



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2542

Introduced 1/12/2010, by Sen. A. J. Wilhelmi

SYNOPSIS AS INTRODUCED:

New Act

Creates the Uniform Athlete Agents Act. Requires agents for student athletes to register with the Department of Professional Regulation and establishes registration procedures, criteria, and requirements for these athlete agents. Provides that all information required by the Department of any applicant for registration, except financial information, is a public record. Authorizes the Department to issue a temporary registration while a registration application or renewal of registration is pending. Provides disciplinary grounds. Establishes requirements for agency contracts subject to the Act. Requires both the athlete agent and the student-athlete to promptly notify the appropriate educational institution after the contract is entered into. Provides an educational institution damaged by a violation of the Act with a civil remedy against the involved athlete agent and the student athlete. Establishes record-keeping requirements for athlete agents. Prohibits athlete agents from engaging in specified conduct, subject to criminal and administrative penalties. Includes other provisions.

LRB096 16372 ASK 31636 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning athlete agents.

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

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

6 Section 2. Definitions. In this Act:

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

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

22 (3) "Athletic director" means an individual
23 responsible for administering the overall athletic program

1 of an educational institution or, if an educational
2 institution has separately administered athletic programs
3 for male students and female students, the athletic program
4 for males or the athletic program for females, as
5 appropriate.

6 (4) "Contact" means a communication, direct or
7 indirect, between an athlete agent and a student-athlete,
8 to recruit or solicit the student-athlete to enter into an
9 agency contract.

10 (4.5) "Department" means the Department of Financial
11 and Professional Regulation.

12 (4.6) "Secretary" means the Secretary of the
13 Department of Financial and Professional Regulation.

14 (5) "Endorsement contract" means an agreement under
15 which a student-athlete is employed or receives
16 consideration to use on behalf of the other party any value
17 that the student-athlete may have because of publicity,
18 reputation, following, or fame obtained because of
19 athletic ability or performance.

20 (6) "Intercollegiate sport" means a sport played at the
21 collegiate level for which eligibility requirements for
22 participation by a student-athlete are established by a
23 national association for the promotion or regulation of
24 collegiate athletics.

25 (7) "Person" means an individual, corporation,
26 business trust, estate, trust, partnership, limited

1 liability company, association, joint venture, government;
2 governmental subdivision, agency, or instrumentality;
3 public corporation, or any other legal or commercial
4 entity.

5 (8) "Professional-sports-services contract" means an
6 agreement under which an individual is employed, or agrees
7 to render services, as a player on a professional sports
8 team, with a professional sports organization, or as a
9 professional athlete.

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

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

15 (11) "State" means a State of the United States, the
16 District of Columbia, Puerto Rico, the United States Virgin
17 Islands, or any territory or insular possession subject to
18 the jurisdiction of the United States.

19 (12) "Student-athlete" means an individual who engages
20 in, is eligible to engage in, or may be eligible in the
21 future to engage in, any intercollegiate sport. If an
22 individual is permanently ineligible to participate in a
23 particular intercollegiate sport, the individual is not a
24 student-athlete for purposes of that sport.

25 Section 2.1. Powers and duties of the Department. The

1 Department may exercise the following powers and duties subject
2 to the provisions of this Act:

3 (1) To prescribe forms of application for certificates
4 of registration.

5 (2) To pass upon the qualifications of applicants for
6 certificates of registration and issue certificates of
7 registration to those found to be fit and qualified.

8 (3) To conduct hearings on proceedings to revoke,
9 suspend, or otherwise discipline or to refuse to issue or
10 renew certificates of registration.

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

13 Section 3. Service of process; subpoenas.

14 (a) By acting as an athlete agent in this State, a
15 nonresident individual appoints the Department as the
16 individual's agent for service of process in any civil action
17 in this State related to the individual's acting as an athlete
18 agent in this State.

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

21 Section 4. Athlete agents; registration required; void
22 contracts.

23 (a) Except as otherwise provided in subsection (b), an
24 individual may not act as an athlete agent in this State

1 without holding a certificate of registration under Section 6
2 or 8.

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

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

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

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

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

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

25 (2) the name of the applicant's business or employer,

1 if applicable;

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

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

6 (A) formal training as an athlete agent;

7 (B) practical experience as an athlete agent; and

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

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

13 (6) the name, sport, and last known team for each
14 individual for whom the applicant acted as an athlete agent
15 during the five years next preceding the date of submission
16 of the application;

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

18 (A) with respect to the athlete agent's business if
19 it is not a corporation, the partners, members,
20 officers, managers, associates, or profit-sharers of
21 the business; and

22 (B) with respect to a corporation employing the
23 athlete agent, the officers, directors, and any
24 shareholder of the corporation having an interest of
25 five percent or greater;

26 (8) whether the applicant or any person named pursuant

1 to paragraph (7) has been convicted of a crime that, if
2 committed in this State, would be a crime involving moral
3 turpitude or a felony, and identify the crime;

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

8 (10) any instance in which the conduct of the applicant
9 or any person named pursuant to paragraph (7) resulted in
10 the imposition of a sanction, suspension, or declaration of
11 ineligibility to participate in an interscholastic or
12 intercollegiate athletic event on a student-athlete or
13 educational institution;

14 (11) any sanction, suspension, or disciplinary action
15 taken against the applicant or any person named pursuant to
16 paragraph (7) arising out of occupational or professional
17 conduct; and

18 (12) whether there has been any denial of an
19 application for, suspension or revocation of, or refusal to
20 renew, the registration or licensure of the applicant or
21 any person named pursuant to paragraph (7) as an athlete
22 agent in any State.

23 (b) An individual who has submitted an application for, and
24 holds a certificate of, registration or licensure as an athlete
25 agent in another State, may submit a copy of the application
26 and certificate in lieu of submitting an application in the

1 form prescribed pursuant to subsection (a). The Secretary of
2 State shall accept the application and the certificate from the
3 other State as an application for registration in this State if
4 the application to the other State:

5 (1) was submitted in the other State within six months
6 next preceding the submission of the application in this
7 State and the applicant certifies that the information
8 contained in the application is current;

9 (2) contains information substantially similar to or
10 more comprehensive than that required in an application
11 submitted in this State; and

12 (3) was signed by the applicant under penalty of
13 perjury.

14 Section 5.5. Public records.

15 (a) All information required by the Department of any
16 applicant for registration shall be a public record, except
17 financial information.

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

22 (c) All public records of the Department, when duly
23 certified by the Secretary, shall be received as prima facie
24 evidence in any State administrative or judicial proceedings.

1 Section 6. Certificate of registration; issuance or
2 denial; renewal.

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

7 (b) The Department may refuse to issue a certificate of
8 registration if the Department determines that the applicant
9 has engaged in conduct that has a significant adverse effect on
10 the applicant's fitness to act as an athlete agent. In making
11 the determination, the Department may consider whether the
12 applicant has:

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

16 (2) made a materially false, misleading, deceptive, or
17 fraudulent representation in the application or as an
18 athlete agent;

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

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

22 (5) had a registration or licensure as an athlete agent
23 suspended, revoked, or denied or been refused renewal of
24 registration or licensure as an athlete agent in any State;

25 (6) engaged in conduct the consequence of which was
26 that a sanction, suspension, or declaration of

1 ineligibility to participate in an interscholastic or
2 intercollegiate athletic event was imposed on a
3 student-athlete or educational institution; or

4 (7) engaged in conduct that significantly adversely
5 reflects on the applicant's credibility, honesty, or
6 integrity.

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

9 (1) how recently the conduct occurred;

10 (2) the nature of the conduct and the context in which
11 it occurred; and

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

13 (d) An athlete agent may apply to renew a registration by
14 submitting an application for renewal in a form prescribed by
15 the Department. An application filed under this Section is a
16 public record. The application for renewal must be signed by
17 the applicant under penalty of perjury and must contain current
18 information on all matters required in an original
19 registration.

20 (e) An individual who has submitted an application for
21 renewal of registration or licensure in another State, in lieu
22 of submitting an application for renewal in the form prescribed
23 pursuant to subsection (d), may file a copy of the application
24 for renewal and a valid certificate of registration or
25 licensure from the other State. The Department shall accept the
26 application for renewal from the other State as an application

1 for renewal in this State if the application to the other
2 State:

3 (1) was submitted in the other State within six months
4 next preceding the filing in this State and the applicant
5 certifies the information contained in the application for
6 renewal is current;

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

10 (3) was signed by the applicant under penalty of
11 perjury.

12 (f) A certificate of registration or a renewal of a
13 registration is valid for 2 years.

14 Section 7. Suspension, revocation, or refusal to renew
15 registration.

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

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

23 Section 8. Temporary registration.

24 (a) The Department may issue a temporary certificate of

1 registration while an application for registration or renewal
2 of registration is pending.

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

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

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

16 Section 8.5. Expiration of registration.

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

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

1 Section 9. Fees.

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

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

6 (c) If an applicant for initial registration applies for
7 licensure during the second half of the biennial period, he or
8 she shall be required to pay only one-half of the amount fixed
9 by the Department for initial application.

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

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

15 Section 10. Required form of contract.

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

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

19 (1) the amount and method of calculating the
20 consideration to be paid by the student-athlete for
21 services to be provided by the athlete agent under the
22 contract and any other consideration the athlete agent has
23 received or will receive from any other source for entering
24 into the contract or for providing the services;

25 (2) the name of any person not listed in the

1 application for registration or renewal of registration
2 who will be compensated because the student-athlete signed
3 the agency contract;

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

6 (4) a description of the services to be provided to the
7 student-athlete;

8 (5) the duration of the contract; and

9 (6) the date of execution.

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

13 WARNING TO STUDENT-ATHLETE

14 IF YOU SIGN THIS CONTRACT:

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

17 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
18 AFTER ENTERING INTO THIS CONTRACT OR BEFORE YOUR NEXT
19 SCHEDULED ATHLETIC EVENT, WHICHEVER OCCURS FIRST, BOTH YOU
20 AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;
21 AND

22 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
23 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
24 YOUR ELIGIBILITY.

25 (d) An agency contract that does not conform to this
26 Section is voidable by the student-athlete. If a

1 student-athlete voids an agency contract, the student-athlete
2 is not required to pay any consideration under the contract or
3 to return any consideration received from the athlete agent to
4 induce the student-athlete to enter into the contract.

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

8 Section 11. Notice to educational institution.

9 (a) Within 72 hours after entering into an agency contract
10 or before the next scheduled athletic event in which the
11 student-athlete may participate, whichever occurs first, the
12 athlete agent shall give notice in a record of the existence of
13 the contract to the athletic director of the educational
14 institution at which the student-athlete is enrolled or the
15 athlete agent has reasonable grounds to believe the
16 student-athlete intends to enroll.

17 (b) Within 72 hours after entering into an agency contract
18 or before the next athletic event in which the student-athlete
19 may participate, whichever occurs first, the student-athlete
20 shall inform the athletic director of the educational
21 institution at which the student-athlete is enrolled that he or
22 she has entered into an agency contract.

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

24 (a) A student-athlete may cancel an agency contract by

1 giving notice of the cancellation to the athlete agent in a
2 record within 14 days after the contract is signed.

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

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

10 Section 13. Required records.

11 (a) An athlete agent shall retain the following records for
12 a period of 5 years:

13 (1) the name and address of each individual represented
14 by the athlete agent;

15 (2) any agency contract entered into by the athlete
16 agent; and

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

20 (b) Records required by subsection (a) to be retained are
21 open to inspection by the Department during normal business
22 hours.

23 Section 14. Prohibited conduct.

24 (a) An athlete agent, with the intent to induce a

1 student-athlete to enter into an agency contract, may not:

2 (1) give any materially false or misleading
3 information or make a materially false promise or
4 representation;

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

8 (3) furnish anything of value to any individual other
9 than the student-athlete or another registered athlete
10 agent.

11 (b) An athlete agent may not intentionally:

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

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

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

17 (4) provide materially false or misleading information
18 in an application for registration or renewal of
19 registration;

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

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

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

3 Section 16. Civil remedies.

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

9 (b) Damages of an educational institution under subsection
10 (a) include losses and expenses incurred because, as a result
11 of the conduct of an athlete agent or former student-athlete,
12 the educational institution was injured by a violation of this
13 Act or was penalized, disqualified, or suspended from
14 participation in athletics by a national association for the
15 promotion and regulation of athletics, by an athletic
16 conference, or by reasonable self-imposed disciplinary action
17 taken to mitigate sanctions likely to be imposed by such an
18 organization.

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

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

25 (e) This Act does not restrict rights, remedies, or

1 defenses of any person under law or equity.

2 Section 17. Grounds for disciplinary action.

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

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

10 (2) Conviction of any crime under the laws of any U.S.
11 jurisdiction that is a felony or that is a misdemeanor, an
12 essential element of which is dishonesty, or of any crime
13 that directly relates to the practice of the profession.

14 (3) Making any misrepresentation for the purpose of
15 obtaining a registration.

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

19 (5) Aiding or assisting another person in violating any
20 provision of this Act or rules adopted pursuant to this
21 Act.

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

1 (7) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public.

4 (8) Habitual or excessive use or addiction to alcohol,
5 narcotics, stimulants, or any other chemical agent or drug
6 that results in the inability to practice with reasonable
7 judgment or skill.

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

12 (10) Directly or indirectly giving to or receiving from
13 any person, firm, corporation, partnership, or association
14 any fee, commission, rebate, or other form of compensation
15 for any professional services not actually or personally
16 rendered.

17 (11) A finding by the Department that the registrant,
18 after having his or her registration placed on probationary
19 status, has violated the terms of probation.

20 (12) Conviction by any court of competent
21 jurisdiction, either within or without this State, of any
22 violation of any law governing the practice of athlete
23 agents if the Department determines, after investigation,
24 that the person has not been sufficiently rehabilitated to
25 warrant the public trust.

26 (13) A finding that registration has been applied for

1 or obtained by fraudulent means.

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

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

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

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

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

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

22 (b) The Department shall deny any registration or renewal
23 under this Act to any person who has defaulted on an
24 educational loan guaranteed by the Illinois State Scholarship
25 Commission; however, the Department may issue a registration or
26 renewal if the person in default has established a satisfactory

1 repayment record as determined by the Illinois State
2 Scholarship Commission.

3 (c) Failure to continue to meet the requirements of this
4 Act shall be deemed a violation of this Act.

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

15 Section 18. Stenographer; record of proceedings. The
16 Department, at its expense, shall provide a stenographer to
17 take down the testimony and preserve a record of all
18 proceedings initiated pursuant to this Act, the rules for the
19 administration of this Act, or any other Act or rules relating
20 to this Act and proceedings for restoration of any registration
21 issued under this Act. The notice of hearing, complaint,
22 answer, and all other documents in the nature of pleadings and
23 written motions and responses filed in the proceedings, the
24 transcript of the testimony, all exhibits admitted into
25 evidence, the report of the hearing officer, the conclusions of

1 law, and recommendations to the Secretary, and the order shall
2 be the record of the proceedings. The Department shall furnish
3 a transcript of the record to any person interested in the
4 hearing upon payment of the fee required under Section 2105-115
5 of the Civil Administrative Code of Illinois (Department of
6 Professional Regulation Law).

7 Section 19. Court orders. Any circuit court may, upon
8 application of the Department or its designee or of the
9 applicant or registrant against whom proceedings are pending,
10 enter an order requiring the attendance of witnesses and their
11 testimony and the production of documents, papers, files,
12 books, and records in connection with any hearing or
13 investigation. The court may compel obedience to its order by
14 proceedings for contempt.

15 Section 20. Subpoenas; administration of oaths. The
16 Department has power to subpoena and bring before it any person
17 in this State and to take testimony orally, by deposition, or
18 both or to subpoena documents, exhibits, or other materials
19 with the same fees and mileage and in the same manner as
20 prescribed by law in judicial proceedings in civil cases in
21 circuit courts of this State.

22 The Secretary has the power to administer oaths to
23 witnesses at any hearing that the Department is authorized by
24 law to conduct. The Secretary has the power to administer any

1 other oaths required or authorized to be administered by the
2 Department under this Act.

3 Section 21. Findings of fact; conclusions of law;
4 recommendations; order. Within 60 days of the Department's
5 receipt of the transcript of any hearing that is conducted
6 pursuant to this Act or the rules for its enforcement, any
7 other statute or rule requiring a hearing under this Act or the
8 rules for its enforcement, or any hearing related to
9 restoration of any registration issued pursuant to this Act,
10 the hearing officer shall submit his or her written findings
11 and recommendations to the Secretary.

12 A copy of the findings of fact, conclusions of law, and
13 recommendations submitted to the Secretary shall be served upon
14 the accused person, either personally or by registered or
15 certified mail. Within 20 days after service, the accused
16 person may present to the Department a written motion for a
17 rehearing, which shall state the particular grounds therefor.
18 If the accused person orders and pays for a transcript pursuant
19 to Section 18, the time elapsing thereafter and before the
20 transcript is ready for delivery to him or her shall not be
21 counted as part of the 20 days.

22 The Secretary shall issue an order based on the findings of
23 fact, conclusions of law, and recommendations.

24 Section 22. Temporary suspension. The Secretary may

1 temporarily suspend a person's registration without a hearing,
2 simultaneously with the institution of proceedings for a
3 hearing provided for in this Act, if the Secretary finds that
4 evidence in his or her possession indicates that continuation
5 in practice by that person would constitute an imminent danger
6 to the public. In the event that the Secretary temporarily
7 suspends a registration without a hearing, the Department shall
8 hold a hearing within 30 days after the suspension has
9 occurred.

10 Section 23. Administrative Review Law. All final
11 administrative decisions of the Department are subject to
12 judicial review pursuant to the Administrative Review Law and
13 its rules. The term "administrative decision" is defined as in
14 Section 3-101 of the Code of Civil Procedure.

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

1 Administrative Procedure Act is deemed sufficient when mailed
2 to the last known address of a party.

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

11 Section 26. Returned checks; fines. A person who delivers a
12 check or other payment to the Department that is returned to
13 the Department unpaid by the financial institution upon which
14 it is drawn shall pay to the Department, in addition to the
15 amount already owed to the Department, a fine of \$50. A fine
16 imposed under this Section is in addition to any other
17 discipline provided under this Act for unregistered practice or
18 practice on a nonrenewed registration. The Department shall
19 notify the person that fees and fines shall be paid to the
20 Department by certified check or money order within 30 calendar
21 days of the notification. If, after the expiration of 30 days
22 from the date of the notification, the person fails to submit
23 the necessary remittance, the Department shall automatically
24 terminate his or her registration or deny his or her

1 application without hearing. If, after termination or denial,
2 the person seeks a registration, he or she shall apply to the
3 Department for restoration or issuance of his or her
4 registration and pay all fees and fines due to the Department.
5 The Department may establish a fee for the processing of an
6 application for restoration of a registration to pay all
7 expenses of processing the application. The Secretary may waive
8 any fine due under this Section in any individual case where
9 the Secretary finds that the fine would be unreasonable or
10 unnecessarily burdensome.

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

23 Section 28. Enforcement; petition to court.

24 (a) If any person violates the provisions of this Act, the

1 Secretary, through the Attorney General or the State's Attorney
2 of any county in which a violation is alleged to exist, may, in
3 the name of the People of the State of Illinois, petition for
4 an order enjoining the violation or for an order enforcing
5 compliance with this Act. Upon the filing of a verified
6 petition in court, the court may issue a temporary restraining
7 order without notice or bond and may preliminarily and
8 permanently enjoin the violation. If it is established that the
9 person has violated or is violating the injunction, the court
10 may punish the offender for contempt of court.

11 (b) If any person practices as a registered athlete agent
12 or holds himself or herself out as a registrant without being
13 registered under the provisions of this Act, then any person
14 registered under this Act, any interested party, or any person
15 injured thereby, in addition to those officers identified in
16 subsection (a) of this Section, may petition for relief as
17 provided in subsection (a).

18 (c) Whenever the Department has reason to believe that a
19 person has violated the registration requirements of this Act
20 by practicing, offering to practice, attempting to practice, or
21 holding himself or herself out to practice as a registered
22 athlete agent without being registered under this Act, the
23 Department may issue a rule to show cause why an order to cease
24 and desist should not be entered against that person. The rule
25 shall clearly set forth the grounds relied upon by the
26 Department and shall provide a period of 7 days from the date

1 of the rule to file an answer to the satisfaction of the
2 Department. Failure to answer to the satisfaction of the
3 Department shall cause an order to cease and desist to be
4 issued immediately.

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

8 Section 29. Unregistered practice; violation; civil
9 penalty.

10 (a) Any person who practices, offers to practice, attempts
11 to practice, or holds himself or herself out to practice
12 without being registered under this Act shall, in addition to
13 any other penalty provided by law, pay a civil penalty to the
14 Department in an amount not to exceed \$5,000 for each offense
15 as determined by the Department. The civil penalty shall be
16 assessed by the Department after a hearing is held in
17 accordance with the provisions set forth in this Act regarding
18 the provision of a hearing for the discipline of a registrant.

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

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

1 Section 30. Relation to electronic signatures in Global and
2 National Commerce Act. This Act modifies, limits, and
3 supersedes the federal Electronic Signatures in Global and
4 National Commerce Act, 15 U.S.C. Section 7001, et seq., but
5 does not modify, limit, or supersede Section 101(c) of that
6 Act, 15 U.S.C. Section 7001(c), or authorize electronic
7 delivery of any of the notices described in Section 103(b) of
8 that Act, 15 U.S.C. Section 7003(b).

9 Section 97. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.