



Rep. Mary E. Flowers

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10300HB1020ham004

LRB103 04710 SPS 59240 a

1 AMENDMENT TO HOUSE BILL 1020

2 AMENDMENT NO. _____. Amend House Bill 1020 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Real Estate License Act of 2000 is amended
5 by changing Sections 10-45, 20-20, and 20-60 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7 (Section scheduled to be repealed on January 1, 2030)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;

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

5 (4) an existing or potential lienholder or other third
6 party for any purpose other than as the primary basis to
7 determine the market value of an interest in real estate
8 for the purpose of a mortgage loan origination by a
9 financial institution secured by such real estate.

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

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

15 (2) a brief description of the interest in real estate
16 that is the subject of the broker price opinion or
17 comparative market analysis;

18 (3) a brief description of the methodology used to
19 develop the broker price opinion or comparative market
20 analysis;

21 (4) any assumptions or limiting conditions;

22 (5) a disclosure of any existing or contemplated
23 interest of the broker or managing broker in the interest
24 in real estate that is the subject of the broker price
25 opinion or comparative market analysis;

26 (6) the name, license number, and signature of the

1 broker or managing broker that developed the broker price
2 opinion or comparative market analysis;

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

4 "This is a broker price opinion/comparative market
5 analysis, not an appraisal of the market value of the real
6 estate, and was prepared by a licensed real estate broker
7 or managing broker who was not acting as a State certified
8 real estate appraiser."; and

9 (8) such other items as the broker or managing broker
10 may deem appropriate.

11 (c) A real estate broker or managing broker shall not
12 discriminate when preparing a broker price opinion or
13 comparative market analysis for residential real estate. For
14 the purposes of this Section, a real estate broker or managing
15 broker discriminates when the broker considers the actual or
16 perceived race, color, religion, sex, national origin,
17 ancestry, age, order of protection status, marital status,
18 physical or mental disability, military status, sexual
19 orientation, pregnancy, unfavorable discharge from military
20 service, familial status, source of income, or arrest record
21 of the owner of the real estate or the residents of the
22 geographic area in which the real estate is located when
23 determining the market value of the real estate. In addition
24 to the disciplinary procedures set forth in Section 20-20, an
25 aggrieved party may commence a civil action alleging
26 discrimination in an appropriate circuit court not later than

1 2 years after the occurrence that constitutes discrimination
2 under this subsection. Such a civil action shall be subject to
3 the same procedures, rights, and remedies as a civil action
4 alleging a civil rights violation under Section 10-102 of the
5 Illinois Human Rights Act.

6 A civil action may also be initiated by the Attorney
7 General whenever the Attorney General has reasonable cause to
8 believe that a real estate broker or managing broker is
9 engaged in a pattern and practice of discrimination prohibited
10 by this subsection. Such a civil action shall be subject to the
11 same procedures, rights, and remedies as a civil action
12 alleging a civil rights violation under Section 10-104 of the
13 Illinois Human Rights Act.

14 Prior to initiating a civil action, the Attorney General
15 shall conduct a preliminary investigation to determine whether
16 there is reasonable cause to believe that any person or group
17 of persons is engaged in a pattern and practice of
18 discrimination prohibited by this subsection and whether the
19 dispute can be resolved without litigation. In conducting this
20 investigation, the Attorney General may: (i) require the
21 individual or entity to file a statement or report in writing,
22 under oath or otherwise, as to all information the Attorney
23 General may consider necessary; (ii) examine under oath any
24 person alleged to have participated in or with knowledge of
25 the alleged pattern and practice violation; or (iii) issue
26 subpoenas or conduct hearings in aid of any investigation.

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

2 (225 ILCS 454/20-20)

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

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

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

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

17 (2) The licensee's conviction of or plea of guilty or
18 plea of nolo contendere, as set forth in subsection (e) of
19 Section 5-25, to: (A) a felony or misdemeanor in this
20 State or any other jurisdiction; (B) the entry of an
21 administrative sanction by a government agency in this
22 State or any other jurisdiction; or (C) any crime that
23 subjects the licensee to compliance with the requirements
24 of the Sex Offender Registration Act.

25 (3) Inability to practice the profession with

1 reasonable judgment, skill, or safety as a result of a
2 physical illness, mental illness, or disability.

3 (4) Practice under this Act as a licensee in a retail
4 sales establishment from an office, desk, or space that is
5 not separated from the main retail business and located
6 within a separate and distinct area within the
7 establishment.

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

16 (6) Engaging in the practice of real estate brokerage
17 without a license or after the licensee's license or
18 temporary permit was expired or while the license was
19 inactive, revoked, or suspended.

20 (7) Cheating on or attempting to subvert the Real
21 Estate License Exam or a continuing education course or
22 examination.

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

26 (9) Advertising that is inaccurate, misleading, or

1 contrary to the provisions of the Act.

2 (10) Making any substantial misrepresentation or
3 untruthful advertising.

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

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

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

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

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

18 (16) Failure to account for or to remit any moneys or
19 documents coming into the licensee's possession that
20 belong to others.

21 (17) Failure to maintain and deposit in a special
22 account, separate and apart from personal and other
23 business accounts, all escrow moneys belonging to others
24 entrusted to a licensee while acting as a broker, escrow
25 agent, or temporary custodian of the funds of others or
26 failure to maintain all escrow moneys on deposit in the

1 account until the transactions are consummated or
2 terminated, except to the extent that the moneys, or any
3 part thereof, shall be:

4 (A) disbursed prior to the consummation or
5 termination (i) in accordance with the written
6 direction of the principals to the transaction or
7 their duly authorized agents, (ii) in accordance with
8 directions providing for the release, payment, or
9 distribution of escrow moneys contained in any written
10 contract signed by the principals to the transaction
11 or their duly authorized agents, or (iii) pursuant to
12 an order of a court of competent jurisdiction; or

13 (B) deemed abandoned and transferred to the Office
14 of the State Treasurer to be handled as unclaimed
15 property pursuant to the Revised Uniform Unclaimed
16 Property Act. Escrow moneys may be deemed abandoned
17 under this subparagraph (B) only: (i) in the absence
18 of disbursement under subparagraph (A); (ii) in the
19 absence of notice of the filing of any claim in a court
20 of competent jurisdiction; and (iii) if 6 months have
21 elapsed after the receipt of a written demand for the
22 escrow moneys from one of the principals to the
23 transaction or the principal's duly authorized agent.

24 The account shall be noninterest bearing, unless the
25 character of the deposit is such that payment of interest
26 thereon is otherwise required by law or unless the

1 principals to the transaction specifically require, in
2 writing, that the deposit be placed in an interest-bearing
3 account.

4 (18) Failure to make available to the Department all
5 escrow records and related documents maintained in
6 connection with the practice of real estate within 24
7 hours of a request for those documents by Department
8 personnel.

9 (19) Failing to furnish copies upon request of
10 documents relating to a real estate transaction to a party
11 who has executed that document.

12 (20) Failure of a sponsoring broker or licensee to
13 timely provide sponsorship or termination of sponsorship
14 information to the Department.

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

19 (22) Commingling the money or property of others with
20 the licensee's own money or property.

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

25 (24) Permitting the use of one's license as a broker
26 to enable a residential leasing agent or unlicensed person

1 to operate a real estate business without actual
2 participation therein and control thereof by the broker.

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

6 (26) Displaying a "for rent" or "for sale" sign on any
7 property without the written consent of an owner or the
8 owner's duly authorized agent or advertising by any means
9 that any property is for sale or for rent without the
10 written consent of the owner or the owner's authorized
11 agent.

12 (27) Failing to provide information requested by the
13 Department, or otherwise respond to that request, within
14 30 days of the request.

15 (28) Advertising by means of a blind advertisement,
16 except as otherwise permitted in Section 10-30 of this
17 Act.

18 (29) A licensee under this Act or an unlicensed
19 individual offering guaranteed sales plans, as defined in
20 Section 10-50, except to the extent set forth in Section
21 10-50.

22 (30) Influencing or attempting to influence, by any
23 words or acts, a prospective seller, purchaser, occupant,
24 landlord, or tenant of real estate, in connection with
25 viewing, buying, or leasing real estate, so as to promote
26 or tend to promote the continuance or maintenance of

1 racially and religiously segregated housing or so as to
2 retard, obstruct, or discourage racially integrated
3 housing on or in any street, block, neighborhood, or
4 community.

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

9 (32) Inducing any party to a contract of sale or lease
10 or brokerage agreement to break the contract of sale or
11 lease or brokerage agreement for the purpose of
12 substituting, in lieu thereof, a new contract for sale or
13 lease or brokerage agreement with a third party.

14 (33) Negotiating a sale, exchange, or lease of real
15 estate directly with any person if the licensee knows that
16 the person has an exclusive brokerage agreement with
17 another broker, unless specifically authorized by that
18 broker.

19 (34) When a licensee is also an attorney, acting as
20 the attorney for either the buyer or the seller in the same
21 transaction in which the licensee is acting or has acted
22 as a managing broker or broker.

23 (35) Advertising or offering merchandise or services
24 as free if any conditions or obligations necessary for
25 receiving the merchandise or services are not disclosed in
26 the same advertisement or offer. These conditions or

1 obligations include without limitation the requirement
2 that the recipient attend a promotional activity or visit
3 a real estate site. As used in this subdivision (35),
4 "free" includes terms such as "award", "prize", "no
5 charge", "free of charge", "without charge", and similar
6 words or phrases that reasonably lead a person to believe
7 that one may receive or has been selected to receive
8 something of value, without any conditions or obligations
9 on the part of the recipient.

10 (36) (Blank).

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

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

15 (39) Requiring a party to a transaction who is not a
16 client of the licensee to allow the licensee to retain a
17 portion of the escrow moneys for payment of the licensee's
18 commission or expenses as a condition for release of the
19 escrow moneys to that party.

20 (40) Disregarding or violating any provision of this
21 Act or the published rules adopted by the Department to
22 enforce this Act or aiding or abetting any individual,
23 foreign or domestic partnership, registered limited
24 liability partnership, limited liability company,
25 corporation, or other business entity in disregarding any
26 provision of this Act or the published rules adopted by

1 the Department to enforce this Act.

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

5 (42) Habitual or excessive use of or addiction to
6 alcohol, narcotics, stimulants, or any other chemical
7 agent or drug that results in a managing broker, broker,
8 or residential leasing agent's inability to practice with
9 reasonable skill or safety.

10 (43) Enabling, aiding, or abetting an auctioneer, as
11 defined in the Auction License Act, to conduct a real
12 estate auction in a manner that is in violation of this
13 Act.

14 (44) Permitting any residential leasing agent or
15 temporary residential leasing agent permit holder to
16 engage in activities that require a broker's or managing
17 broker's license.

18 (45) Failing to notify the Department, within 30 days
19 after the occurrence, of the information required in
20 subsection (e) of Section 5-25.

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

24 (47) Engaging in discrimination as provided in
25 subsection (c) of Section 10-45.

26 (b) The Department may refuse to issue or renew or may

1 suspend the license of any person who fails to file a return,
2 pay the tax, penalty or interest shown in a filed return, or
3 pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Department of
5 Revenue, until such time as the requirements of that tax Act
6 are satisfied in accordance with subsection (g) of Section
7 2105-15 of the Department of Professional Regulation Law of
8 the Civil Administrative Code of Illinois.

9 (c) (Blank).

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

22 (e) (Blank).

23 (Source: P.A. 101-81, eff. 7-12-19; 101-357, eff. 8-9-19;
24 102-970, eff. 5-27-22.)

25 (225 ILCS 454/20-60)

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

2 Sec. 20-60. Investigations notice and hearing. The
3 Department shall ~~may~~ investigate the actions of any applicant
4 or of any person or persons rendering or offering to render
5 services for which a license is required by this Act or any
6 person holding or claiming to hold a license under this Act and
7 shall ~~may~~ notify his or her designated managing broker and
8 sponsoring broker of the pending investigation. The Department
9 shall, before revoking, suspending, placing on probation,
10 reprimanding, or taking any other disciplinary action under
11 Article 20 of this Act, at least 30 days before the date set
12 for the hearing, (i) notify the accused and his or her
13 designated managing broker and sponsoring broker in writing of
14 the charges made and the time and place for the hearing on the
15 charges and whether the licensee's license has been
16 temporarily suspended pursuant to Section 20-65, (ii) direct
17 the accused to file a written answer to the charges with the
18 Board under oath within 20 days after the service on him or her
19 of the notice, and (iii) inform the accused that if he or she
20 fails to answer, default will be taken against him or her or
21 that his or her license may be suspended, revoked, placed on
22 probationary status, or other disciplinary action taken with
23 regard to the license, including limiting the scope, nature,
24 or extent of his or her practice, as the Department may
25 consider proper. At the time and place fixed in the notice, the
26 Board shall proceed to hear the charges and the parties or

1 their counsel shall be accorded ample opportunity to present
2 any pertinent statements, testimony, evidence, and arguments.
3 The Board may continue the hearing from time to time. In case
4 the person, after receiving the notice, fails to file an
5 answer, his or her license may, in the discretion of the
6 Department, be suspended, revoked, placed on probationary
7 status, or the Department may take whatever disciplinary
8 action considered proper, including limiting the scope,
9 nature, or extent of the person's practice or the imposition
10 of a fine, without a hearing, if the act or acts charged
11 constitute sufficient grounds for that action under this Act.
12 The notice may be served by personal delivery, by mail, or, at
13 the discretion of the Department, by electronic means as
14 adopted by rule to the address or email address specified by
15 the accused in his or her last notification with the
16 Department and shall include notice to the designated managing
17 broker and sponsoring broker. A copy of the Department's final
18 order shall be delivered to the designated managing broker and
19 sponsoring broker.

20 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

21 Section 10. The Real Estate Appraiser Licensing Act of
22 2002 is amended by changing Section 15-10 and by adding
23 Section 10-25 as follows:

24 (225 ILCS 458/10-25 new)

1 Sec. 10-25. Discrimination prohibited. An appraiser shall
2 not discriminate when preparing a comparative market analysis
3 for residential real estate. For the purposes of this Section,
4 an appraiser discriminates when the appraiser considers the
5 actual or perceived race, color, religion, sex, national
6 origin, ancestry, age, order of protection status, marital
7 status, physical or mental disability, military status, sexual
8 orientation, pregnancy, unfavorable discharge from military
9 service, familial status, source of income, or arrest record
10 of the owner of the real estate or the residents of the
11 geographic area in which the real estate is located when
12 determining the market value of the real estate. In addition
13 to the disciplinary procedures set forth in Section 15-10, 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 Section. Such a civil action shall be subject to the
18 same procedures, rights, and remedies as a civil action
19 alleging a civil rights violation under Section 10-102 of the
20 Illinois Human Rights Act.

21 A civil action may also be initiated by the Attorney
22 General whenever the Attorney General has reasonable cause to
23 believe that an appraiser is engaged in a pattern and practice
24 of discrimination prohibited by this Section. Such a civil
25 action shall be subject to the same procedures, rights, and
26 remedies as a civil action alleging a civil rights violation

1 under Section 10-104 of the Illinois Human Rights Act.

2 Prior to initiating a civil action, the Attorney General
3 shall conduct a preliminary investigation to determine whether
4 there is reasonable cause to believe that any person or group
5 of persons is engaged in a pattern and practice of
6 discrimination prohibited by this Section and whether the
7 dispute can be resolved without litigation. In conducting this
8 investigation, the Attorney General may: (i) require the
9 individual or entity to file a statement or report in writing,
10 under oath or otherwise, as to all information the Attorney
11 General may consider necessary; (ii) examine under oath any
12 person alleged to have participated in or with knowledge of
13 the alleged pattern and practice violation; or (iii) issue
14 subpoenas or conduct hearings in aid of any investigation.

15 (225 ILCS 458/15-10)

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

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

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

1 for any one or combination of the following:

2 (1) Procuring or attempting to procure a license by
3 knowingly making a false statement, submitting false
4 information, engaging in any form of fraud or
5 misrepresentation, or refusing to provide complete
6 information in response to a question in an application
7 for licensure.

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

10 (3) Paying money, other than for the fees provided for
11 by this Act, or anything of value to a member or employee
12 of the Board or the Department to procure licensure under
13 this Act.

14 (4) Conviction of, or plea of guilty or nolo
15 contendere, as enumerated in subsection (e) of Section
16 5-22, under the laws of any jurisdiction of the United
17 States: (i) that is a felony, misdemeanor, or
18 administrative sanction or (ii) that is a crime that
19 subjects the licensee to compliance with the requirements
20 of the Sex Offender Registration Act.

21 (5) Committing an act or omission involving
22 dishonesty, fraud, or misrepresentation with the intent to
23 substantially benefit the licensee or another person or
24 with intent to substantially injure another person as
25 defined by rule.

26 (6) Violating a provision or standard for the

1 development or communication of real estate appraisals as
2 provided in Section 10-10 of this Act or as defined by
3 rule.

4 (7) Failing or refusing without good cause to exercise
5 reasonable diligence in developing, reporting, or
6 communicating an appraisal, as defined by this Act or by
7 rule.

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

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

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

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

26 (12) Developing valuation conclusions based on the

1 race, color, religion, sex, national origin, ancestry,
2 age, marital status, family status, physical or mental
3 disability, sexual orientation, pregnancy, order of
4 protection status, military status, or unfavorable
5 military discharge, as defined under the Illinois Human
6 Rights Act, of the prospective or present owners or
7 occupants of the area or property under appraisal.

8 (13) Violating the confidential nature of government
9 records to which the licensee gained access through
10 employment or engagement as an appraiser by a government
11 agency.

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

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

20 (16) Engaging in misleading or untruthful advertising
21 or using a trade name or insignia of membership in a real
22 estate appraisal or real estate organization of which the
23 licensee is not a member.

24 (17) Failing to fully cooperate with a Department
25 investigation 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 (18) Failing to include within the certificate of
5 appraisal for all written appraisal reports the
6 appraiser's license number and licensure title. All
7 appraisers providing significant contribution to the
8 development and reporting of an appraisal must be
9 disclosed in the appraisal report. It is a violation of
10 this Act for an appraiser to sign a report, transmittal
11 letter, or appraisal certification knowing that a person
12 providing a significant contribution to the report has not
13 been disclosed in the appraisal report.

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

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

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

23 (22) Gross negligence in developing an appraisal or in
24 communicating an appraisal or failing to observe one or
25 more of the Uniform Standards of Professional Appraisal
26 Practice.

1 (23) A pattern of practice or other behavior that
2 demonstrates incapacity or incompetence to practice under
3 this Act.

4 (24) Using or attempting to use the seal, certificate,
5 or license of another as one's own; falsely impersonating
6 any duly licensed appraiser; using or attempting to use an
7 inactive, expired, suspended, or revoked license; or
8 aiding or abetting any of the foregoing.

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

11 (26) Making a material misstatement in furnishing
12 information to the Department.

13 (27) Failure to furnish information to the Department
14 upon written request.

15 (28) Engaging in discrimination as provided in Section
16 10-25.

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

24 (1) Procuring or attempting to procure licensure by
25 knowingly making a false statement, submitting false
26 information, engaging in any form of fraud or

1 misrepresentation, or refusing to provide complete
2 information in response to a question in an application
3 for licensure.

4 (2) Failing to comply with the covenants certified to
5 on the application for licensure as an education provider.

6 (3) Committing an act or omission involving
7 dishonesty, fraud, or misrepresentation or allowing any
8 such act or omission by any employee or contractor under
9 the control of the provider.

10 (4) Engaging in misleading or untruthful advertising.

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

13 (6) Failing to meet the topic or time requirements for
14 course approval as the provider of a qualifying curriculum
15 course or a continuing education course.

16 (7) Failing to administer an approved course using the
17 course materials, syllabus, and examinations submitted as
18 the basis of the course approval.

19 (8) Failing to provide an appropriate classroom
20 environment for presentation of courses, with
21 consideration for student comfort, acoustics, lighting,
22 seating, workspace, and visual aid material.

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

25 (10) Failing to provide a certificate, transcript, or
26 other student record to the Department or to a student as

1 may be required by rule.

2 (11) Failing to fully cooperate with an investigation
3 by the Department by knowingly making a false statement,
4 submitting false or misleading information, or refusing to
5 provide complete information in response to written
6 interrogatories or a written request for documentation
7 within 30 days of the request.

8 (c) In appropriate cases, the Department may resolve a
9 complaint against a licensee through the issuance of a Consent
10 to Administrative Supervision order. A licensee subject to a
11 Consent to Administrative Supervision order shall be
12 considered by the Department as an active licensee in good
13 standing. This order shall not be reported or considered by
14 the Department to be a discipline of the licensee. The records
15 regarding an investigation and a Consent to Administrative
16 Supervision order shall be considered confidential and shall
17 not be released by the Department except as mandated by law. A
18 complainant shall be notified if the complaint has been
19 resolved by a Consent to Administrative Supervision order.
20 (Source: P.A. 102-20, eff. 1-1-22.)".