



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5895

by Rep. Joe Dunn

SYNOPSIS AS INTRODUCED:

New Act
5 ILCS 80/4.29 new

Creates the Mortgage Foreclosure Consultant Licensing Act. Provides for the licensure of mortgage foreclosure consultants with the Department of Financial and Professional Regulation. Sets forth powers and duties of the Department, licensure and written agreement requirements, grounds for discipline, civil and criminal penalties for violation of the Act, and administrative procedure. Includes provisions concerning exemption from the Act. Provides that the Act does not limit the power of a unit of local government from regulating or licensing the practice of mortgage foreclosure consulting in a stricter manner. Amends the Regulatory Sunset Act to set a repeal date of January 1, 2019 for the new Act. Effective immediately.

LRB095 17993 RAS 44076 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

1 AN ACT concerning regulation.

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 Mortgage Foreclosure Consultant Licensing Act.

6 Section 5. Purpose. The practice of mortgage foreclosure
7 consulting in the State of Illinois is hereby declared to
8 affect the public health, safety, and welfare and to be subject
9 to regulation in the public interest. It is further declared to
10 be a matter of public interest and concern that the practice of
11 mortgage foreclosure consulting merit and receive the
12 confidence of the public by permitting only qualified persons
13 to practice the profession in the State of Illinois. The
14 purpose of this Act is to protect and benefit the public by
15 setting standards for those who seek to engage in the practice
16 of mortgage foreclosure consulting and to protect consumers
17 from unprofessional conduct by persons licensed to practice
18 mortgage foreclosure consulting. This Act shall be liberally
19 construed to carry out these purposes.

20 Section 10. Definitions. In this Act:

21 "Department" means the Department of Financial and
22 Professional Regulation.

1 "Mortgage foreclosure consultant" means any person who
2 engages in the practice of mortgage foreclosure consulting.

3 "Mortgage foreclosure consulting" means either of the
4 following:

5 (1) Systematically contacting owners of property that
6 court records or newspaper advertisements show are in
7 foreclosure or in danger of foreclosure.

8 (2) Performing or soliciting, representing, or
9 offering to perform for a homeowner facing foreclosure any
10 any of the following services:

11 (A) Preventing, postponing, or reversing the
12 effect of a foreclosure.

13 (B) Allowing a homeowner to become a lessee or
14 renter entitled to continue to reside in the
15 homeowner's residence.

16 (C) Allowing a homeowner to have an option to
17 repurchase the homeowner's residence.

18 (D) Obtaining an extension of time to repay a
19 mortgage loan.

20 (E) Obtaining an alternative loan or mortgage.

21 (F) Obtaining an advance of funds.

22 (G) Obtaining a forbearance from a beneficiary
23 under a deed of trust, mortgage, or lien.

24 (H) Filing documents with a bankruptcy court.

25 (I) Repairing a homeowner's credit after
26 foreclosure.

1 (J) Obtaining a waiver of an acceleration clause
2 contained in any promissory note or contract secured by
3 a mortgage on a residence in a foreclosure or contained
4 in the mortgage.

5 (K) Purchasing or obtaining an option to purchase a
6 homeowner's residence after the residence is in
7 foreclosure.

8 (L) Receiving money for the purpose of
9 distributing it to creditors in payment or partial
10 payment of any obligation secured by a lien on a
11 residence in foreclosure.

12 (M) Contacting mortgagees or other creditors on
13 behalf of a homeowner.

14 (N) Assisting a homeowner in curing a default or
15 obtaining an extension of the period within which the
16 homeowner may cure a default.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation.

19 Section 15. Exemptions. The following persons are exempt
20 from the provisions of this Act:

21 (1) Licensed attorneys acting in the normal scope of
22 their duties.

23 (2) Licensed debt adjusters.

24 (3) Licensed real estate brokers or appraisers.

25 (4) Any person acting as an agent of the United States

1 or any territory of the United States.

2 (5) Any person doing business under a law relating to
3 banks, trust companies, savings and loan associations,
4 industrial loan and thrift companies, regulated lenders,
5 credit unions, insurance companies, or a mortgagee that is
6 a U.S. Department of Housing and Urban
7 Development-approved mortgagee.

8 (6) Any person who holds or is owed as an obligation
9 secured by a lien on any residence in foreclosure with the
10 person and performs services in connection with the
11 obligation or lien, if the obligation or lien did not arise
12 as a result of a foreclosure reconveyance.

13 (7) Escrow, title, or mortgage agents.

14 (8) Mortgage brokers or bankers.

15 (9) Nonprofit agencies and organizations that offer
16 credit counseling or advice to a homeowner of a residence
17 in foreclosure or a person in default on a loan.

18 (10) A judgment creditor of a homeowner, if the
19 judgment creditor's claim accrued before the written
20 notice of foreclosure sale is sent.

21 (12) Title insurers.

22 Section 20. Licensure required. Beginning 6 months after
23 the adoption of final rules under this Act, no person may
24 practice, offer to practice, attempt to practice, or hold
25 himself or herself out to practice mortgage foreclosure

1 consulting or use the title "mortgage foreclosure consultant",
2 "licensed mortgage foreclosure consultant", or any other title
3 that includes the words "mortgage foreclosure consulting"
4 without being licensed under this Act.

5 Section 25. Powers and duties of the Department.

6 (a) The Department shall exercise the powers and duties
7 prescribed by the Civil Administrative Code of Illinois for the
8 administration of licensing Acts and shall exercise the other
9 powers and duties vested in it by this Act.

10 (b) The Department shall adopt rules and regulations
11 necessary for the administration and enforcement of this Act,
12 including rules and regulations concerning standards and
13 criteria for licensure and for the payment of applicable fees.

14 (c) The Department must prescribe forms required for the
15 administration of this Act.

16 Section 30. Licensure requirements.

17 (a) Every person applying to the Department for licensure
18 must do so in writing on forms prescribed by the Department and
19 pay the required nonrefundable fee. The application shall
20 include without limitation the name, principal place of
21 business, address, and telephone number of the applicant.

22 (b) The Department shall establish further requirements
23 for licensure by rule, which may include educational
24 requirements and the requirement of the successful completion

1 of an examination administered by the Department or an entity
2 approved by the Department.

3 Section 35. Current address. Every licensee under this Act
4 must maintain a current address with the Department. It shall
5 be the responsibility of the licensee to notify the Department
6 in writing of any change of address.

7 Section 40. Social Security Number on license application.
8 In addition to any other information required to be contained
9 in the application, every application for an original, renewal,
10 or restored license under this Act shall include the
11 applicant's Social Security Number.

12 Section 45. Consulting agreement required. Prior to
13 rendering any mortgage foreclosure consulting services to any
14 homeowner, a licensee under this Act must execute a written and
15 plainly-worded agreement with the homeowner in a language that
16 the homeowner or the homeowner's authorized agent understands.
17 The agreement must include the name, business contact
18 information, and license number of the licensee and must
19 provide full disclosure of fees and services and of totals and
20 terms of payment. The agreement must be signed and dated by all
21 parties and notarized. All provisions of the agreement must be
22 printed in at least 10-point type. The homeowner shall receive
23 a copy of the agreement immediately upon execution.

1 An agreement executed under this Section must specify the
2 time period of rescission for any funds paid by the mortgage
3 foreclosure consultant under the terms of the contract to stop
4 or delay the foreclosure; however, the right of rescission of
5 the agreement shall be unconditional and may not be conditioned
6 upon the repayment of funds. The agreement must also include
7 provisions detailing the procedure for notice of cancellation
8 and may not include any provision purporting to waive any of
9 the homeowner's rights.

10 Section 50. Renewal; restoration; military service.

11 (a) The expiration date and renewal period for each license
12 issued under this Act shall be set by the Department by rule.
13 The Department may adopt rules concerning the completion of
14 continuing education requirements as a condition of renewal.

15 (b) Any person who has permitted his or her license to
16 expire may have his or her license restored by applying to the
17 Department, filing proof acceptable to the Department of his or
18 her fitness to have the license restored, which may include
19 sworn evidence certifying to active practice in another
20 jurisdiction satisfactory to the Department, and paying the
21 required restoration fee. If the person has not maintained an
22 active practice in another jurisdiction satisfactory to the
23 Department, the Department shall determine, by an evaluation
24 program established by rule, the person's fitness to resume
25 active status and may require the successful completion of an

1 examination.

2 (c) Any person whose license has expired while he or she
3 has been engaged (i) in federal service on active duty with the
4 Armed Forces of the United States or the State Militia called
5 into service or training or (ii) in training or education under
6 the supervision of the United States preliminary to induction
7 into the military service, may have his or her license renewed
8 or restored without paying any lapsed renewal fees if, within 2
9 years after termination of service, training, or education,
10 other than by dishonorable discharge, he or she furnishes the
11 Department with satisfactory evidence to the effect that he or
12 she has been so engaged and that the service, training, or
13 education has been so terminated.

14 Section 55. Inactive status.

15 (a) Any mortgage foreclosure consultant who notifies the
16 Department in writing on forms prescribed by the Department may
17 elect to place his or her license on inactive status and shall
18 be excused from payment of renewal fees until he or she
19 notifies the Department in writing of his or her desire to
20 resume active status.

21 (b) Any person whose license has been expired for more than
22 3 years may have his or her license restored by making
23 application to the Department and filing proof acceptable to
24 the Department of his or her fitness to have his or her license
25 restored, including evidence certifying to active practice in

1 another jurisdiction, and by paying the required restoration
2 fee.

3 (c) Any mortgage foreclosure consultant whose license is on
4 inactive status, has been suspended or revoked, or has expired
5 may not represent himself or herself to be a mortgage
6 foreclosure consultant or use the title "mortgage foreclosure
7 consultant", "licensed mortgage foreclosure consultant", or
8 any other title that includes the words "mortgage foreclosure
9 consulting".

10 Section 60. Fees; disposition of funds.

11 (a) The Department shall establish by rule a schedule of
12 fees for the administration and maintenance of this Act. Such
13 fees shall be nonrefundable.

14 (b) All of the fees and fines collected under this Act
15 shall be deposited into the General Professions Dedicated Fund.
16 The moneys deposited into the General Professions Dedicated
17 Fund under this Section must be used by the Department, as
18 appropriate, for the ordinary and contingent expenses of the
19 Department. Moneys deposited in the General Professions
20 Dedicated Fund under this Section may be invested and
21 reinvested, with all earnings received from these investments
22 being deposited into that Fund and used for the same purposes
23 as the fees and fines deposited into that Fund.

24 Section 65. Roster. The Department shall maintain a roster

1 of the names and addresses of all licensees under this Act.
2 This roster shall be made available upon written request and
3 payment of the required fee.

4 Section 70. Advertising. Any person licensed under this Act
5 may advertise the availability of professional services in the
6 public media or on the premises where such professional
7 services are rendered, provided that such advertising is
8 truthful and not misleading.

9 Section 75. Unlicensed practice; civil penalty.

10 (a) Beginning 6 months after the adoption of final rules
11 under this Act, any person who practices, offers to practice,
12 attempts to practice, or holds himself or herself out to
13 practice mortgage foreclosure consulting without being
14 licensed under this Act shall, in addition to any other penalty
15 provided by law, pay a civil penalty to the Department in an
16 amount not to exceed \$10,000 for each offense as determined by
17 the Department. The civil penalty shall be assessed by the
18 Department after a hearing is held in accordance with the
19 provisions set forth in this Act regarding the provision of a
20 hearing for the discipline of a licensee.

21 (b) The Department has the authority and power to
22 investigate any and all unlicensed activities.

23 (c) The civil penalty imposed under this Section must be
24 paid within 60 days after the effective date of the order

1 imposing the civil penalty. The order shall constitute a
2 judgment and may be filed and execution had thereon in the same
3 manner as any judgment from any court of record.

4 Section 80. Injunction; criminal penalty; cease and desist
5 order.

6 (a) If any person violates any provision of this Act, the
7 Secretary may, in the name of the People of the State of
8 Illinois and through the Attorney General or the State's
9 Attorney of any county in which the violation occurs, petition
10 for an order enjoining such violation and for an order
11 enforcing compliance with this Act. Upon the filing of a
12 verified petition in court, the court may issue a temporary
13 restraining order, without notice or bond, and may
14 preliminarily and permanently enjoin such violation. If it is
15 established that such person has violated or is violating the
16 injunction, the Court may punish the offender for contempt of
17 court. Proceedings under this Section shall be in addition to,
18 and not in lieu of, all other remedies and penalties provided
19 by this Act.

20 (b) Beginning 6 months after the adoption of final rules
21 under this Act, if any person holds himself or herself out as a
22 "mortgage foreclosure consultant" or a "licensed mortgage
23 foreclosure consultant" without being licensed under the
24 provisions of this Act, then any mortgage foreclosure
25 consultant, interested party, or person injured thereby may, in

1 addition to the Secretary, petition for relief as provided in
2 subsection (a) of this Section.

3 (c) Whoever holds himself or herself out as a "mortgage
4 foreclosure consultant" or a "licensed mortgage foreclosure
5 consultant in this State without being licensed for that
6 purpose is guilty of a Class A misdemeanor, and for each
7 subsequent conviction, is guilty of a Class 4 felony.

8 (d) Whenever, in the opinion of the Department, a person
9 violates any provision of this Act, the Department may issue a
10 rule to show cause why an order to cease and desist should not
11 be entered against that person. The rule shall clearly set
12 forth the grounds relied upon by the Department and shall allow
13 the person at least 7 days after the date of the rule to file an
14 answer that is satisfactory to the Department. Failure to
15 answer to the satisfaction of the Department shall cause an
16 order to cease and desist to be issued.

17 Section 85. Civil claim; punitive damages. Any consumer who
18 is injured as a result of a violation of this Act or rules
19 adopted under this Act may be awarded up to 3 times the amount
20 of actual damages in punitive damages in a civil claim against
21 a licensee under this Act.

22 Section 90. Disciplinary grounds.

23 (a) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand, or take other

1 disciplinary action as the Department considers appropriate,
2 including the issuance of fines not to exceed \$10,000 for each
3 violation, with regard to any license for any one or more of
4 the following causes:

5 (1) Violation of this Act or any rule adopted under
6 this Act.

7 (2) Conviction of any crime under the laws of another
8 U.S. jurisdiction that is a felony or a misdemeanor an
9 essential element of which is dishonesty or that directly
10 relates to the practice of the profession.

11 (3) Making any misrepresentation for the purpose of
12 obtaining a license.

13 (4) Professional incompetence or gross negligence in
14 the practice of mortgage foreclosure consulting.

15 (5) Gross malpractice, prima facie evidence of which
16 may be a conviction or judgment of malpractice in any court
17 of competent jurisdiction.

18 (6) Aiding or assisting another person in violating any
19 provision of this Act or any rule adopted under this Act.

20 (7) Failing, within 60 days, to provide information in
21 response to a written request made by the Department that
22 has been sent by certified or registered mail to the
23 licensee's last known address.

24 (8) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public.

1 (9) Habitual or excessive use of or addiction to
2 alcohol, narcotics, stimulants, or any other chemical
3 agent or drug that results in the inability to practice
4 with reasonable judgment, skill, or safety.

5 (10) Discipline by another U.S. jurisdiction or
6 foreign nation, if at least one of the grounds for the
7 discipline is the same or substantially equivalent to those
8 set forth in this Section.

9 (11) Directly or indirectly giving to or receiving from
10 any person, firm, corporation, partnership, or association
11 any fee, commission, rebate, or other form of compensation
12 for any professional service not actually rendered.

13 (12) A finding by the Department that a licensee, after
14 having his or her license placed on probationary status,
15 has violated the terms of probation.

16 (13) Conviction by any court of competent
17 jurisdiction, either within or without this State, of any
18 violation of any law governing the practice of mortgage
19 foreclosure consulting if the Department determines, after
20 investigation, that such person has not been sufficiently
21 rehabilitated to warrant the public trust.

22 (14) A finding that licensure has been applied for or
23 obtained by fraudulent means.

24 (15) Practicing, attempting to practice, or
25 advertising under a name other than the full name as shown
26 on the license or any other legally authorized name.

1 (16) Gross and willful overcharging for professional
2 services, including filing false statements for collection
3 of fees or moneys for which services are not rendered.

4 (17) Failure to file a tax return or to pay any final
5 assessment of tax, penalty, or interest, as required by any
6 tax Act administered by the Department of Revenue, until
7 such time as the requirements of any such tax Act are
8 satisfied.

9 (18) Failure to continue to meet the requirements of
10 this Act.

11 (19) Physical or mental disability, including
12 deterioration through the aging process or loss of
13 abilities and skills, that result in an inability to
14 practice the profession with reasonable judgment, skill,
15 or safety.

16 (20) Material misstatement in furnishing information
17 to the Department or to any other State agency.

18 (21) Advertising in any manner that is false,
19 misleading, or deceptive.

20 (22) The determination by a court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental
23 Disabilities Code. Such determination shall result in an
24 automatic suspension of a licensee's license. The
25 suspension shall end upon a finding by a court that the
26 licensee is no longer subject to involuntary admission or

1 judicial admission, the issuance of an order so finding and
2 discharging the patient, and the recommendation of the
3 Department that the licensee be allowed to resume practice
4 within the profession.

5 (b) The Department shall deny the issuance or renewal of
6 any license under this Act to any person who has defaulted on
7 an educational loan guaranteed by the Illinois Student
8 Assistance Commission; however, the Department may issue a
9 license or renewal if the person in default has established a
10 satisfactory repayment record, as determined by the Illinois
11 Student Assistance Commission.

12 Section 95. Investigation; notice of hearing. The
13 Department may investigate the actions or qualifications of any
14 applicant or person holding or claiming to hold a license. The
15 Department shall, before suspending or revoking, placing on
16 probation, reprimanding, or taking any other disciplinary
17 action under Section 90 of this Act, at least 30 days before
18 the date set for the hearing, notify the applicant or licensee
19 in writing of the nature of the charges and that a hearing will
20 be held on the date designated. The written notice may be
21 served by personal delivery or certified or registered mail to
22 the applicant or licensee at the address of his or her last
23 notification to the Department. The Department shall direct the
24 applicant or licensee to file a written answer with the
25 Department, under oath, within 20 days after the service of the

1 notice, and inform the person that if he or she fails to file
2 an answer, his or her license may be revoked, suspended, placed
3 on probation, reprimanded, or the Department may take any other
4 additional disciplinary action, including the issuance of
5 fines not to exceed \$1,000 for each violation, as the
6 Department may consider necessary, without a hearing. At the
7 time and place fixed in the notice, members of the Department
8 who have been designated by the Secretary shall proceed to hear
9 the charges and the parties or their counsel. All parties shall
10 be afforded an opportunity to present any statements,
11 testimony, evidence, and arguments as may be pertinent to the
12 charges or to their defense. The Department may continue the
13 hearing from time to time.

14 Section 100. Record of proceedings; transcript. The
15 Department, at its expense, shall preserve a record of all
16 proceedings at the formal hearing of any case involving the
17 refusal to issue, renew, or restore a license or the discipline
18 of a licensee. The notice of hearing, complaint, and all other
19 documents in the nature of pleadings and written motions filed
20 in the proceedings, the transcript of testimony, the written
21 report of designated members of the Department, and the orders
22 of the Department shall be the record of the proceedings.

23 Section 105. Subpoenas; depositions; oaths. The Department
24 may subpoena and bring before it any person and take testimony,

1 either orally, by deposition, or both, with the same fees and
2 mileage and in the same manner as prescribed in civil cases in
3 circuit courts of this State. The Secretary, the designated
4 hearing officer, and any designated member of the Department
5 has the power to administer oaths to witnesses at any hearing
6 which the Department is authorized to conduct, and any other
7 oaths authorized in any Act administered by the Department.

8 Section 110. Compelling testimony. Any court, upon the
9 application of the Department, designated hearing officer, or
10 the applicant or licensee against whom proceedings under
11 Section 90 of this Act are pending, may enter an order
12 requiring the attendance of witnesses and their testimony and
13 the production of documents, papers, files, books, and records
14 in connection with any hearing or investigation. The court may
15 compel obedience to its order by proceedings for contempt.

16 Section 115. Findings and recommendations. At the
17 conclusion of a hearing, members of the Department who have
18 been designated by the Secretary shall present a written report
19 of findings of fact, conclusions of law, and recommendations to
20 the Secretary. The report shall contain a finding as to whether
21 the licensee violated this Act or failed to comply with the
22 conditions required in this Act. The report shall specify the
23 nature of the violation or failure to comply and shall make
24 recommendations to the Secretary.

1 The report of findings of fact, conclusions of law, and
2 recommendations shall be the basis for the Department's order
3 for refusal or for the granting of the license. If the
4 Secretary disagrees with the recommendations set forth in the
5 written report, the Secretary may issue an order in
6 contravention of the written report. The Secretary shall issue
7 a written report on any disagreement and shall specify the
8 reasons for the action in the final order. These findings are
9 not admissible in evidence against the person in a criminal
10 prosecution for violation of this Act, but the hearing and
11 findings shall not serve as a bar to criminal prosecution for
12 violation of this Act.

13 Section 120. Department; rehearing. At the conclusion of a
14 hearing, a copy of the written report required under Section
15 115 of this Act shall be served upon the accused person, either
16 personally or as provided in this Act for the service of the
17 notice. Within 20 days after such service, the applicant or
18 licensee may present to the Department a motion in writing for
19 a rehearing which shall specify the particular grounds for
20 rehearing. If no motion for a rehearing is filed, then upon the
21 expiration of the time specified for filing such a motion or if
22 a motion for rehearing is denied, then upon the denial, the
23 Secretary may enter any order in accordance with
24 recommendations of the written report, except as otherwise
25 provided in this Act. If the applicant or licensee requests and

1 pays for a transcript of the record within the time for filing
2 a motion for rehearing, the 20-day period within which a motion
3 may be filed shall commence upon the delivery of the transcript
4 to the applicant or licensee.

5 Whenever the Secretary is not satisfied that substantial
6 justice has been done, he or she may order a rehearing. At the
7 expiration of the time specified for filing a motion for a
8 rehearing the Secretary has the right to take the action
9 recommended by the written report.

10 Section 125. Appointment of a hearing officer. The
11 Secretary has the authority to appoint any attorney licensed to
12 practice law in the State of Illinois to serve as the hearing
13 officer in any action for refusal to issue or renew a license
14 or to discipline a licensee. The hearing officer has full
15 authority to conduct the hearing. At least one designated
16 member of the Department shall attend each hearing. The hearing
17 officer shall report his or her findings of fact, conclusions
18 of law, and recommendations to designated members of the
19 Department and the Secretary. Designated members of the
20 Department have 60 days after receipt of the report to review
21 it and present the written report of findings of fact,
22 conclusions of law, and recommendations required under Section
23 115 of this Act to the Secretary. If the designated members of
24 the Department fail to present a report within the 60-day
25 period, the Secretary shall issue an order based on the report

1 of the hearing officer. If the Secretary disagrees with the
2 recommendation of the designated members of the Department or
3 hearing officer, the Secretary may issue an order in
4 contravention of the recommendation. The Secretary shall
5 promptly issue a written explanation on any disagreement.

6 Section 130. Order of certified copy; prima facie proof.
7 An order or a certified copy thereof, over the seal of the
8 Department and purporting to be signed by the Secretary, shall
9 be prima facie proof that:

10 (1) the signature is the genuine signature of the
11 Secretary;

12 (2) the Secretary is duly appointed and qualified; and

13 (3) the Department and the designated members thereof
14 are qualified to act.

15 Section 135. Restoration of suspended or revoked license.
16 At any time after the suspension or revocation of any license,
17 the Department may restore it to the licensee upon the written
18 recommendation of the Department, unless after an
19 investigation and hearing, the Department determines that
20 restoration is not in the public interest.

21 Section 140. Surrender of license. Upon the revocation or
22 suspension of any license, the licensee shall immediately
23 surrender his or her license to the Department. If the licensee

1 fails to do so, the Department has the right to seize the
2 license.

3 Section 145. Summary suspension of a license. The Secretary
4 may summarily suspend a license issued under this Act without a
5 hearing, simultaneously with the institution of proceedings
6 for a hearing provided for in this Act, if the Secretary finds
7 that evidence in the possession of the Secretary indicates that
8 the continuation in practice by the licensee would constitute
9 an imminent danger to the public. In the event that the
10 Secretary temporarily suspends the license of an individual
11 without a hearing, a hearing must be held within 30 days after
12 such suspension has occurred.

13 Section 150. Administrative Review Law; venue.

14 (a) All final administrative decisions of the Department
15 are subject to judicial review under the Administrative Review
16 Law and its rules. The term "administrative decision" is
17 defined as in Section 3-101 of the Code of Civil Procedure.

18 (b) Proceedings for judicial review shall be commenced in
19 the circuit court of the county in which the party applying for
20 review resides, but if the party is not a resident of this
21 State, the venue shall be in Sangamon County.

22 Section 155. Certification of record; costs. The
23 Department shall not be required to certify any record to the

1 court or file an answer in court or to otherwise appear in any
2 court in a judicial review proceeding, unless there is filed in
3 the court with the complaint a receipt from the Department
4 acknowledging payment of the costs of furnishing and certifying
5 the record. Failure on the part of the plaintiff to file such
6 receipt in court shall be grounds for dismissal of the action.

7 Section 160. Administrative Procedure Act. The Illinois
8 Administrative Procedure Act is hereby expressly adopted and
9 incorporated herein as if all of the provisions of that Act
10 were included in this Act, except that the provision of
11 subsection (d) of Section 10-65 of the Illinois Administrative
12 Procedure Act that provides that at hearings the licensee has
13 the right to show compliance with all lawful requirements for
14 retention, continuation, or renewal of the license is
15 specifically excluded. For the purposes of this Act, the notice
16 required under Section 10-25 of the Illinois Administrative
17 Procedure Act is deemed sufficient when mailed to the last
18 known address of a party.

19 Section 165. Home rule. This Act shall not be construed to
20 limit the power of a unit of local government from regulating
21 or licensing the practice of mortgage foreclosure consulting in
22 a stricter manner. This Section is a limitation under
23 subsection (i) of Section 6 of Article VII of the Illinois
24 Constitution on the concurrent exercise by home rule units of

1 powers and functions exercised by the State.

2 Section 900. The Regulatory Sunset Act is amended by adding
3 Section 4.29 as follows:

4 (5 ILCS 80/4.29 new)

5 Sec. 4.29. Act repealed on January 1, 2019. The following
6 Act is repealed on January 1, 2019:

7 The Mortgage Foreclosure Consultant Licensing Act.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.