



Sen. Iris Y. Martinez

**Filed: 10/14/2009**

09600SB0332sam001

LRB096 06382 AJ0 29980 a

1 AMENDMENT TO SENATE BILL 332

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 332 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December  
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 ~~The Land Sales Registration Act of 1999.~~

15 The Orthotics, Prosthetics, and Pedorthics Practice  
16 Act.

1 The Perfusionist Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (b) The following Act is repealed on December 31, 2010:

6 The Medical Practice Act of 1987.

7 (Source: P.A. 95-1018, eff. 12-18-08.)

8 (5 ILCS 80/4.30 new)

9 Sec. 4.30. Act repealed on January 1, 2020. The following  
10 Act is repealed on January 1, 2020:

11 The Land Sales Registration Act of 1999.

12 Section 10. The Land Sales Registration Act of 1999 is  
13 amended by changing Sections 1-10, 1-15, 5-5, 5-10, 5-15, 5-20,  
14 5-25, 10-15, 10-20, 10-30, 15-5, 15-10, 15-15, 15-20, 15-25,  
15 15-30, 15-35, 15-40, 15-45, 15-50, 15-55, 15-60, 15-65, 15-70,  
16 15-75, 20-5, 20-10, 20-15, 20-20, and 20-25 and by adding  
17 Sections 5-23 and 15-7 as follows:

18 (765 ILCS 86/1-10)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 1-10. Definitions. In this Act, unless the context  
21 otherwise requires:

22 "Blanket encumbrance" means a trust deed, mortgage,  
23 mechanics lien, or any other lien or financial encumbrance

1     securing or evidencing money debt and affecting land to be  
2     subdivided or affecting more than one lot or parcel of  
3     subdivided land; or an agreement affecting more than one such  
4     lot or parcel by which the subdivider holds the subdivision  
5     under an option, contract to purchase, or trust agreement.  
6     Taxes and assessments levied by public authority are not an  
7     encumbrance under this Act.

8             ~~"Commissioner" means the Commissioner of Banks and Real~~  
9     ~~Estate or a natural person authorized by the Commissioner, the~~  
10    ~~Office of Banks and Real Estate Act, or this Act to act in the~~  
11    ~~Commissioner's stead.~~

12            "Common promotional plan" means a plan, undertaken by a  
13    single developer or a group of developers acting in concert, to  
14    offer lots for sale or lease. Where land is offered for sale by  
15    a developer or group of developers acting in concert and the  
16    land is contiguous or is known, designated, or advertised as a  
17    common unit or by a common name, the land is presumed, without  
18    regard to the number of lots covered by each individual  
19    offering, to be offered for sale or lease as part of a common  
20    promotional plan.

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

23            "Offer" includes every inducement, solicitation, or  
24    attempt to encourage a person to acquire an interest in a  
25    subdivision or subdivided land, if undertaken for gain or  
26    profit.

1 "Person" means an individual, corporation, government or  
2 governmental subdivision or agency, business trust, estate,  
3 trust, partnership, unincorporated association, 2 or more of  
4 any of the foregoing having a joint or common interest, or any  
5 other legal or commercial entity.

6 "Sale" includes a sale, lease, assignment, or award by  
7 lottery, or any offer or solicitation of an offer to do any of  
8 the foregoing, concerning a subdivision or any part of a  
9 subdivision, if undertaken for gain or profit.

10 "Secretary" means the Secretary of Financial and  
11 Professional Regulation.

12 "Subdivided land" and "subdivision" mean improved or  
13 unimproved lands located outside the State of Illinois, divided  
14 or proposed to be divided into 25 or more lots or parcels, and  
15 also include any land, whether contiguous or not, if 25 or more  
16 lots, parcels, units or interests are offered as a part of a  
17 common promotional plan of advertising and sale.

18 (Source: P.A. 91-338, eff. 12-30-99.)

19 (765 ILCS 86/1-15)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 1-15. Powers and duties of the Department ~~Office of~~  
22 ~~Banks and Real Estate~~. The Department ~~Office of Banks and Real~~  
23 ~~Estate~~ shall exercise the powers and duties established by this  
24 Act. The Secretary ~~Commissioner~~ may adopt rules consistent with  
25 the provisions of this Act for its administration and

1 enforcement and may prescribe forms that shall be issued in  
2 connection with this Act. The Department ~~Office of Banks and~~  
3 ~~Real Estate~~ shall issue a certificate of registration to any  
4 person who meets the qualifications set forth in this Act.

5 (Source: P.A. 91-338, eff. 12-30-99.)

6 (765 ILCS 86/5-5)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 5-5. Registration requirement; exemptions. It is  
9 unlawful for any person to engage in the business of selling  
10 land that is located outside the State of Illinois to any  
11 individual located in Illinois without a certificate of  
12 registration issued by the Department ~~Office of Banks and Real~~  
13 ~~Estate~~ pursuant to this Act. Unless the method of sale is  
14 adopted for the purpose of evasion of this Act, the provisions  
15 of this Act do not apply to an offer or disposition of an  
16 interest in land:

17 (1) by a purchaser of subdivided lands for the  
18 purchaser's own account in a single or isolated  
19 transaction;

20 (2) if fewer than 25 separate lots, parcels, units or  
21 interests in subdivided lands are offered by a person;

22 (3) on which there is a commercial or industrial  
23 building, shopping center, house, apartment house,  
24 condominium structure, or town house, or as to which there  
25 is a legal obligation on the part of the seller to

1           construct such a building within 2 years from the date of  
2           disposition;

3           (4) that is sold for industrial, commercial, or  
4           institutional purposes;

5           (5) that consists of cemetery lots or interests;

6           (6) that consists of a subdivision as to which the plan  
7           of sale is to dispose of it to 10 or fewer persons; or

8           (7) in lots or parcels of 20 or more acres,  
9           unconditionally, or of 10 or more acres if there is free  
10          and ready access leading to county-maintained roads.

11         (Source: P.A. 91-338, eff. 12-30-99.)

12           (765 ILCS 86/5-10)

13           (Section scheduled to be repealed on January 1, 2010)

14           Sec. 5-10. Application for registration.

15           (a) Before subdivided lands are offered for sale, the  
16           subdivider or the subdivider's agent shall file with the  
17           Department ~~Office of Banks and Real Estate~~ an application on  
18           forms supplied by the Department ~~Office of Banks and Real~~  
19           ~~Estate~~. A registration fee shall accompany the application. The  
20           application shall contain all of the following information:

21           (1) The name and address of the fee title owner of the  
22           subdivided lands.

23           (2) The name and address of the subdivider.

24           (3) The name and address of an agent of the subdivider  
25           in Illinois authorized to accept service of process on

1           behalf of the subdivider.

2           (4) The legal description and acreage of the lands,  
3           together with a map showing the layout as recorded or  
4           proposed and the relation of the lands to existing streets  
5           or roads, waterways, schools, churches, shopping centers,  
6           and local bus and rail transportation, with a statement of  
7           distances to each.

8           (5) A true statement as to title to the subdivided  
9           land, including all financial encumbrances and unpaid  
10          taxes thereon.

11          (6) If subject property is in a land trust, a true  
12          statement of the names and addresses of all parties with a  
13          beneficial interest in the trust.

14          (7) A true statement of the terms and conditions by  
15          which it is intended the subdivided land will be sold,  
16          together with copies of any and all forms of contract or  
17          conveyance intended to be used. If a language other than  
18          English was used in advertising the property or during the  
19          sales presentation, translations, in that language, of the  
20          Illinois Public Property Report, any contract or lien, and  
21          any note shall be provided to the purchaser before the  
22          purchaser executes the contract. A receipt for these  
23          translations shall be obtained and a copy of the receipt  
24          shall be kept ~~available in this State~~ and subject to  
25          inspection by the Department ~~Office of Banks and Real~~  
26          ~~Estate~~ for 3 years from the date of the receipt.

1           (8) A true statement of provision for sewage disposal  
2           and public utilities, if any, in the proposed or existing  
3           subdivision, including water, electricity, gas, and  
4           telephone facilities.

5           (9) A correct reference to applicable zoning  
6           ordinances and regulations.

7           (10) Certified financial statements of the subdivider.

8           (11) A proposed public property report, suitable for  
9           distribution to any proposed purchaser if a certificate of  
10          registration is issued, which shall contain the following  
11          information:

12                 (A) the name and principal address of the  
13                 subdivider;

14                 (B) a general description of the subdivided lands,  
15                 stating the total number of lots, parcels, units, or  
16                 interests in the offering;

17                 (C) the significant terms of any encumbrances,  
18                 easements, liens, and restrictions, including zoning  
19                 and other regulations affecting the subdivided lands  
20                 and each lot or unit, and a statement of all existing  
21                 taxes and existing or proposed special taxes or  
22                 assessments that affect the subdivided lands;

23                 (D) a statement of the use for which the property  
24                 is offered;

25                 (E) information concerning improvements, including  
26                 streets, water supply, levees, drainage control



1 systems, irrigation systems, sewage disposal  
2 facilities, and customary utilities, and the estimated  
3 costs, date of completion, and responsibility for  
4 construction and maintenance of existing and proposed  
5 improvements that are referred to in connection with  
6 the offering or disposition of any interest in  
7 subdivided lands;

8 (F) a statement that certified financial  
9 statements are available upon request; and

10 (G) such additional information consistent with  
11 this Act which may be required by the Department Office  
12 ~~of Banks and Real Estate~~ to assure full and fair  
13 disclosure to prospective purchasers.

14 (b) The subdivider shall report all material changes with  
15 respect to subdivided lands registered for sale under this Act,  
16 and the Department Office of Banks and Real Estate may require  
17 that the public property report be amended to reflect such  
18 material change. In the event the subdivider wishes to update  
19 the public property report, the subdivider may do so upon  
20 proper application to the Department Office of Banks and Real  
21 Estate.

22 (c) If the subdivider registers additional subdivided  
23 lands to be offered for sale, the subdivider may consolidate  
24 the subsequent registration with any earlier registration  
25 offering subdivided lands for sale under the same promotional  
26 plan, and the public property report shall be amended to

1 include the additional subdivided lands so registered.

2 (d) The Department ~~Office of Banks and Real Estate~~ shall,  
3 at the time the application is submitted or from time to time  
4 thereafter, require the subdivider to furnish financial  
5 assurances, in the form of a performance bond, a surety bond,  
6 or an irrevocable letter of credit in the amount and subject to  
7 terms and requirements approved by the Department ~~Office of~~  
8 ~~Banks and Real Estate~~, for the purpose of protecting purchasers  
9 of lots in the subdivision to ensure that the improvements will  
10 be constructed and maintained in the manner represented by the  
11 subdivider. The Department ~~Office of Banks and Real Estate~~ may  
12 accept evidence that such assurances have been furnished to a  
13 foreign state, or a county or municipality within such state,  
14 in fulfillment of this requirement.

15 (Source: P.A. 91-338, eff. 12-30-99.)

16 (765 ILCS 86/5-15)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 5-15. Issuance ~~Notice of filing; issuance~~ of  
19 certificate; exemption; renewal.

20 (a) The Department ~~Upon receipt of the application for~~  
21 ~~registration in proper form, the Office of Banks and Real~~  
22 ~~Estate shall issue a notice of filing to the applicant. Within~~  
23 ~~60 days from the date of the notice of filing, the Office of~~  
24 ~~Banks and Real Estate~~ shall enter an order registering the  
25 subdivided lands or rejecting the registration. ~~If no order of~~

1 ~~rejection is entered~~ within 60 days from the date of receipt  
2 ~~notice of filing, the land shall be deemed registered~~ unless  
3 the applicant has consented in writing to a delay.

4 (b) If the Department ~~Office of Banks and Real Estate~~  
5 affirmatively determines, upon inquiry and examination, that  
6 the requirements of this Act have been met, it shall issue a  
7 certificate of registration ~~registering the subdivided lands~~  
8 and shall approve the form of the public property report.

9 (b-5) If the Department affirmatively determines, upon  
10 inquiry and examination, that the exemption requirements of  
11 this Act have been met, it shall issue a written approval.

12 (c) If the Department ~~Office of Banks and Real Estate~~  
13 determines, upon inquiry and examination, that any of the  
14 requirements of this Act have not been met, it shall notify the  
15 applicant that the application for registration or exemption  
16 must be corrected in the particulars specified within 15 days.  
17 If the requirements are not met within the time allowed, the  
18 Department ~~Office of Banks and Real Estate~~ shall enter an order  
19 rejecting the registration or exemption, which shall include  
20 the findings of fact upon which the order is based. The order  
21 rejecting the registration shall not become effective for 20  
22 days, during which time the applicant may petition for  
23 reconsideration and shall be entitled to a hearing.

24 (d) The Department ~~Office of Banks and Real Estate~~ may  
25 adopt rules authorizing the subdivider or the subdivider's  
26 agent to file an abbreviated application ~~, as the subdivider's~~

1 ~~application for a certificate of registration in lieu of some~~  
2 ~~or all of the requirements of Section 5-10, (i) a copy of the~~  
3 ~~statement of record filed with respect to the subdivision~~  
4 ~~pursuant to the Federal Interstate Land Sales Full Disclosure~~  
5 ~~Act if the statement complies with the requirements of that Act~~  
6 ~~and the regulations pertinent to that Act or (ii) an acceptable~~  
7 ~~certificate of registration from another jurisdiction in which~~  
8 ~~the requirements for registration are substantially the same or~~  
9 ~~exceed those provided in this Act.~~ Notwithstanding the  
10 requirements of Section 5-10, the Department ~~Office of Banks~~  
11 ~~and Real Estate~~ may suspend or revoke any registration under  
12 this Section that includes any registration, property report,  
13 or similar disclosure documents accepted under this subsection  
14 if the registration, property report, or similar disclosure is  
15 suspended or revoked by the registering state or by the federal  
16 government.

17 (e) A certificate of registration issued under this Section  
18 shall expire on June 30 following the date of issuance. In the  
19 absence of any reason or condition under Section 15-5 ~~10-35~~  
20 that might warrant the suspension or revocation of a  
21 registration, a certificate shall be renewed upon payment of  
22 the required fee and submission of documentation as provided by  
23 rule. An exemption issued under this Section shall not expire  
24 or renew. The applicant must notify the Department of any  
25 change in the status of the subdivision under which the  
26 exemption was approved.

1 (Source: P.A. 91-338, eff. 12-30-99.)

2 (765 ILCS 86/5-20)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 5-20. Fees.

5 (a) The Department ~~Office of Banks and Real Estate~~ shall  
6 provide, by rule, for fees to be paid by applicants and  
7 registrants to cover the reasonable costs of the Department  
8 ~~Office of Banks and Real Estate~~ in administering and enforcing  
9 the provisions of this Act. The Department ~~Office of Banks and~~  
10 ~~Real Estate~~ may also provide, by rule, for general fees to  
11 cover the reasonable expenses of carrying out other functions  
12 and responsibilities under this Act.

13 (b) All fees collected under this Act shall be paid into  
14 the Real Estate License Administration Fund in the State  
15 treasury and appropriated to the Department ~~Office of Banks and~~  
16 ~~Real Estate~~ for administration of this Act or any other Act  
17 administered by the Department ~~Office of Banks and Real Estate~~  
18 and providing revenue to this fund.

19 (c) (Blank). ~~Any person who delivers a check or other~~  
20 ~~payment to the Office of Banks and Real Estate that is returned~~  
21 ~~to the Office of Banks and Real Estate unpaid by the financial~~  
22 ~~institution upon which it is drawn shall pay to the Office of~~  
23 ~~Banks and Real Estate, in addition to the amount already owed~~  
24 ~~to the Office of Banks and Real Estate, a fee of \$50.~~

25 (d) (Blank). ~~The fees imposed by this Section are in~~

1 ~~addition to any other disciplinary action provided under this~~  
2 ~~Act for unlicensed practice or practice on a non-renewed~~  
3 ~~license.~~

4 (e) (Blank). ~~The Office of Banks and Real Estate shall~~  
5 ~~notify the person that payment of fees and fines shall be paid~~  
6 ~~to the Office of Banks and Real Estate by certified check or~~  
7 ~~money order within 30 calendar days of the notification. If,~~  
8 ~~after the expiration of 30 days from the date of the~~  
9 ~~notification, the person has failed to submit the necessary~~  
10 ~~remittance, the Office of Banks and Real Estate shall~~  
11 ~~automatically terminate the certificate of registration or~~  
12 ~~deny the application, without hearing. If, after termination or~~  
13 ~~denial, the person seeks a certificate of registration, he or~~  
14 ~~she shall apply to the Office of Banks and Real Estate for~~  
15 ~~restoration or issuance of the certificate of registration and~~  
16 ~~pay all fees due the Office of Banks and Real Estate. The~~  
17 ~~Commissioner may waive the fees due under this Section in~~  
18 ~~individual cases where the Commissioner finds that the fees~~  
19 ~~would be unreasonable or unnecessarily burdensome.~~

20 (Source: P.A. 91-338, eff. 12-30-99.)

21 (765 ILCS 86/5-23 new)

22 Sec. 5-23. Returned checks; fines. Any person who delivers  
23 a check or other payment to the Department that is returned to  
24 the Department unpaid by the financial institution upon which  
25 it is drawn shall pay to the Department, in addition to the

1 amount already owed to the Department, a fine of \$50. The fines  
2 imposed by this Section are in addition to any other discipline  
3 provided under this Act for unregistered practice or practice  
4 on a nonrenewed registration. The Department shall notify the  
5 person that payment of fees and fines shall be paid to the  
6 Department by certified check or money order within 30 calendar  
7 days of the notification. If, after the expiration of 30 days  
8 from the date of the notification, the person has failed to  
9 submit the necessary remittance, the Department shall  
10 automatically terminate the registration or deny the  
11 application, without hearing. If, after termination or denial,  
12 the person seeks a registration, he or she shall apply to the  
13 Department for restoration or issuance of the registration and  
14 pay all fees and fines due to the Department. The Department  
15 may establish a fee for the processing of an application for  
16 restoration of a registration to pay all expenses of processing  
17 this application. The Secretary may waive the fines due under  
18 this Section in individual cases where the Secretary finds that  
19 the fines would be unreasonable or unnecessarily burdensome.

20 (765 ILCS 86/5-25)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 5-25. Public property report. When a certificate of  
23 registration is granted by the Department ~~Office of Banks and~~  
24 ~~Real Estate~~, a copy of the public property report shall be  
25 given by the owner, subdivider, or agent to each prospective

1 purchaser prior to the execution of any binding contract or  
2 agreement for the sale of any lot or parcel in a subdivision. A  
3 receipt, in duplicate, shall be taken from each purchaser to  
4 evidence compliance with this Section. Receipts taken for any  
5 published report shall be kept on file in possession of the  
6 owner, subdivider, or agent, subject to inspection by the  
7 Department ~~Office of Banks and Real Estate~~ for 3 years from the  
8 date the receipt is taken. The report shall not be used for  
9 advertising purposes unless the report is used in its entirety.  
10 No portion of the report shall be underscored, italicized, or  
11 printed in larger or heavier type than any other portion of the  
12 report, unless required by this Act. The report shall contain  
13 the following statement:

14           If you received this report prior to signing a contract  
15           or agreement, you may cancel your contract or agreement by  
16           giving notice to the seller any time before midnight of the  
17           seventh day following the signing of the contract or  
18           agreement.

19           If you did not receive this report before you signed a  
20           contract or agreement, you may cancel the contract or  
21           agreement any time within 2 years from the date of signing.

22 (Source: P.A. 91-338, eff. 12-30-99.)

23 (765 ILCS 86/10-15)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 10-15. Copies of instruments. A copy of the



1 instruments executed in connection with the sale of parcels  
2 within a subdivision shall be kept ~~available in this State~~ and  
3 subject to inspection by the Department ~~Office of Banks and~~  
4 ~~Real Estate~~. The Department ~~Office of Banks and Real Estate~~  
5 shall be notified of any change of address affecting the  
6 location of the owner's, subdivider's, or agent's records, or  
7 of any change in the depository for purchasers' payments under  
8 this Act.

9 (Source: P.A. 91-338, eff. 12-30-99.)

10 (765 ILCS 86/10-20)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 10-20. Sale of encumbered lots prohibited;  
13 exceptions. It is unlawful for the owner or subdivider to sell  
14 lots or parcels within a subdivision subject to a blanket  
15 encumbrance unless one of the following conditions is met:

16 (1) All sums paid or advanced by a purchaser are placed  
17 in an escrow or other depository account acceptable to the  
18 Department ~~Office of Banks and Real Estate~~ until (i) the  
19 fee title contracted for is delivered to the purchaser by  
20 deed together with complete release from all financial  
21 encumbrances; (ii) the owner, subdivider, or purchaser  
22 defaults and fails to perform under the contract of sale  
23 and there is final determination as to the disposition of  
24 such moneys; or (iii) the funds in the escrow or other  
25 account are voluntarily returned to the contract

1 purchaser.

2 (2) The fee title to the subdivision is placed in trust  
3 under an agreement or trust acceptable to the Department  
4 ~~Office of Banks and Real Estate~~ until a proper release from  
5 each blanket encumbrance, including all taxes, is obtained  
6 and title is delivered to the purchaser.

7 (3) A bond to the State of Illinois is furnished to the  
8 Department ~~Office of Banks and Real Estate~~ for the benefit  
9 and protection of purchasers of such lots or parcels, in  
10 the amount and subject to terms approved by the Department  
11 ~~Office of Banks and Real Estate~~. The bond shall be executed  
12 by a surety company that is authorized to do business in  
13 the State of Illinois and has given consent to be sued in  
14 this State. The bond shall provide for the return of moneys  
15 paid or advanced by a purchaser if (i) the title contracted  
16 for is not delivered and (ii) a full release from each  
17 blanket encumbrance is not obtained. If it is determined  
18 that the purchaser, by reason of default or otherwise, is  
19 not entitled to the return of those moneys, or any portion  
20 of those moneys, then the bond is released by the amount of  
21 moneys to which the purchaser of parcel is not entitled.

22 (4) The blanket encumbrance contains provisions  
23 evidencing the subordination of the lien of the holder of  
24 the blanket encumbrance to the rights of those persons  
25 purchasing from the subdivider, and further evidencing  
26 that the subdivider is able to secure releases from such

1 blanket encumbrances with respect to the property.

2 (Source: P.A. 91-338, eff. 12-30-99.)

3 (765 ILCS 86/10-30)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 10-30. Failure to pay registration, ~~and inspection, or~~  
6 renewal fees; civil penalty. Any owner, subdivider, or agent  
7 who fails to pay the registration, inspection, or renewal fees  
8 when due shall be assessed a late fee or civil penalty ~~of \$100~~  
9 ~~per day for each day past the due date that the fee is not paid.~~  
10 Practice by a registrant while in a non-renewed status  
11 constitutes unregistered practice. Any penalties collected  
12 under this Act shall be deposited into the Real Estate License  
13 Administration Fund.

14 (Source: P.A. 91-338, eff. 12-30-99.)

15 (765 ILCS 86/15-5)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 15-5. Disciplinary action; civil penalty.

18 (a) The Department may refuse to issue or renew, or may  
19 revoke, suspend, place on probation, reprimand, or take other  
20 disciplinary or non-disciplinary action as the Department may  
21 deem appropriate, including imposing fines not to exceed  
22 \$25,000 for each violation, with regard to any registration for  
23 any one or combination of the following: ~~Office of Banks and~~  
24 ~~Real Estate may refuse to issue or renew any certificate of~~

1 ~~registration, or revoke or suspend any certificate of~~  
2 ~~registration, or place on probation or administrative~~  
3 ~~supervision or reprimand a registrant registered under this~~  
4 ~~Act, or impose a civil penalty not to exceed \$25,000, for any~~  
5 ~~one or any combination of the following causes:~~

6 (1) Violations of this Act, or of the rules promulgated  
7 under this Act. ~~A registrant's disregard or violation of~~  
8 ~~any provision of this Act or of the rules adopted by the~~  
9 ~~Office of Banks and Real Estate to enforce this Act.~~

10 (2) (Blank). ~~A conviction of the registrant or any~~  
11 ~~principal of the registrant of (i) a felony under the laws~~  
12 ~~of any U.S. jurisdiction, (ii) a misdemeanor under the laws~~  
13 ~~of any U.S. jurisdiction if an essential element of the~~  
14 ~~offense is dishonesty, or (iii) a crime under the laws of~~  
15 ~~any U.S. jurisdiction if the crime relates directly to the~~  
16 ~~practice of the profession regulated by this Act.~~

17 (3) A registrant's making any misrepresentation for  
18 the purpose of obtaining an exemption or certificate of  
19 registration ~~a registration or certificate.~~

20 (4) Disciplinary action against a registrant by  
21 another U.S. jurisdiction, state agency, or foreign nation  
22 regarding the making of land sales regulated by this Act,  
23 if at least one of the grounds for the discipline is the  
24 same as or substantially equivalent to one of those set  
25 forth in this Act.

26 (5) A finding by the Department ~~Office of Banks and~~

1 ~~Real Estate~~ that the registrant, after having his or her  
2 registration placed on probationary status, has violated  
3 the terms of probation.

4 (6) A registrant's practicing or attempting to  
5 practice under a name other than the name as shown on his  
6 or her registration or any other legally authorized name.

7 (7) (Blank). ~~A registrant's failure to file a return,~~  
8 ~~or to pay the tax, penalty, or interest shown in a filed~~  
9 ~~return, or to pay any final assessment of tax, penalty, or~~  
10 ~~interest, as required by any tax Act administered by the~~  
11 ~~Illinois Department of Revenue, until the requirements of~~  
12 ~~any such tax Act are satisfied.~~

13 (8) A registrant's engaging in dishonorable,  
14 unethical, or unprofessional conduct of a character likely  
15 to deceive, defraud, or harm the public.

16 (9) A registrant's aiding or abetting another person or  
17 persons in disregarding or violating any provision of this  
18 Act or of the rules adopted by the Department ~~Office of~~  
19 ~~Banks and Real Estate~~ to enforce this Act.

20 (10) Any representation in any document or information  
21 filed with the Department ~~Office of Banks and Real Estate~~  
22 which is false or misleading.

23 (11) A registrant's disseminating or causing to be  
24 disseminated any false or misleading promotional materials  
25 or advertisements in connection with a registered  
26 subdivision.

1           (12) A registrant's concealing, diverting, or  
2 disposing of any funds or assets of any person in a manner  
3 that impairs the rights of purchasers of lots within a  
4 registered subdivision.

5           (13) A registrant's failure to perform any stipulation  
6 or agreement made to induce the Department ~~Office of Banks~~  
7 ~~and Real Estate~~ to issue an order relating to the  
8 registered subdivision.

9           (14) A registrant's engaging in any act that  
10 constitutes a violation of Section 3-102, 3-103, 3-104, or  
11 3-105 of the Illinois Human Rights Act.

12           (15) A registrant's failure to provide information  
13 requested in writing by the Department ~~Office of Banks and~~  
14 ~~Real Estate~~, within 30 days of the request, ~~either as the~~  
15 ~~result of a formal or informal complaint to the Office of~~  
16 ~~Banks and Real Estate or as a result of a random audit~~  
17 ~~conducted by the Office of Banks and Real Estate, which~~  
18 ~~would indicate a violation of this Act.~~

19           (16) A registrant's failure to account for or remit any  
20 escrow funds coming into his or her possession which  
21 belonged to others.

22           (17) A registrant's failure to make available to  
23 Department ~~Office of Banks and Real Estate~~ personnel during  
24 normal business hours all escrow records and related  
25 documents maintained in connection therewith, within 24  
26 hours of a request from Department ~~Office of Banks and Real~~

1 ~~Estate~~ personnel.

2 (18) A registrant's failure to comply with any  
3 provision of this Act or the rules implementing this Act,  
4 or any order made by the Department ~~Office of Banks and~~  
5 ~~Real Estate~~.

6 (19) A person's offering for sale, as an agent,  
7 salesman, or broker for a subdivider, developer, or owner,  
8 subdivided lands or a subdivision, wherever situated,  
9 without first complying with this Act.

10 (20) A registrant's failure to provide to the purchaser  
11 a translation of the Illinois Public Property Report or any  
12 contract, lien, or note as required by this Act.

13 (21) A registrant's advertising for sale in this State  
14 any parcel in a subdivision, or in any other manner  
15 assisting an owner, subdivider, or developer of a  
16 subdivision who has not complied with this Act to offer  
17 subdivided land within this State.

18 (22) A registrant's making any material change in the  
19 plan of disposition and development of the subdivision or  
20 subdivided lands subsequent to receiving a certificate of  
21 registration, without obtaining written approval of an  
22 amendment to the registration.

23 (23) A registrant's encumbering a lot or parcel, or  
24 allowing a lot or parcel to be encumbered, after a contract  
25 for its sale has been signed by the parties to the  
26 contract.

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

6           (c) Violation of tax Acts. The Department may refuse to  
7 issue or renew or may suspend the registration of any person  
8 who fails to file a return, pay the tax, penalty, or interest  
9 shown in a filed return, or pay any final assessment of tax,  
10 penalty, or interest, as required by any tax Act administered  
11 by the Department of Revenue, until such time as the  
12 requirements of that tax Act are satisfied in accordance with  
13 subsection (g) of Section 2105-15 of the Civil Administrative  
14 Code of Illinois.

15           (Source: P.A. 91-338, eff. 12-30-99.)

16           (765 ILCS 86/15-7 new)

17           Sec. 15-7. Civil penalties.

18           (a) In addition to any other penalty provided by law, any  
19 person who violates this Act shall forfeit and pay a civil  
20 penalty to the Department in an amount not to exceed \$25,000  
21 for each violation as determined by the Department. The civil  
22 penalty shall be assessed by the Department in accordance with  
23 the provisions of this Act.

24           (b) The Department has the authority and power to  
25 investigate any and all unregistered activity.



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

6       (d) All moneys collected under this Section shall be  
7 deposited into the Real Estate License Administration Fund.

8       (765 ILCS 86/15-10)

9       (Section scheduled to be repealed on January 1, 2010)

10       Sec. 15-10. Investigation. The Department ~~Office of Banks~~  
11 ~~and Real Estate~~ may investigate the actions or qualifications  
12 of any person or persons holding or claiming to hold a  
13 certificate of registration under this Act. Such a person is  
14 referred to as "the respondent" in this Article.

15       (Source: P.A. 91-338, eff. 12-30-99.)

16       (765 ILCS 86/15-15)

17       (Section scheduled to be repealed on January 1, 2010)

18       Sec. 15-15. Disciplinary hearings; record; appointment of  
19 administrative law judge.

20       (a) The Department ~~Office of Banks and Real Estate~~ has the  
21 authority to conduct hearings before an administrative law  
22 judge on proceedings to revoke, suspend, or refuse to issue or  
23 renew a certificate of registration issued under this Act, or  
24 to place on probation or administrative supervision or

1 reprimand a registrant registered under this Act, or to impose  
2 a civil penalty not to exceed \$25,000 upon any registrant  
3 registered under this Act.

4 (b) The Department ~~Office of Banks and Real Estate~~, at its  
5 expense, shall preserve a record of all proceedings at the  
6 formal hearing of any case involving the refusal to issue or  
7 the revocation or suspension of a certificate of registration  
8 issued under this Act or involving other discipline of a  
9 registrant registered under this Act. The notice of hearing,  
10 complaint, and all other documents in the nature of pleadings  
11 and written motions filed in the proceedings, the transcript of  
12 testimony, the report of the administrative law judge, and the  
13 orders of the Department ~~Office of Banks and Real Estate~~ shall  
14 be the record of proceeding. At all hearings ~~or prehearing~~  
15 ~~conferences~~, the Department ~~Office of Banks and Real Estate~~ and  
16 the respondent shall be entitled to have a court reporter in  
17 attendance for purposes of transcribing the proceeding or  
18 prehearing conference.

19 (c) The Secretary ~~Commissioner~~ has the authority to appoint  
20 any attorney duly licensed to practice law in the State of  
21 Illinois to serve as an administrative law judge in any action  
22 for refusal to issue or renew a certificate of registration or  
23 to discipline a registrant or person holding a certificate of  
24 registration. The administrative law judge has full authority  
25 to conduct the hearing. The administrative law judge shall  
26 report his or her findings and recommendations to the Secretary

1 ~~Commissioner~~. If the Secretary ~~Commissioner~~ disagrees with the  
2 recommendation of the administrative law judge, the Secretary  
3 ~~Commissioner~~ may issue an order in contravention of the  
4 recommendation.

5 (Source: P.A. 91-338, eff. 12-30-99.)

6 (765 ILCS 86/15-20)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 15-20. Investigations; notice and hearing. ~~Notice of~~  
9 ~~proposed disciplinary action; hearing.~~ The Department may  
10 investigate the actions of any applicant or of any person or  
11 persons rendering or offering to render land sales services or  
12 any person holding or claiming to hold a certificate of  
13 registration as a registered land sales developer or  
14 subdivision. The Department shall, before revoking,  
15 suspending, placing on probation, reprimanding, or taking any  
16 other disciplinary action under Section 80 of this Act, at  
17 least 30 days before the date set for the hearing: (i) notify  
18 the accused in writing of the charges made and the time and  
19 place for the hearing on the charges, (ii) direct him or her to  
20 file a written answer to the charges with the Department under  
21 oath within 20 days after the service on him or her of the  
22 notice, and (iii) inform the accused that, if he or she fails  
23 to answer, default will be taken against him or her or that his  
24 or her registration may be suspended, revoked, placed on  
25 probationary status, or other disciplinary action taken with

1 regard to the registration, including limiting the scope,  
2 nature, or extent of his or her practice, as the Department may  
3 consider proper. At the time and place fixed in the notice, the  
4 Department shall proceed to hear the charges and the parties or  
5 their counsel shall be accorded ample opportunity to present  
6 any pertinent statements, testimony, evidence, and arguments.  
7 The Department may continue the hearing from time to time. In  
8 case the person, after receiving the notice, fails to file an  
9 answer, his or her registration may, in the discretion of the  
10 Department, be suspended, revoked, placed on probationary  
11 status, or the Department may take whatever disciplinary action  
12 considered proper, including limiting the scope, nature, or  
13 extent of the person's practice or the imposition of a fine,  
14 without a hearing, if the act or acts charged constitute  
15 sufficient grounds for that action under this Act. The written  
16 notice may be served by personal delivery or by certified mail  
17 to the address specified by the accused in his or her last  
18 notification with the Department.

19 ~~(a) Before taking any disciplinary action with regard to~~  
20 ~~any registrant, the Office of Banks and Real Estate shall:~~

21 ~~(1) notify the respondent in writing, at least 30~~  
22 ~~calendar days prior to the date set for the hearing, of any~~  
23 ~~charges made, the time and place for the hearing of the~~  
24 ~~charges, and that testimony at the hearing will be heard~~  
25 ~~under oath; and~~

26 ~~(2) inform the respondent that upon failure to file an~~

1 ~~answer and request a hearing before the date originally set~~  
2 ~~for the hearing, default will be taken against the~~  
3 ~~respondent and the respondent's certificate of~~  
4 ~~registration may be suspended or revoked, or other~~  
5 ~~disciplinary action may be taken against the respondent, as~~  
6 ~~the Office of Banks and Real Estate may deem proper.~~

7 ~~(b) If the respondent fails to file an answer after~~  
8 ~~receiving notice, the respondent's certificate of registration~~  
9 ~~may, in the discretion of the Office of Banks and Real Estate,~~  
10 ~~be revoked or suspended, or other disciplinary action may be~~  
11 ~~taken against the respondent, as deemed proper, without a~~  
12 ~~hearing, if the act or acts charged constitute sufficient~~  
13 ~~grounds for that action under this Act.~~

14 ~~(c) At the time and place fixed in the notice, the Office~~  
15 ~~of Banks and Real Estate shall proceed to hearing of the~~  
16 ~~charges. Both the respondent and the complainant shall be~~  
17 ~~accorded ample opportunity to present in person, or by counsel,~~  
18 ~~statements, testimony, evidence, and argument that may be~~  
19 ~~pertinent to the charges or any defense to the charges.~~

20 (Source: P.A. 91-338, eff. 12-30-99.)

21 (765 ILCS 86/15-25)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 15-25. Subpoenas; attendance of witnesses; oaths.

24 (a) The Department ~~Office of Banks and Real Estate~~ has the  
25 power to issue subpoenas ad testificandum and to bring before

1 it any persons, and to take testimony either orally or by  
2 deposition, or both, with the same fees and mileage and in the  
3 same manner as prescribed in civil cases in the courts of this  
4 State. The Department ~~Office of Banks and Real Estate~~ has the  
5 power to issue subpoenas duces tecum and to bring before it any  
6 documents, papers, files, books, and records, with the same  
7 costs and in the same manner as prescribed in civil cases in  
8 the courts of this State.

9 (b) Upon application of the Department ~~Office of Banks and~~  
10 ~~Real Estate~~ or its designee or of the applicant, registrant, or  
11 person holding a certificate of registration against whom  
12 proceedings under this Act are pending, any circuit court may  
13 enter an order compelling the enforcement of any subpoena  
14 issued by the Department ~~Office of Banks and Real Estate~~ in  
15 connection with any hearing or investigation.

16 (c) The Secretary ~~Commissioner~~ and the designated  
17 administrative law judge have power to administer oaths to  
18 witnesses at any hearing that the Department ~~Office of Banks~~  
19 ~~and Real Estate~~ is authorized to conduct under this Act.

20 (Source: P.A. 91-338, eff. 12-30-99.)

21 (765 ILCS 86/15-30)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 15-30. Administrative law judge's findings of fact,  
24 conclusions of law, and recommendations. At the conclusion of  
25 the hearing, the administrative law judge shall present to the

1 ~~Secretary Commissioner~~ a written report of the administrative  
2 law judge's findings of fact, conclusions of law, and  
3 recommendations regarding discipline or a civil penalty. The  
4 report shall contain a finding of whether or not the respondent  
5 violated this Act or failed to comply with the conditions  
6 required in this Act. The administrative law judge shall  
7 specify the nature of the violation or failure to comply. If  
8 the ~~Secretary Commissioner~~ disagrees in any regard with the  
9 report of the administrative law judge, the Secretary  
10 ~~Commissioner~~ may issue an order in contravention of the report.  
11 ~~The Commissioner shall provide a written report to the~~  
12 ~~administrative law judge on any deviation and shall specify~~  
13 ~~with particularity the reasons for that action in the final~~  
14 ~~order.~~

15 (Source: P.A. 91-338, eff. 12-30-99.)

16 (765 ILCS 86/15-35)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 15-35. Rehearing. After any hearing involving  
19 disciplinary action against a registrant, a copy of the  
20 administrative law judge's report shall be served on the  
21 respondent by the Department ~~Office of Banks and Real Estate~~,  
22 either personally or as provided in this Act for the service of  
23 the notice of hearing. Within 20 calendar days after the  
24 service, the respondent may present to the Department ~~Office of~~  
25 ~~Banks and Real Estate~~ a motion in writing for a rehearing. The

1 motion shall specify the particular grounds for rehearing. If  
2 the respondent orders a transcript of the record from the  
3 reporting service and pays for it within the time for filing a  
4 motion for rehearing, the 20 calendar day period within which a  
5 motion for rehearing may be filed shall commence upon the  
6 delivery of the transcript to the respondent.

7 If no motion for rehearing is filed, then upon the  
8 expiration of the time specified for filing a motion, or if a  
9 motion for rehearing is denied, then upon denial, the Secretary  
10 ~~Commissioner~~ may enter an order in accordance with the  
11 recommendations of the administrative law judge, except as  
12 otherwise provided in this Article. Whenever the Secretary  
13 ~~Commissioner~~ is not satisfied that substantial justice has been  
14 done in the hearing or in the administrative law judge's  
15 report, the Secretary ~~Commissioner~~ may order a rehearing by the  
16 same or some other duly qualified administrative law judge.

17 (Source: P.A. 91-338, eff. 12-30-99.)

18 (765 ILCS 86/15-40)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 15-40. Disciplinary consent orders. Notwithstanding  
21 any other provisions of this Act concerning the conduct of  
22 hearings and recommendations for disciplinary actions, the  
23 Department ~~Office of Banks and Real Estate~~ has the authority to  
24 negotiate agreements with registrants and applicants resulting  
25 in disciplinary or non-disciplinary consent orders. Any such



1 consent order may provide for any form of discipline provided  
2 for in the Act. Any such consent order shall provide that it is  
3 not entered into as a result of any coercion by the Department  
4 ~~Office of Banks and Real Estate~~. The consent order shall be  
5 final upon signature of the Secretary ~~Any such consent order~~  
6 ~~shall be accepted by signature or rejected by the Commissioner~~  
7 ~~in a timely manner.~~

8 (Source: P.A. 91-338, eff. 12-30-99.)

9 (765 ILCS 86/15-45)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 15-45. Order or certified copy. An order or a  
12 certified copy of an order, over the seal of the Department  
13 ~~Office of Banks and Real Estate~~ and purporting to be signed by  
14 the Secretary Commissioner, shall be prima facie proof of the  
15 following:

16 (1) That the signature is the genuine signature of the  
17 Secretary Commissioner.

18 (2) That the Secretary Commissioner is duly appointed  
19 and qualified.

20 (3) That the administrative law judge is duly appointed  
21 and qualified.

22 (Source: P.A. 91-338, eff. 12-30-99.)

23 (765 ILCS 86/15-50)

24 (Section scheduled to be repealed on January 1, 2010)

1           Sec. 15-50. Restoration of certificate of registration.  
2           Upon petition, after the successful completion of the term of  
3           ~~At any time after~~ the suspension or revocation of any  
4           certificate of registration, the Department ~~Office of Banks and~~  
5           ~~Real Estate~~ may restore the certificate of registration to the  
6           respondent upon the written recommendation of the  
7           administrative law judge, unless after an investigation and a  
8           hearing the administrative law judge determines that  
9           restoration is not in the public interest.

10          (Source: P.A. 91-338, eff. 12-30-99.)

11           (765 ILCS 86/15-55)

12           (Section scheduled to be repealed on January 1, 2010)

13           Sec. 15-55. Surrender of certificate of registration. Upon  
14           the revocation or suspension of a certificate of registration,  
15           the registrant shall immediately surrender the certificate of  
16           registration to the Department ~~Office of Banks and Real Estate~~.  
17           If the registrant fails to do so, the Department ~~Office of~~  
18           ~~Banks and Real Estate~~ has the right to seize the certificate of  
19           registration.

20          (Source: P.A. 91-338, eff. 12-30-99.)

21           (765 ILCS 86/15-60)

22           (Section scheduled to be repealed on January 1, 2010)

23           Sec. 15-60. Administrative Review Law; transcripts;  
24           certifications of record; costs. All final administrative

1 decisions of the Department ~~Office of Banks and Real Estate~~  
2 under this Act are subject to judicial review under the  
3 Administrative Review Law and the rules implementing that Law.  
4 The term "administrative decision" is defined as in Section  
5 3-101 of the Code of Civil Procedure. Proceedings for judicial  
6 review shall be commenced in the circuit court of the county in  
7 which the party applying for review resides, but if the party  
8 is not a resident of this State, the venue shall be in Cook or  
9 Sangamon County.

10 Pending the court's final decision on administrative  
11 review, the acts, orders, sanctions, and rulings of the  
12 Department ~~Office of Banks and Real Estate~~ regarding any  
13 registration shall remain in full force and effect unless  
14 modified or suspended by court order pending a final judicial  
15 decision.

16 The Department, at its own expense, shall preserve a record  
17 of all proceedings at the formal hearing of a case involving  
18 the refusal to issue or renew a registration. The notice of  
19 hearing, complaint, and all other documents in the nature of  
20 pleadings and written motions filed in the proceedings, the  
21 transcript of testimony, the report, and orders of the  
22 Department shall be in the record of the proceeding.

23 The Department shall not be required to certify any record  
24 to the court or file any answer in court or otherwise appear in  
25 any court in a judicial review proceeding unless there is filed  
26 in the court a receipt from the Department acknowledging

1 payment of the costs of furnishing and certifying the record,  
2 which shall be computed at the rate of 20 cents per page of the  
3 record. Failure on the part of a plaintiff to file a receipt in  
4 court shall be grounds for dismissal of the action.

5 ~~The Office of Banks and Real Estate shall not be required~~  
6 ~~to certify any record to the court or file any answer in court~~  
7 ~~or otherwise appear in any court in a judicial review~~  
8 ~~proceeding unless there is filed in the court, with the~~  
9 ~~complaint, a receipt from the Office of Banks and Real Estate~~  
10 ~~acknowledging payment of the costs of furnishing and certifying~~  
11 ~~the record. Failure on the part of the plaintiff to file a~~  
12 ~~receipt in the court is grounds for dismissal of the action.~~

13 (Source: P.A. 91-338, eff. 12-30-99.)

14 (765 ILCS 86/15-65)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 15-65. Public interest, safety, or welfare; summary  
17 suspension. The Secretary ~~Commissioner~~ may temporarily suspend  
18 any registration pursuant to this Act, without hearing,  
19 simultaneously with the institution of proceedings for a  
20 hearing provided for in this Section, if the Secretary  
21 ~~Commissioner~~ finds that the evidence indicates that imminent  
22 danger exists to the public interest, safety, or welfare  
23 ~~imperatively requires emergency action~~. If the Secretary  
24 ~~Commissioner~~ temporarily suspends any registration without a  
25 hearing, a hearing must be held within 30 calendar days after

1 the suspension. The person whose registration is suspended may  
2 seek a continuance of the hearing, during which the suspension  
3 shall remain in effect. The proceeding shall be concluded  
4 without appreciable delay.

5 (Source: P.A. 91-338, eff. 12-30-99.)

6 (765 ILCS 86/15-70)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 15-70. Non-registered practice; civil penalty;  
9 injunction.

10 (a) Any person who practices, offers to practice, attempts  
11 to practice, or holds himself or herself out to practice as a  
12 registrant under this Act without being registered under this  
13 Act shall, in addition to any other penalty provided by law,  
14 pay a civil penalty to the Department ~~Office of Banks and Real~~  
15 ~~Estate~~ in an amount not to exceed \$25,000 for each offense as  
16 determined by the Department ~~Office of Banks and Real Estate~~.  
17 The civil penalty shall be assessed by the Department ~~Office of~~  
18 ~~Banks and Real estate~~ after a hearing is held in accordance  
19 with the provisions set forth in this Act regarding the  
20 provision of a hearing for the discipline of a registration.

21 (b) Whenever, in the opinion of the Department, a person  
22 violates any provision of this Act, the Department may issue a  
23 rule to show cause why an order to cease and desist should not  
24 be entered against that person. The rule shall clearly set  
25 forth the grounds relied upon by the Department and shall allow

1 at least 7 days after the date of the rule to file an answer  
2 satisfactory to the Department. Failure to answer to the  
3 satisfaction of the Department shall cause an order to cease  
4 and desist to be issued. ~~The Office of Banks and Real Estate has~~  
5 ~~the authority and power to investigate any and all activity~~  
6 ~~subject to registration under this Act.~~

7 (c) A civil penalty imposed under subsection (a) shall be  
8 paid within 60 days after the effective date of the order  
9 imposing the civil penalty. The order shall constitute a  
10 judgment and may be filed and execution had thereon in the same  
11 manner as any judgment from any court of record.

12 (d) Engaging in the sale of land located outside the State  
13 of Illinois but offered for sale in Illinois by any entity not  
14 holding a valid and current registration under this Act is  
15 declared to be inimical to the public welfare, to constitute a  
16 public nuisance, and to cause irreparable harm to the public  
17 welfare. The Secretary Commissioner, the Attorney General, the  
18 State's Attorney of any county in the State, or any person may  
19 maintain an action in the name of the People of the State of  
20 Illinois, and may apply for injunctive relief in any circuit  
21 court to enjoin the entity from engaging in the conduct  
22 prohibited under this subsection. Upon the filing of a verified  
23 petition in the court, the court, if satisfied by affidavit or  
24 otherwise that the entity has been engaged in that conduct  
25 without a valid and current registration, may enter a temporary  
26 restraining order without notice or bond, enjoining the

1 defendant from such further conduct. Only the showing of  
2 nonregistration, by affidavit or otherwise, is necessary in  
3 order for a temporary injunction to issue. A copy of the  
4 verified complaint shall be served upon the defendant and the  
5 proceedings shall thereafter be conducted as in other civil  
6 cases except as modified by this Section. If it is established  
7 that the defendant has been or is engaged in such unlawful  
8 conduct, the court may enter an order or judgment perpetually  
9 enjoining the defendant from further unlawful conduct. In all  
10 proceedings hereunder, the court, in its discretion, may  
11 apportion the costs among the parties interested in the action,  
12 including cost of filing the complaint, service of process,  
13 witness fees and expenses, court reporter charges and  
14 reasonable attorneys' fees. In the case of a violation of any  
15 injunctive order entered under the provisions of this Section,  
16 the court may summarily try and punish the offender for  
17 contempt of court. Proceedings for an injunction under this  
18 Section shall be in addition to, and not in lieu of, all  
19 penalties and other remedies provided in this Act.

20 (Source: P.A. 91-338, eff. 12-30-99.)

21 (765 ILCS 86/15-75)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 15-75. Cease and desist orders. The Department Office  
24 ~~of Banks and Real Estate~~ may issue a cease and desist order to  
25 any person who engages in any activity prohibited by this Act.

1 Any person in violation of a cease and desist order entered by  
2 the Department ~~Office of Banks and Real Estate~~ is subject to  
3 all of the remedies provided by law.

4 (Source: P.A. 91-338, eff. 12-30-99.)

5 (765 ILCS 86/20-5)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 20-5. Administration of Act. The Department ~~Office of~~  
8 ~~Banks and Real Estate~~ shall exercise the powers and duties  
9 prescribed by the Civil Administrative Code of Illinois and  
10 shall exercise other powers and duties necessary for  
11 effectuating the purposes of this Act. The Department ~~Office of~~  
12 ~~Banks and Real Estate~~ may contract with third parties for  
13 services necessary for the proper administration of this Act.  
14 The Department ~~Office of Banks and Real Estate~~ has the  
15 authority to establish public policies and procedures  
16 necessary for the administration of this Act.

17 (Source: P.A. 91-338, eff. 12-30-99.)

18 (765 ILCS 86/20-10)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 20-10. Administrative rules. The Department ~~Office of~~  
21 ~~Banks and Real Estate~~ shall adopt rules for the implementation  
22 and enforcement of this Act.

23 (Source: P.A. 91-338, eff. 12-30-99.)



1 (765 ILCS 86/20-15)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 20-15. Investigation of subdivisions. The Department  
4 ~~may Office of Banks and Real Estate shall~~ investigate any every  
5 subdivision offered for sale in this State and may:

6 (1) Require the applicant to submit reports prepared by  
7 competent engineers concerning any hazard to which any  
8 subdivision offered for sale is subject in the opinion of  
9 the Department ~~Office of Banks and Real Estate~~, or any  
10 factor that affects the utility of lots or parcels within  
11 the subdivision, and require evidence of compliance.

12 (2) Make an on-site inspection of each subdivision. In  
13 connection with any on-site inspection, the owner,  
14 subdivider, or agent shall defray all expenses incurred by  
15 the inspector in the course of the inspection.

16 (3) Make additional on-site inspections of each  
17 subdivision for which the owner, subdivider, or agent shall  
18 defray all expenses incurred by the inspector in the course  
19 of the inspection.

20 (4) Require the owner, subdivider, or agent to deposit  
21 the expenses to be incurred in any inspection, in advance,  
22 based upon an estimate by the Department ~~Office of Banks~~  
23 ~~and Real Estate~~ of the expenses likely to be incurred.

24 (5) In those cases where an on-site inspection of any  
25 subdivision has been made under the provisions of this Act,  
26 waive an inspection of a subsequent registration submitted

1 as an amendment to the registration covering subdivided  
2 land to be sold under the same common promotional plan. An  
3 inspection of the subsequent registration may be made in  
4 connection with the next succeeding on-site inspection.

5 (Source: P.A. 91-338, eff. 12-30-99.)

6 (765 ILCS 86/20-20)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 20-20. Forms. The Department ~~Office of Banks and Real~~  
9 ~~Estate~~ may prescribe forms and procedures for submitting to the  
10 Department ~~Office of Banks and Real Estate~~.

11 (Source: P.A. 91-338, eff. 12-30-99.)

12 (765 ILCS 86/20-25)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 20-25. Real Estate License Administration Fund. All  
15 fees collected for registration and for civil penalties  
16 pursuant to this Act and administrative rules adopted under  
17 this Act shall be deposited into the Real Estate Administration  
18 Fund. The moneys deposited in the Real Estate Administration  
19 License Fund shall be appropriated to the Department ~~Office of~~  
20 ~~Banks and Real Estate~~ for expenses for the administration and  
21 enforcement of this Act.

22 (Source: P.A. 91-338, eff. 12-30-99.)

23 Section 99. Effective date. This Act takes effect upon

1 becoming law.".