

1 Sec. 15-45. Practice without license; injunction; cease
2 and desist order; civil penalties.

3 (a) The practice of funeral directing and embalming or
4 funeral directing by any person who has not been issued a
5 license by the Department, whose license has been suspended
6 or revoked, or whose license has not been renewed is hereby
7 declared to be inimical to the public welfare and to
8 constitute a public nuisance. The Director of Professional
9 Regulation may, in the name of the People of the State of
10 Illinois through the Attorney General of the State of
11 Illinois, or the State's Attorney of any county in the State
12 of Illinois, apply for an injunction in the circuit court to
13 enjoin any person who has not been issued a license or whose
14 license has been suspended or revoked, or whose license has
15 not been renewed, from practicing funeral directing and
16 embalming or funeral directing. Upon the filing of a verified
17 complaint in court, the court, if satisfied by affidavit or
18 otherwise that the person is or has been practicing funeral
19 directing and embalming or funeral directing without having
20 been issued a license or after his or her license has been
21 suspended, revoked, or not renewed, may issue a temporary
22 restraining order or preliminary injunction, without notice
23 or bond, enjoining the defendant from further practicing
24 funeral directing and embalming or funeral directing. A copy
25 of the verified complaint shall be served upon the defendant
26 and the proceedings shall thereafter be conducted as in other
27 civil cases. If it is established that the defendant has been
28 or is practicing funeral directing and embalming or funeral
29 directing without having been issued a license or has been or
30 is practicing funeral directing and embalming or funeral
31 directing after his or her license has been suspended,
32 revoked, or not renewed, the court may enter a judgment
33 perpetually enjoining the defendant from further practicing
34 funeral directing and embalming or funeral directing. In case

1 of violation of any injunction entered under this Section,
2 the court may summarily try and punish the offender for
3 contempt of court. Any injunction proceeding shall be in
4 addition to, and not in lieu of, all penalties and other
5 remedies in this Code.

6 (b) Whenever, in the opinion of the Department, any
7 person or other entity violates any provision of this Act,
8 the Department may issue a notice to show cause why an order
9 to cease and desist should not be entered against that person
10 or other entity. The rule shall clearly set forth the grounds
11 relied upon by the Department and shall provide a period of 7
12 days from the date of the rule to file an answer to the
13 satisfaction of the Department. Failure to answer to the
14 satisfaction of the Department shall cause an order to cease
15 and desist to be issued immediately.

16 (c) (1) In addition to any other penalty provided by
17 law, any person, sole proprietorship, professional
18 service corporation, limited liability company,
19 partnership, or other entity that violates Section 1-15
20 or 1-20 of this Act shall forfeit and pay to the General
21 Professions Dedicated Fund a civil penalty in an amount
22 determined by the Department of not more than \$10,000 for
23 each offense. The penalty shall be assessed in
24 proceedings as provided in Sections 15-10 through 15-40
25 of this Act.

26 (2) Unless the amount of the penalty is paid within
27 60 days after the order becomes final, the order shall
28 constitute a judgement and shall be filed and execution
29 issued thereon in the same manner as the judgement of a
30 court of record.

31 (Source: P.A. 87-966.)"; and

32 on page 20, by deleting lines 1 through 29; and

33 on page 21, line 25, by replacing "a intern trainee" with "an

1 intern a-trainee"; and

2 on page 22, line 17, after "felony" by inserting "or
3 misdemeanor"; and

4 on page 22, line 18, after "felony" by inserting "or
5 misdemeanor"; and

6 on page 24, line 16, after "Code," by inserting "the rules
7 for the administration of this Code,"; and

8 on page 24, by replacing lines 24 and 25 with the following:
9 "the public ~~in-the-course-of-providing-professional--services~~
10 ~~or-activities.~~"; and

11 on page 27, by inserting the following after line 3:

12 "(29) A finding by the Department that the license,
13 after having his or her license placed on probationary
14 status or subjected to conditions or restrictions,
15 violated the terms of the probation or failed to comply
16 with such terms or conditions.

17 (30) Violation of any final administrative action
18 of the Director.

19 (31) Being named as a perpetrator in an indicated
20 report by the Department of Children and Family Services
21 pursuant to the Abused and Neglected Child Reporting Act
22 and, upon proof by clear and convincing evidence, being
23 found to have caused a child to be an abused child or
24 neglected child as defined in the Abused and Neglected
25 Child Reporting Act.".