



Rep. Kathleen Willis

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10200HB5167ham001

LRB102 25439 AMQ 35993 a

1 AMENDMENT TO HOUSE BILL 5167

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5167 as follows:

3 on page 28, by replacing lines 16 through 22 with "community  
4 association policy. If the fidelity insurance is not secured  
5 and paid for by the association, the community association  
6 manager or the community association management firm that  
7 secures and pays for the insurance shall provide a current  
8 certificate of fidelity insurance to the community association  
9 for which it provides community association management  
10 services within 10 days of a request for such certificate by  
11 the community association for its records."; and

12 by replacing line 26 on page 28 through line 3 on page 29 with  
13 "accounts for each community association. ~~The funds shall not,~~  
14 ~~in any event, be commingled with the supervising community~~  
15 ~~association manager's or community association management~~  
16 ~~firm's funds.~~ The funds shall not, in any event, be

1 commingled"; and

2 on page 29, by replacing lines 15 through 21 with "association  
3 management firm. The community association manager or the  
4 community association management firm shall provide a current  
5 certificate of general liability and errors and omissions  
6 insurance to the community association for which it provides  
7 community association management services within 10 days of a  
8 request for such certificate by the community association for  
9 its records."; and

10 on page 30, by deleting lines 1 and 2; and

11 on page 30, line 17, by replacing "by" with "by"; and

12 on page 63, line 3, by replacing "his or her" with "the ~~his or~~  
13 ~~her~~"; and

14 on page 64, line 6, by replacing "his or her" with "the  
15 broker's ~~his or her~~"; and

16 on page 104, line 21, after "5-25,", by inserting "15-15"; and

17 on page 115, immediately below line 26, by inserting the  
18 following:

1 "(225 ILCS 458/15-15)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 15-15. Investigation; notice; hearing.

4 (a) Upon the motion of the Department or the Board or upon  
5 a complaint in writing of a person setting forth facts that, if  
6 proven, would constitute grounds for suspension, revocation,  
7 or other disciplinary action against a licensee or applicant  
8 for licensure, the Department shall investigate the actions of  
9 the licensee or applicant. If, upon investigation, the  
10 Department believes that there may be cause for suspension,  
11 revocation, or other disciplinary action, the Department shall  
12 use the services of a State certified general real estate  
13 appraiser, a State certified residential real estate  
14 appraiser, or the ~~Real Estate~~ Coordinator to assist in  
15 determining whether grounds for disciplinary action exist  
16 prior to commencing formal disciplinary proceedings.

17 (b) Formal disciplinary proceedings shall commence upon  
18 the issuance of a written complaint describing the charges  
19 that are the basis of the disciplinary action and delivery of  
20 the detailed complaint to the address of record of the  
21 licensee or applicant. For an associate real estate trainee  
22 appraiser, a copy shall also be sent to the licensee's  
23 supervising appraiser of record. The Department shall notify  
24 the licensee or applicant to file a verified written answer  
25 within 20 days after the service of the notice and complaint.  
26 The notification shall inform the licensee or applicant of the

1 right to be heard in person or by legal counsel; that the  
2 hearing will be afforded not sooner than 20 days after service  
3 of the complaint; that failure to file an answer will result in  
4 a default being entered against the licensee or applicant;  
5 that the license may be suspended, revoked, or placed on  
6 probationary status; and that other disciplinary action may be  
7 taken pursuant to this Act, including limiting the scope,  
8 nature, or extent of the licensee's practice. If the licensee  
9 or applicant fails to file an answer after service of notice,  
10 the respective license may, at the discretion of the  
11 Department, be suspended, revoked, or placed on probationary  
12 status and the Department may take whatever disciplinary  
13 action it deems proper, including limiting the scope, nature,  
14 or extent of the person's practice, without a hearing.

15 (c) At the time and place fixed in the notice, the Board  
16 shall conduct hearing of the charges, providing both the  
17 accused person and the complainant ample opportunity to  
18 present in person or by counsel such statements, testimony,  
19 evidence, and argument as may be pertinent to the charges or to  
20 a defense thereto.

21 (d) The Board shall present to the Secretary a written  
22 report of its findings of fact and recommendations. A copy of  
23 the report shall be served upon the licensee or applicant,  
24 either personally, by mail, or, at the discretion of the  
25 Department, by electronic means. For associate real estate  
26 trainee appraisers, a copy shall also be sent to the

1 licensee's supervising appraiser of record. Within 20 days  
2 after the service, the licensee or applicant may present the  
3 Secretary with a motion in writing for a rehearing and shall  
4 specify the particular grounds for the request. If the accused  
5 orders a transcript of the record as provided in this Act, the  
6 time elapsing thereafter and before the transcript is ready  
7 for delivery to the accused shall not be counted as part of the  
8 20 days. If the Secretary is not satisfied that substantial  
9 justice has been done, the Secretary may order a rehearing by  
10 the Board or other special committee appointed by the  
11 Secretary, may remand the matter to the Board for its  
12 reconsideration of the matter based on the pleadings and  
13 evidence presented to the Board, or may enter a final order in  
14 contravention of the Board's recommendation. Notwithstanding a  
15 licensee's or applicant's failure to file a motion for  
16 rehearing, the Secretary shall have the right to take any of  
17 the actions specified in this subsection (d). Upon the  
18 suspension or revocation of a license, the licensee shall be  
19 required to surrender the respective license to the  
20 Department, and upon failure or refusal to do so, the  
21 Department shall have the right to seize the license.

22 (e) The Department has the power to issue subpoenas and  
23 subpoenas duces tecum to bring before it any person in this  
24 State, to take testimony, or to require production of any  
25 records relevant to an inquiry or hearing by the Board in the  
26 same manner as prescribed by law in judicial proceedings in

1 the courts of this State. In a case of refusal of a witness to  
2 attend, testify, or to produce books or papers concerning a  
3 matter upon which the witness might be lawfully examined, the  
4 circuit court of the county where the hearing is held, upon  
5 application of the Department or any party to the proceeding,  
6 may compel obedience by proceedings as for contempt.

7 (f) Any license that is revoked may not be restored for a  
8 minimum period of 3 years.

9 (g) In addition to the provisions of this Section  
10 concerning the conduct of hearings and the recommendations for  
11 discipline, the Department has the authority to negotiate  
12 disciplinary and non-disciplinary settlement agreements  
13 concerning any license issued under this Act. All such  
14 agreements shall be recorded as Consent Orders or Consent to  
15 Administrative Supervision Orders.

16 (h) The Secretary shall have the authority to appoint an  
17 attorney duly licensed to practice law in the State of  
18 Illinois to serve as the hearing officer in any action to  
19 suspend, revoke, or otherwise discipline any license issued by  
20 the Department. The Hearing Officer shall have full authority  
21 to conduct the hearing.

22 (i) The Department, at its expense, shall preserve a  
23 record of all formal hearings of any contested case involving  
24 the discipline of a license. At all hearings or pre-hearing  
25 conferences, the Department and the licensee shall be entitled  
26 to have the proceedings transcribed by a certified shorthand

1 reporter. A copy of the transcribed proceedings shall be made  
2 available to the licensee by the certified shorthand reporter  
3 upon payment of the prevailing contract copy rate.  
4 (Source: P.A. 102-20, eff. 1-1-22.)"