

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7 (Section scheduled to be repealed on January 1, 2030)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