

1 AN ACT concerning athlete agents.

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

4 Section 1. Short title. This Act may be cited as the  
5 Athlete Agents Act.

6 Section 2. Definitions. In this Act:

7 (1) "Agency contract" means an agreement in which a  
8 student-athlete authorizes a person to negotiate or  
9 solicit on behalf of the student-athlete a  
10 professional-sports-services contract or an endorsement  
11 contract.

12 (2) "Athlete agent" means an individual who enters  
13 into an agency contract with a student-athlete or,  
14 directly or indirectly, recruits or solicits a  
15 student-athlete to enter into an agency contract. The  
16 term includes an individual who represents to the public  
17 that the individual is an athlete agent. The term does  
18 not include a spouse, parent, sibling, grandparent, or  
19 guardian of the student-athlete or an individual acting  
20 solely on behalf of a professional sports team or  
21 professional sports organization.

22 (3) "Athletic director" means an individual  
23 responsible for administering the overall athletic  
24 program of an educational institution or, if an  
25 educational institution has separately administered  
26 athletic programs for male students and female students,  
27 the athletic program for males or the athletic program  
28 for females, as appropriate.

29 (4) "Contact" means a communication, direct or  
30 indirect, between an athlete agent and a student-athlete,  
31 to recruit or solicit the student-athlete to enter into

1 an agency contract.

2 (4.5) "Department" means the Department of  
3 Professional Regulation.

4 (4.6) "Director" means the Director of Professional  
5 Regulation.

6 (5) "Endorsement contract" means an agreement under  
7 which a student-athlete is employed or receives  
8 consideration to use on behalf of the other party any  
9 value that the student-athlete may have because of  
10 publicity, reputation, following, or fame obtained  
11 because of athletic ability or performance.

12 (6) "Intercollegiate sport" means a sport played at  
13 the collegiate level for which eligibility requirements  
14 for participation by a student-athlete are established by  
15 a national association for the promotion or regulation of  
16 collegiate athletics.

17 (7) "Person" means an individual, corporation,  
18 business trust, estate, trust, partnership, limited  
19 liability company, association, joint venture,  
20 government; governmental subdivision, agency, or  
21 instrumentality; public corporation, or any other legal  
22 or commercial entity.

23 (8) "Professional-sports-services contract" means  
24 an agreement under which an individual is employed, or  
25 agrees to render services, as a player on a professional  
26 sports team, with a professional sports organization, or  
27 as a professional athlete.

28 (9) "Record" means information that is inscribed on  
29 a tangible medium or that is stored in an electronic or  
30 other medium and is retrievable in perceivable form.

31 (10) "Registration" means registration as an  
32 athlete agent pursuant to this Act.

33 (11) "State" means a State of the United States,  
34 the District of Columbia, Puerto Rico, the United States

1 Virgin Islands, or any territory or insular possession  
2 subject to the jurisdiction of the United States.

3 (12) "Student-athlete" means an individual who  
4 engages in, is eligible to engage in, or may be eligible  
5 in the future to engage in, any intercollegiate sport.  
6 If an individual is permanently ineligible to participate  
7 in a particular intercollegiate sport, the individual is  
8 not a student-athlete for purposes of that sport.

9 Section 2.1. The Department may exercise the following  
10 powers and duties subject to the provisions of this Act:

11 (1) To prescribe forms of application for  
12 certificates of registration.

13 (2) To pass upon the qualifications of applicants  
14 for certificates of registration and issue certificates  
15 of registration to those found to be fit and qualified.

16 (3) To conduct hearings on proceedings to revoke,  
17 suspend, or otherwise discipline or to refuse to issue or  
18 renew certificates of registration.

19 (4) To formulate rules when required for the  
20 administration and enforcement of this Act.

21 Section 3. Service of process; subpoenas.

22 (a) By acting as an athlete agent in this State, a  
23 nonresident individual appoints the Department as the  
24 individual's agent for service of process in any civil action  
25 in this State related to the individual's acting as an  
26 athlete agent in this State.

27 (b) The Department may issue subpoenas for any material  
28 that is relevant to the administration of this Act.

29 Section 4. Athlete agents: registration required; void  
30 contracts.

31 (a) Except as otherwise provided in subsection (b), an

1 individual may not act as an athlete agent in this State  
2 without holding a certificate of registration under Section 6  
3 or 8.

4 (b) Before being issued a certificate of registration,  
5 an individual may act as an athlete agent in this state for  
6 all purposes except signing an agency contract, if:

7 (1) a student-athlete or another person acting on  
8 behalf of the student-athlete initiates communication  
9 with the individual; and

10 (2) within seven days after an initial act as an  
11 athlete agent, the individual submits an application for  
12 registration as an athlete agent in this State.

13 (c) An agency contract resulting from conduct in  
14 violation of this Section is void and the athlete agent shall  
15 return any consideration received under the contract.

16 Section 5. Registration as athlete agent; form;  
17 requirements. An applicant for registration shall submit an  
18 application for registration to the Department in a form  
19 prescribed by the Department. An application filed under this  
20 Section is a public record. The application must be in the  
21 name of an individual and, except as otherwise provided in  
22 subsection (b), signed or otherwise authenticated by the  
23 applicant under penalty of perjury and state or contain:

24 (1) the name of the applicant and the address of  
25 the applicant's principal place of business;

26 (2) the name of the applicant's business or  
27 employer, if applicable;

28 (3) any business or occupation engaged in by the  
29 applicant for the five years next preceding the date of  
30 submission of the application;

31 (4) a description of the applicant's:

32 (A) formal training as an athlete agent;

33 (B) practical experience as an athlete agent;

1           and

2                   (C) educational background relating to the  
3           applicant's activities as an athlete agent;

4           (5) the names and addresses of three individuals  
5           not related to the applicant who are willing to serve as  
6           references;

7           (6) the name, sport, and last known team for each  
8           individual for whom the applicant acted as an athlete  
9           agent during the five years next preceding the date of  
10          submission of the application;

11          (7) the names and addresses of all persons who are:

12                   (A) with respect to the athlete agent's  
13           business if it is not a corporation, the partners,  
14           members, officers, managers, associates, or  
15           profit-sharers of the business; and

16                   (B) with respect to a corporation employing  
17           the athlete agent, the officers, directors, and any  
18           shareholder of the corporation having an interest of  
19           five percent or greater;

20          (8) whether the applicant or any person named  
21          pursuant to paragraph (7) has been convicted of a crime  
22          that, if committed in this State, would be a crime  
23          involving moral turpitude or a felony, and identify the  
24          crime;

25          (9) whether there has been any administrative or  
26          judicial determination that the applicant or any person  
27          named pursuant to paragraph (7) has made a false,  
28          misleading, deceptive, or fraudulent representation;

29          (10) any instance in which the conduct of the  
30          applicant or any person named pursuant to paragraph (7)  
31          resulted in the imposition of a sanction, suspension, or  
32          declaration of ineligibility to participate in an  
33          interscholastic or intercollegiate athletic event on a  
34          student-athlete or educational institution;

1           (11) any sanction, suspension, or disciplinary  
2 action taken against the applicant or any person named  
3 pursuant to paragraph (7) arising out of occupational or  
4 professional conduct; and

5           (12) whether there has been any denial of an  
6 application for, suspension or revocation of, or refusal  
7 to renew, the registration or licensure of the applicant  
8 or any person named pursuant to paragraph (7) as an  
9 athlete agent in any State.

10           Section 5.5. Public records.

11           (a) All information required by the Department of any  
12 applicant for registration shall be a public record, except  
13 financial information.

14           (b) If a registrant changes his or her name style,  
15 address, or employment from that which appears on his or her  
16 current registration, he or she shall notify the Department  
17 of the change within 30 days after it occurs.

18           (c) All public records of the Department, when duly  
19 certified by the Director, shall be received as prima facie  
20 evidence in any State administrative or judicial proceedings.

21           Section 6. Certificate of registration; issuance or  
22 denial; renewal.

23           (a) Except as otherwise provided in subsection (b), the  
24 Department shall issue a certificate of registration to an  
25 individual who complies with Section 5(a) or whose  
26 application has been accepted under Section 5(b).

27           (b) The Department may refuse to issue a certificate of  
28 registration if the Department determines that the applicant  
29 has engaged in conduct that has a significant adverse effect  
30 on the applicant's fitness to act as an athlete agent. In  
31 making the determination, the Department may consider whether  
32 the applicant has:

1           (1) been convicted of a crime that, if committed in  
2 this State, would be a crime involving moral turpitude or  
3 a felony;

4           (2) made a materially false, misleading, deceptive,  
5 or fraudulent representation in the application or as an  
6 athlete agent;

7           (3) engaged in conduct that would disqualify the  
8 applicant from serving in a fiduciary capacity;

9           (4) engaged in conduct prohibited by Section 14;

10          (5) had a registration or licensure as an athlete  
11 agent suspended, revoked, or denied or been refused  
12 renewal of registration or licensure as an athlete agent  
13 in any State;

14          (6) engaged in conduct the consequence of which was  
15 that a sanction, suspension, or declaration of  
16 ineligibility to participate in an interscholastic or  
17 intercollegiate athletic event was imposed on a  
18 student-athlete or educational institution; or

19          (7) engaged in conduct that significantly adversely  
20 reflects on the applicant's credibility, honesty, or  
21 integrity.

22          (c) In making a determination under subsection (b), the  
23 Department shall consider:

24           (1) how recently the conduct occurred;

25           (2) the nature of the conduct and the context in  
26 which it occurred; and

27           (3) any other relevant conduct of the applicant.

28          (d) An athlete agent may apply to renew a registration  
29 by submitting an application for renewal in a form prescribed  
30 by the Department. An application filed under this Section is  
31 a public record. The application for renewal must be signed  
32 by the applicant under penalty of perjury and must contain  
33 current information on all matters required in an original  
34 registration.

1 (e) An individual who has submitted an application for  
2 renewal of registration or licensure in another State, in  
3 lieu of submitting an application for renewal in the form  
4 prescribed pursuant to subsection (d), may file a copy of the  
5 application for renewal and a valid certificate of  
6 registration or licensure from the other State. The  
7 Department shall accept the application for renewal from the  
8 other State as an application for renewal in this State if  
9 the application to the other State:

10 (1) was submitted in the other State within six  
11 months next preceding the filing in this State and the  
12 applicant certifies the information contained in the  
13 application for renewal is current;

14 (2) contains information substantially similar to  
15 or more comprehensive than that required in an  
16 application for renewal submitted in this State; and

17 (3) was signed by the applicant under penalty of  
18 perjury.

19 (f) A certificate of registration or a renewal of a  
20 registration is valid for two years.

21 Section 7. Suspension, revocation, or refusal to renew  
22 registration.

23 (a) The Department may suspend, revoke, or refuse to  
24 renew a registration for conduct that would have justified  
25 denial of registration under Section 6(b).

26 (b) The Department may deny, suspend, revoke, or refuse  
27 to renew a certificate of registration or licensure only  
28 after proper notice and an opportunity for a hearing. The  
29 Illinois Administrative Procedure Act applies to this Act.

30 Section 8. Temporary registration.

31 (a) The Department may issue a temporary certificate of  
32 registration while an application for registration or renewal



1 of registration is pending.

2 (b) A temporary certificate shall be issued by the  
3 Department to an individual who holds a certificate,  
4 registration, or license as an athlete agent in another State  
5 and submits a copy of the certificate, registration, or  
6 license in lieu of submitting an application in the form  
7 prescribed pursuant to Section 5.

8 (c) A temporary certificate issued pursuant to  
9 subsection (b) of this Section shall be valid for 30 days or  
10 until such time as the Department receives an application in  
11 accordance with Section 5.

12 (d) A temporary certificate shall be considered as  
13 issued upon the Department's receipt of a copy of a  
14 certificate in accordance with subsection (b) of this  
15 Section.

16 Section. 8.5. Expiration of registration.

17 (a) Registrations shall expire at midnight on June 30 of  
18 each odd-numbered year.

19 (b) Failure to renew a registration prior to its  
20 expiration shall cause the registration to become nonrenewed  
21 and it shall be unlawful thereafter for the registrant to  
22 engage, offer to engage, or hold himself or herself out as  
23 engaging as a registered athlete agent under the registration  
24 unless the registration is restored or reissued as defined by  
25 rule.

26 Section 9. Fees.

27 (a) The initial application fee for a certificate shall  
28 be fixed by the Department by rule.

29 (b) All other fees not set forth in this Act shall be  
30 fixed by rule.

31 (c) If an applicant for initial registration applies for  
32 licensure during the second half of the biennial period, he

1 or she shall be required to pay only one-half of the amount  
2 fixed by the Department for initial application.

3 (d) Any change of a registration that requires the  
4 issuance of a new registration shall be completed on a form  
5 required by the Department and accompanied by a \$10 handling  
6 fee.

7 (e) All fees and fines collected under this Act shall be  
8 deposited into the General Professions Dedicated Fund.

9 Section 10. Required form of contract.

10 (a) An agency contract must be in a record, signed or  
11 otherwise authenticated by the parties.

12 (b) An agency contract must state or contain:

13 (1) the amount and method of calculating the  
14 consideration to be paid by the student-athlete for  
15 services to be provided by the athlete agent under the  
16 contract and any other consideration the athlete agent  
17 has received or will receive from any other source for  
18 entering into the contract or for providing the services;

19 (2) the name of any person not listed in the  
20 application for registration or renewal of registration  
21 who will be compensated because the student-athlete  
22 signed the agency contract;

23 (3) a description of any expenses that the  
24 student-athlete agrees to reimburse;

25 (4) a description of the services to be provided to  
26 the student-athlete;

27 (5) the duration of the contract; and

28 (6) the date of execution.

29 (c) An agency contract must contain, in close proximity  
30 to the signature of the student-athlete, a conspicuous notice  
31 in boldface type in capital letters stating:

32 WARNING TO STUDENT-ATHLETE

33 IF YOU SIGN THIS CONTRACT:

1           (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A  
2 STUDENT-ATHLETE IN YOUR SPORT;

3           (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72  
4 HOURS AFTER ENTERING INTO THIS CONTRACT OR BEFORE YOUR  
5 NEXT SCHEDULED ATHLETIC EVENT, WHICHEVER OCCURS FIRST,  
6 BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC  
7 DIRECTOR; AND

8           (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS  
9 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT  
10 REINSTATE YOUR ELIGIBILITY.

11          (d) An agency contract that does not conform to this  
12 Section is voidable by the student-athlete. If a  
13 student-athlete voids an agency contract, the student-athlete  
14 is not required to pay any consideration under the contract  
15 or to return any consideration received from the athlete  
16 agent to induce the student-athlete to enter into the  
17 contract.

18          (e) The athlete agent shall give a record of the signed  
19 or otherwise authenticated agency contract to the  
20 student-athlete at the time of execution.

21          Section 11. Notice to educational institution.

22          (a) Within 72 hours after entering into an agency  
23 contract or before the next scheduled athletic event in which  
24 the student-athlete may participate, whichever occurs first,  
25 the athlete agent shall give notice in a record of the  
26 existence of the contract to the athletic director of the  
27 educational institution at which the student-athlete is  
28 enrolled or the athlete agent has reasonable grounds to  
29 believe the student-athlete intends to enroll.

30          (b) Within 72 hours after entering into an agency  
31 contract or before the next athletic event in which the  
32 student-athlete may participate, whichever occurs first, the  
33 student-athlete shall inform the athletic director of the

1 educational institution at which the student-athlete is  
2 enrolled that he or she has entered into an agency contract.

3 Section 12. Student-athlete's right to cancel.

4 (a) A student-athlete may cancel an agency contract by  
5 giving notice of the cancellation to the athlete agent in a  
6 record within 14 days after the contract is signed.

7 (b) A student-athlete may not waive the right to cancel  
8 an agency contract.

9 (c) If a student-athlete cancels an agency contract, the  
10 student-athlete is not required to pay any consideration  
11 under the contract or to return any consideration received  
12 from the athlete agent to induce the student-athlete to enter  
13 into the contract.

14 Section 13. Required records.

15 (a) An athlete agent shall retain the following records  
16 for a period of five years:

17 (1) the name and address of each individual  
18 represented by the athlete agent;

19 (2) any agency contract entered into by the athlete  
20 agent; and

21 (3) any direct costs incurred by the athlete agent  
22 in the recruitment or solicitation of a student-athlete  
23 to enter into an agency contract.

24 (b) Records required by subsection (a) to be retained  
25 are open to inspection by the Department during normal  
26 business hours.

27 Section 14. Prohibited conduct.

28 (a) An athlete agent, with the intent to induce a  
29 student-athlete to enter into an agency contract, may not:

30 (1) give any materially false or misleading  
31 information or make a materially false promise or

1 representation;

2 (2) furnish anything of value to a student-athlete  
3 before the student-athlete enters into the agency  
4 contract; or

5 (3) furnish anything of value to any individual  
6 other than the student-athlete or another registered  
7 athlete agent.

8 (b) An athlete agent may not intentionally:

9 (1) initiate contact with a student-athlete unless  
10 registered under this Act;

11 (2) refuse or fail to retain or permit inspection  
12 of the records required to be retained by Section 13;

13 (3) fail to register when required by Section 4;

14 (4) provide materially false or misleading  
15 information in an application for registration or renewal  
16 of registration;

17 (5) predate or postdate an agency contract; or

18 (6) fail to notify a student-athlete before the  
19 student-athlete signs or otherwise authenticates an  
20 agency contract for a particular sport that the signing  
21 or authentication may make the student-athlete ineligible  
22 to participate as a student-athlete in that sport.

23 Section 15. Criminal penalties. An athlete agent who  
24 violates Section 14 is guilty of a Class A misdemeanor.

25 Section 16. Civil remedies.

26 (a) An educational institution has a right of action  
27 against an athlete agent or a former student-athlete for  
28 damages caused by a violation of this Act. In an action  
29 under this Section, the court may award to the prevailing  
30 party costs and reasonable attorney's fees.

31 (b) Damages of an educational institution under  
32 subsection (a) include losses and expenses incurred because,

1 as a result of the conduct of an athlete agent or former  
2 student-athlete, the educational institution was injured by a  
3 violation of this Act or was penalized, disqualified, or  
4 suspended from participation in athletics by a national  
5 association for the promotion and regulation of athletics, by  
6 an athletic conference, or by reasonable self-imposed  
7 disciplinary action taken to mitigate sanctions likely to be  
8 imposed by such an organization.

9 (c) A right of action under this Section does not accrue  
10 until the educational institution discovers or by the  
11 exercise of reasonable diligence would have discovered the  
12 violation by the athlete agent or former student-athlete.

13 (d) Any liability of the athlete agent or the former  
14 student-athlete under this Section is several and not joint.

15 (e) This Act does not restrict rights, remedies, or  
16 defenses of any person under law or equity.

17 Section 17. Grounds for disciplinary action.

18 (a) The Department may refuse to issue or to renew or  
19 may revoke, suspend, place on probation, reprimand, or take  
20 other disciplinary action as the Department may deem proper,  
21 including fines not to exceed \$5,000 for each violation, with  
22 regard to any registration for any one or combination of the  
23 following causes:

24 (1) Violation of this Act or its rules.

25 (2) Conviction of any crime under the laws of any  
26 U.S. jurisdiction that is a felony or that is a  
27 misdemeanor, an essential element of which is dishonesty,  
28 or of any crime that directly relates to the practice of  
29 the profession.

30 (3) Making any misrepresentation for the purpose of  
31 obtaining a registration.

32 (4) Gross malpractice, prima facie evidence of  
33 which may be a conviction or judgment of malpractice in

1 any court of competent jurisdiction.

2 (5) Aiding or assisting another person in violating  
3 any provision of this Act or rules adopted pursuant to  
4 this Act.

5 (6) Failing, within 60 days, to provide information  
6 in response to a written request made by the Department  
7 that was sent by certified or registered mail to the  
8 registrant's last known address.

9 (7) Engaging in dishonorable, unethical, or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud, or harm the public.

12 (8) Habitual or excessive use or addiction to  
13 alcohol, narcotics, stimulants, or any other chemical  
14 agent or drug that results in the inability to practice  
15 with reasonable judgment or skill.

16 (9) Discipline by another U.S. jurisdiction or  
17 foreign nation if at least one of the grounds for the  
18 discipline is the same or substantially equivalent to  
19 those set forth in this Section.

20 (10) Directly or indirectly giving to or receiving  
21 from any person, firm, corporation, partnership, or  
22 association any fee, commission, rebate, or other form of  
23 compensation for any professional services not actually  
24 or personally rendered.

25 (11) A finding by the Department that the  
26 registrant, after having his or her registration placed  
27 on probationary status, has violated the terms of  
28 probation.

29 (12) Conviction by any court of competent  
30 jurisdiction, either within or without this State, of any  
31 violation of any law governing the practice of athlete  
32 agents if the Department determines, after investigation,  
33 that the person has not been sufficiently rehabilitated  
34 to warrant the public trust.

1           (13) A finding that registration has been applied  
2 for or obtained by fraudulent means.

3           (14) Practicing, attempting to practice, or  
4 advertising under a name other than the full name as  
5 shown on the registration or any other legally authorized  
6 name.

7           (15) Gross and willful overcharging for  
8 professional services, including filing false statements  
9 for collection of fees or moneys for which services are  
10 not rendered.

11           (16) Failure to file a return, to pay the tax,  
12 penalty, or interest shown in a filed return, or to pay  
13 any final assessment of tax, penalty, or interest, as  
14 required by any tax Act administered by the Illinois  
15 Department of Revenue, until such time as the  
16 requirements of that tax Act are satisfied.

17           (17) Physical or mental disability, including  
18 deterioration through the aging process, or loss of  
19 abilities and skills that result in an inability to  
20 practice the profession with reasonable judgment or  
21 skill.

22           (18) Material misstatement in furnishing  
23 information to the Department or to any other State  
24 agency.

25           (19) Advertising in any manner that is false,  
26 misleading, or deceptive.

27           (b) The Department shall deny any registration or  
28 renewal under this Act to any person who has defaulted on an  
29 educational loan guaranteed by the Illinois State Scholarship  
30 Commission; however, the Department may issue a registration  
31 or renewal if the person in default has established a  
32 satisfactory repayment record as determined by the Illinois  
33 State Scholarship Commission.

34           (c) Failure to continue to meet the requirements of this



1 Act shall be deemed a violation of this Act.

2 (d) The determination by a court that a registrant is  
3 subject to involuntary admission or judicial admission as  
4 provided in the Mental Health and Developmental Disabilities  
5 Code will result in an automatic suspension of his or her  
6 registration. The suspension will end upon a finding by a  
7 court that the registrant is no longer subject to involuntary  
8 admission or judicial admission, the issuance of an order so  
9 finding and discharging the patient, and the recommendation  
10 of the Board to the Director that the registrant be allowed  
11 to resume professional practice.

12 Section 18. Stenographer; record of proceedings. The  
13 Department, at its expense, shall provide a stenographer to  
14 take down the testimony and preserve a record of all  
15 proceedings initiated pursuant to this Act, the rules for the  
16 administration of this Act, or any other Act or rules  
17 relating to this Act and proceedings for restoration of any  
18 registration issued under this Act. The notice of hearing,  
19 complaint, answer, and all other documents in the nature of  
20 pleadings and written motions and responses filed in the  
21 proceedings, the transcript of the testimony, all exhibits  
22 admitted into evidence, the report of the hearing officer,  
23 the conclusions of law, and recommendations to the Director,  
24 and the order shall be the record of the proceedings. The  
25 Department shall furnish a transcript of the record to any  
26 person interested in the hearing upon payment of the fee  
27 required under Section 2105-115 of the Civil Administrative  
28 Code of Illinois (Department of Professional Regulation Law).

29 Section 19. Court orders. Any circuit court may, upon  
30 application of the Department or its designee or of the  
31 applicant or registrant against whom proceedings are pending,  
32 enter an order requiring the attendance of witnesses and

1 their testimony and the production of documents, papers,  
2 files, books, and records in connection with any hearing or  
3 investigation. The court may compel obedience to its order by  
4 proceedings for contempt.

5 Section 20. Subpoenas; administration of oaths. The  
6 Department has power to subpoena and bring before it any  
7 person in this State and to take testimony orally, by  
8 deposition, or both or to subpoena documents, exhibits, or  
9 other materials with the same fees and mileage and in the  
10 same manner as prescribed by law in judicial proceedings in  
11 civil cases in circuit courts of this State.

12 The Director has the power to administer oaths to  
13 witnesses at any hearing that the Department is authorized by  
14 law to conduct. The Director has the power to administer any  
15 other oaths required or authorized to be administered by the  
16 Department under this Act.

17 Section 21. Findings of fact; conclusions of law;  
18 recommendations; order. Within 60 days of the Department's  
19 receipt of the transcript of any hearing that is conducted  
20 pursuant to this Act or the rules for its enforcement, any  
21 other statute or rule requiring a hearing under this Act or  
22 the rules for its enforcement, or any hearing related to  
23 restoration of any registration issued pursuant to this Act,  
24 the hearing officer shall submit his or her written findings  
25 and recommendations to the Director.

26 A copy of the findings of fact, conclusions of law, and  
27 recommendations submitted to the Director shall be served  
28 upon the accused person, either personally or by registered  
29 or certified mail. Within 20 days after service, the accused  
30 person may present to the Department a written motion for a  
31 rehearing, which shall state the particular grounds therefor.  
32 If the accused person orders and pays for a transcript

1 pursuant to Section 18, the time elapsing thereafter and  
2 before the transcript is ready for delivery to him or her  
3 shall not be counted as part of the 20 days.

4 The Director shall issue an order based on the findings  
5 of fact, conclusions of law, and recommendations.

6 Section 22. Temporary suspension. The Director may  
7 temporarily suspend a person's registration without a  
8 hearing, simultaneously with the institution of proceedings  
9 for a hearing provided for in this Act, if the Director finds  
10 that evidence in his or her possession indicates that  
11 continuation in practice by that person would constitute an  
12 imminent danger to the public. In the event that the Director  
13 temporarily suspends a registration without a hearing, the  
14 Department shall hold a hearing within 30 days after the  
15 suspension has occurred.

16 Section 23. Administrative Review Law. All final  
17 administrative decisions of the Department are subject to  
18 judicial review pursuant to the Administrative Review Law and  
19 its rules. The term "administrative decision" is defined as  
20 in Section 3-101 of the Code of Civil Procedure.

21 Section 24. Illinois Administrative Procedure Act. The  
22 Illinois Administrative Procedure Act is hereby expressly  
23 adopted and incorporated herein as if all of the provisions  
24 of that Act were included in this Act, except that the  
25 provision of subsection (d) of Section 10-65 of the Illinois  
26 Administrative Procedure Act that provides that at hearings  
27 the registrant has the right to show compliance with all  
28 lawful requirements for retention, continuation, or renewal  
29 of the registration is specifically excluded. For the purpose  
30 of this Act the notice required under Section 10-25 of the  
31 Administrative Procedure Act is deemed sufficient when mailed

1 to the last known address of a party.

2 Section 25. Certification of record; costs. The  
3 Department shall not be required to certify any record to the  
4 court, to file an answer in court, or to otherwise appear in  
5 any court in a judicial review proceeding, unless there is  
6 filed in the court, with the complaint, a receipt from the  
7 Department acknowledging payment of the costs of furnishing  
8 and certifying the record. Failure on the part of the  
9 plaintiff to file the receipt in court is grounds for  
10 dismissal of the action.

11 Section 26. Returned checks; fines. A person who  
12 delivers a check or other payment to the Department that is  
13 returned to the Department unpaid by the financial  
14 institution upon which it is drawn shall pay to the  
15 Department, in addition to the amount already owed to the  
16 Department, a fine of \$50. A fine imposed under this Section  
17 is in addition to any other discipline provided under this  
18 Act for unregistered practice or practice on a nonrenewed  
19 registration. The Department shall notify the person that  
20 fees and fines shall be paid to the Department by certified  
21 check or money order within 30 calendar days of the  
22 notification. If, after the expiration of 30 days from the  
23 date of the notification, the person fails to submit the  
24 necessary remittance, the Department shall automatically  
25 terminate his or her registration or deny his or her  
26 application without hearing. If, after termination or denial,  
27 the person seeks a registration, he or she shall apply to the  
28 Department for restoration or issuance of his or her  
29 registration and pay all fees and fines due to the  
30 Department. The Department may establish a fee for the  
31 processing of an application for restoration of a  
32 registration to pay all expenses of processing the

1 application. The Director may waive any fine due under this  
2 Section in any individual case where the Director finds that  
3 the fine would be unreasonable or unnecessarily burdensome.

4 Section 27. Hearing officer. The Director has the  
5 authority to appoint any attorney duly registered to practice  
6 law in the State of Illinois to serve as the hearing officer  
7 for any action for refusal to issue or renew a registration,  
8 for discipline of a registrant, for sanctions, for  
9 unregistered practice, for restoration of a registration, or  
10 for any other action for which findings of fact, conclusions  
11 of law, and recommendations are required pursuant to Section  
12 21 of this Act. The hearing officer shall have full authority  
13 to conduct the hearing and shall issue his or her findings of  
14 fact and recommendations to the Director pursuant to Section  
15 21 of this Act.

16 Section 28. Enforcement; petition to court.

17 (a) If any person violates the provisions of this Act,  
18 the Director, through the Attorney General or the State's  
19 Attorney of any county in which a violation is alleged to  
20 exist, may, in the name of the People of the State of  
21 Illinois, petition for an order enjoining the violation or  
22 for an order enforcing compliance with this Act. Upon the  
23 filing of a verified petition in court, the court may issue a  
24 temporary restraining order without notice or bond and may  
25 preliminarily and permanently enjoin the violation. If it is  
26 established that the person has violated or is violating the  
27 injunction, the court may punish the offender for contempt of  
28 court.

29 (b) If any person practices as a registered athlete  
30 agent or holds himself or herself out as a registrant without  
31 being registered under the provisions of this Act, then any  
32 person registered under this Act, any interested party, or

1 any person injured thereby, in addition to those officers  
2 identified in subsection (a) of this Section, may petition  
3 for relief as provided in subsection (a).

4 (c) Whenever the Department has reason to believe that a  
5 person has violated the registration requirements of this Act  
6 by practicing, offering to practice, attempting to practice,  
7 or holding himself or herself out to practice as a registered  
8 athlete agent without being registered under this Act, the  
9 Department may issue a rule to show cause why an order to  
10 cease and desist should not be entered against that person.  
11 The rule shall clearly set forth the grounds relied upon by  
12 the Department and shall provide a period of 7 days from the  
13 date of the rule to file an answer to the satisfaction of the  
14 Department. Failure to answer to the satisfaction of the  
15 Department shall cause an order to cease and desist to be  
16 issued immediately.

17 (d) Proceedings under this Section shall be in addition  
18 to, and not in lieu of, all other remedies and penalties that  
19 may be provided by law.

20 Section 29. Unregistered practice; violation; civil  
21 penalty.

22 (a) Any person who practices, offers to practice,  
23 attempts to practice, or holds himself or herself out to  
24 practice without being registered under this Act shall, in  
25 addition to any other penalty provided by law, pay a civil  
26 penalty to the Department in an amount not to exceed \$5,000  
27 for each offense as determined by the Department. The civil  
28 penalty shall be assessed by the Department after a hearing  
29 is held in accordance with the provisions set forth in this  
30 Act regarding the provision of a hearing for the discipline  
31 of a registrant.

32 (b) The Department has the authority and power to  
33 investigate any and all registered activity.

1           (c) A civil penalty imposed pursuant to this Section  
2 shall be paid within 60 days after the effective date of the  
3 order imposing the civil penalty. The order shall constitute  
4 a judgment and may be filed and execution had thereon in the  
5 same manner as any judgment from any court of record.

6           Section 30. Electronic Signatures in Global and National  
7 Commerce Act. The provisions of this Act governing the legal  
8 effect, validity, or enforceability of electronic records or  
9 signatures, and of contracts formed or performed with the use  
10 of such records or signatures conform to the requirements of  
11 Section 102 of the Electronic Signatures in Global and  
12 National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464  
13 (2000), and supersede, modify, and limit the Electronic  
14 Signatures in Global and National Commerce Act.

15           Section 31. Severability. If any provision of this Act  
16 or its application to any person or circumstance is held  
17 invalid, the invalidity does not affect other provisions or  
18 applications of this Act which can be given effect without  
19 the invalid provision or application, and to this end the  
20 provisions of this Act are severable.