her complaint has been
15 resolved by a Consent to Administrative Supervision order.

16 (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;
17 98-1109, eff. 1-1-15.)