

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 Illinois Athlete Agents Act.

6 Section 10. Declaration of public policy. Practice as an
7 athlete agent in the State of Illinois is hereby declared to
8 affect the public health, safety, and well-being of its
9 citizens and to be subject to regulation and control in the
10 public interest. It is further declared that the practice as an
11 athlete agent, as defined in this Act, merits the confidence of
12 the public, and that only qualified persons shall be authorized
13 to engage in such practice in the State of Illinois. This Act
14 shall be liberally construed to best carry out this purpose.

15 Section 15. Definitions. In this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file maintained by the Department's licensure
19 maintenance unit. It is the duty of the applicant or licensee
20 to inform the Department of any change of address, and such
21 changes must be made either through the Department's website or
22 by contacting the Department's licensure maintenance unit.

1 "Agency contract" means an agreement in which a
2 student-athlete authorizes a person to negotiate or solicit on
3 behalf of the student-athlete a professional-sports-services
4 contract or an endorsement contract.

5 "Athlete agent" means an individual who enters into an
6 agency contract with a student-athlete or, directly or
7 indirectly, recruits or solicits a student-athlete to enter
8 into an agency contract. The term includes an individual who
9 represents to the public that the individual is an athlete
10 agent. The term does not include a spouse, parent, sibling,
11 grandparent, or guardian of the student-athlete or an
12 individual acting solely on behalf of a professional sports
13 team or professional sports organization.

14 "Athletic director" means an individual responsible for
15 administering the overall athletic program of an educational
16 institution or, if an educational institution has separately
17 administered athletic programs for male students and female
18 students, the athletic program for males or the athletic
19 program for females, as appropriate.

20 "Contact" means a communication, direct or indirect,
21 between an athlete agent and a student-athlete, to recruit or
22 solicit the student-athlete to enter into an agency contract.

23 "Department" means the Department of Financial and
24 Professional Regulation.

25 "Endorsement contract" means an agreement under which a
26 student-athlete is employed or receives consideration to use on

1 behalf of the other party any value that the student-athlete
2 may have because of publicity, reputation, following, or fame
3 obtained because of athletic ability or performance.

4 "Intercollegiate sport" means a sport played at the
5 collegiate level for which eligibility requirements for
6 participation by a student-athlete are established by a
7 national association for the promotion or regulation of
8 collegiate athletics.

9 "License" means a person holding licensure as an athlete
10 agent pursuant to this Act.

11 "Person" means an individual, corporation, business trust,
12 estate, trust, partnership, limited liability company,
13 association, joint venture, government; governmental
14 subdivision, agency, or instrumentality; public corporation,
15 or any other legal or commercial entity.

16 "Professional-sports-services contract" means an agreement
17 under which an individual is employed, or agrees to render
18 services, as a player on a professional sports team, with a
19 professional sports organization, or as a professional
20 athlete.

21 "Record" means information that is inscribed on a tangible
22 medium or that is stored in an electronic or other medium and
23 is retrievable in perceivable form.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation.

26 "State" means a state of the United States, the District of

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

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

10 "Licensed athlete agent" means an individual who is
11 licensed under this Act to engage as an athlete agent in
12 Illinois.

13 Section 20. Exemptions. Nothing in this Act shall be
14 construed to prohibit practice as an athlete agent for the
15 following:

16 (a) practice as an athlete agent by officers and employees
17 of the United States government within the scope of their
18 employment.

19 (b) practice as an athlete agent by any person licensed in
20 this State under any other Act from engaging in the practice
21 for which he is licensed.

22 Section 25. Restrictions and limitations.

23 (a) No person without a license under this Act or who is
24 otherwise exempt from this Act shall: (i) in any manner hold

1 himself or herself out to the public as a licensed athlete
2 agent; (ii) attach the title "licensed athlete agent" to his or
3 her name; or (iii) render or offer to render to any individual,
4 athlete or other person or entity any services or activities
5 constituting the practice of an athlete agent as defined in
6 this Act.

7 (b) A person shall be construed to practice, render or
8 offer to practice as an athlete agent, within the meaning and
9 intent of this Act, if that person: (i) by verbal claim, sign,
10 advertisement, letterhead, card, or any other means,
11 represents himself or herself to be an athlete agent or through
12 the use of some title implies that he or she is an athlete
13 agent or is licensed under this Act; (ii) holds himself or
14 herself out as able to perform or does perform services or work
15 defined in this Act as the practice of an athlete agent; or
16 (iii) provides services as an athlete agent as set forth in
17 this Act.

18 Individuals practicing as an athlete agent in Illinois as
19 of the effective date of this Act may continue to practice as
20 provided in this Act until the Department has adopted rules
21 implementing this Act. To continue practicing as an athlete
22 agent after the adoption of rules, individuals shall apply for
23 licensure within 90 days after the effective date of the rules.
24 If an application is received during the 90-day period, then
25 the individual may continue to practice until the Department
26 acts to grant or deny licensure. If an application is not filed

1 within the 90-day period, then the individual must cease
2 practice as an athlete agent at the conclusion of the 90-day
3 period and until the Department acts to grant a license to the
4 individual.

5 Section 30. Practice pending licensure; void contracts.

6 (a) Except as otherwise provided in Section 20 or in
7 subsection (b) of this Section, an individual may not act as an
8 athlete agent in this State without holding a license issued
9 under this Act.

10 (b) Before being issued a license, an individual may act as
11 an athlete agent in this State for all purposes except signing
12 an agency contract if:

13 (1) a student-athlete or another person acting on
14 behalf of the student-athlete initiates communication with
15 the individual; and

16 (2) within 7 days after an initial act as an athlete
17 agent, the individual submits an application and the
18 application and fee have been received by the Department
19 for licensure as an athlete agent in this State.

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

23 Section 35. Powers and duties of the Department. Subject to
24 the provisions of this Act, the Department may:

1 (1) Conduct or authorize examinations, at the
2 discretion of the Department, to ascertain the fitness and
3 qualifications of applicants for licensure and issue
4 licenses to those who are found to be fit and qualified.

5 (2) Prescribe rules for a method of examination of
6 candidates if required.

7 (3) Conduct hearings on proceedings to revoke,
8 suspend, or otherwise discipline or take non-disciplinary
9 action.

10 (4) Promulgate rules required for the administration
11 of this Act.

12 Section 40. Application for original license. Applications
13 for original licenses shall be made to the Department on forms
14 prescribed by the Department and accompanied by the required
15 fee. All applications shall contain the information that, in
16 the judgment of the Department, will enable the Department to
17 pass on the qualifications of the applicant for a license to
18 practice as an athlete agent.

19 Section 45. Qualifications for licensure.

20 (a) A person is qualified for licensure as an athlete agent
21 if that person:

22 (1) is at least 21 years of age;

23 (2) has applied in writing on forms prepared and
24 furnished by the Department;

1 (3) has not engaged or is not engaged in any practice
2 or conduct that would be grounds for disciplining a
3 licensee under this Act;

4 (4) pays the required non-refundable fee as set forth
5 in rule;

6 (5) submits an application which is signed or otherwise
7 authenticated by the applicant under penalty of perjury
8 which contains the following information:

9 (A) the name and social security number of the
10 applicant, and the address of the applicant's
11 principal place of business;

12 (B) the name of the applicant's business or
13 employer, if applicable;

14 (C) any business or occupation engaged in by the
15 applicant for the five years next preceding the date of
16 submission of the application;

17 (D) a description of the applicant's:

18 (i) education or formal training as an athlete
19 agent;

20 (ii) work history, including but not limited
21 to any practical experience as an athlete agent;
22 and

23 (iii) educational background;

24 (E) the names and addresses of all persons who are:

25 (i) with respect to the athlete agent's
26 business if it is not a corporation, the partners,

1 members, officers, managers, associates, or
2 profit-sharers of the business; and

3 (ii) with respect to a corporation employing
4 the athlete agent, the officers, directors, and
5 any shareholder of the corporation having an
6 interest of five percent or greater;

7 (F) the names and addresses of 3 individuals not
8 related to the applicant who are willing to serve as
9 references; and

10 (G) the name, sport, and last known team for each
11 individual for whom the applicant acted as an athlete
12 agent during the 5 years next preceding the date of
13 submission of the application; and

14 (7) has complied with all other requirements of this
15 Act and rules established for the implementation of this
16 Act.

17 (b) Applicants have 3 years from the date of application to
18 complete the application process. If the process has not been
19 completed in 3 years, then the application shall be denied, the
20 fee shall be forfeited, and the applicant must reapply and meet
21 the requirements in effect at the time of reapplication.

22 Section 50. Licensure by endorsement.

23 (a) The Department may, in its discretion, grant a license
24 on submission of the required application and payment of the
25 required non-refundable fee to any person who, at the time of

1 application, is licensed by another state or the United States
2 or of a foreign country or province whose standards, in the
3 opinion of the Department, were substantially equivalent at the
4 date of his or her licensure in the other jurisdiction to the
5 requirements then in force in this State or to any person who
6 at the time of his or her licensure possessed individual
7 qualifications that were substantially equivalent to the
8 requirements of this Act.

9 (b) The Department may adopt rules to further define the
10 licensing criteria under this Section.

11 (c) Applicants have 3 years from the date of application to
12 complete the application process. If the process has not been
13 completed in 3 years, then the application shall be denied, the
14 fee shall be forfeited, and the applicant must reapply and meet
15 the requirements in effect at the time of reapplication.

16 Section 55. Licenses; renewals; restoration; person in
17 military service.

18 (a) The expiration date and renewal period for each license
19 issued under this Act shall be set by rule. As a condition for
20 renewal of a license, the licensee may be required to complete
21 continuing education under requirements set forth in rules of
22 the Department.

23 (b) Any person who has permitted his or her license to
24 expire may have his or her license restored by making
25 application to the Department and filing proof acceptable to

1 the Department of fitness to have his or her license restored,
2 which may include sworn evidence certifying to active practice
3 in another jurisdiction satisfactory to the Department,
4 complying with any continuing education requirements, and
5 paying the required restoration fee.

6 (c) If the person has not maintained an active practice in
7 another jurisdiction satisfactory to the Department, then the
8 Department shall determine, by an evaluation program
9 established by rule, the person's fitness to resume active
10 status and may require the person to complete a period of
11 evaluated experience. However, any person whose license
12 expired while (i) in federal service on active duty with the
13 Armed Forces of the United States or called into service or
14 training with the State Militia, or (ii) in training or
15 education under the supervision of the United States
16 preliminary to induction into the military service may have his
17 or her license renewed or restored without paying any lapsed
18 renewal fees if, within 2 years after honorable termination of
19 the service, training or education, except under condition
20 other than honorable, he or she furnishes the Department with
21 satisfactory evidence to the effect that he or she has been so
22 engaged and that the service, training, or education has been
23 so terminated.

24 (d) Any person who notifies the Department, in writing on
25 forms prescribed by the Department, may place his or her
26 license on inactive status and shall be excused from the

1 payment of renewal fees until the person notifies the
2 Department in writing of the intention to resume active
3 practice.

4 (e) Any person requesting his or her license be changed
5 from inactive to active status shall be required to pay the
6 current renewal fee and shall also demonstrate compliance with
7 any applicable continuing education requirements.

8 (f) Any licensee whose license is nonrenewed or on inactive
9 status shall not engage in the practice as an athlete agent as
10 set forth in this Act in the State of Illinois and use the
11 title or advertise that he or she performs the services of an
12 athlete agent.

13 (g) Any person violating subsection (f) of this Section
14 shall be considered to be practicing without a license and will
15 be subject to the disciplinary provisions of this Act.

16 (h) The Department may adopt additional rules in order to
17 effectively administer the provisions in this Section.

18 Section 60. Fees.

19 (a) The fees for the administration and enforcement of this
20 Act, including but not limited to original licensure, renewal,
21 and restoration fees, shall be set by the Department by rule.
22 The fees shall not be refundable.

23 (b) All fees and other monies collected under this Act
24 shall be deposited in the General Professions Dedicated Fund.

1 Section 65. Roster. The Department shall maintain a roster
2 of names and addresses of all persons who hold valid licenses
3 and all persons whose licenses have been suspended, revoked or
4 otherwise disciplined within the previous year. This roster
5 shall be available upon request and payment of the required fee
6 as set forth by rule.

7 Section 70. Returned checks; fines. Any person who delivers
8 a check or other payment to the Department that is returned to
9 the Department unpaid by the financial institution upon which
10 it is drawn shall pay to the Department, in addition to the
11 amount already owed to the Department, a fine of \$50. The fines
12 imposed by this Section are in addition to any other discipline
13 provided under this Act for unlicensed practice or practice on
14 a nonrenewed license. The Department shall notify the person
15 that payment of fees and fines shall be paid to the Department
16 by certified check or money order within 30 calendar days of
17 the notification. If, after the expiration of 30 days from the
18 date of the notification, the person has failed to submit the
19 necessary remittance, then the Department shall automatically
20 terminate the license or deny the application, without hearing.
21 If, after termination or denial, the person seeks a license,
22 then he or she shall apply to the Department for restoration or
23 issuance of the license and pay all fees and fines due to the
24 Department. The Department may establish a fee for the
25 processing of an application for restoration of a license to

1 pay all expenses of processing this application. The Secretary
2 may waive the fines due under this Section in individual cases
3 where the Secretary finds that the fines would be unreasonable
4 or unnecessarily burdensome.

5 Section 75. Grounds for disciplinary action.

6 (a) The Department may refuse to issue or renew, or may
7 revoke, suspend, place on probation, reprimand, or take other
8 disciplinary or non-disciplinary action as the Department may
9 deem appropriate, including imposing fines not to exceed
10 \$10,000 for each violation, with regard to any license for any
11 one or combination of the following:

12 (1) Making a material misstatement in furnishing
13 information to the Department.

14 (2) Violating this Act, or the rules adopted pursuant
15 to this Act.

16 (3) Conviction of or entry of a plea of guilty or nolo
17 contendere, finding of guilt, jury verdict, or entry of
18 judgment or by sentencing of any crime, including but not
19 limited to convictions, preceding sentences of
20 supervision, conditional discharge or first offender
21 probation, to any crime that is a felony under the laws of
22 the United States or any state or territory thereof or that
23 is a misdemeanor of which as essential element is
24 dishonesty, or any crime that is directly related to the
25 practice of the profession.

1 (4) Making any misrepresentation for the purpose of
2 obtaining licensure or violating any provision of this Act
3 or the rules adopted under this Act pertaining to
4 advertising.

5 (5) Professional incompetence.

6 (6) Gross malpractice.

7 (7) Aiding or assisting another person in violating any
8 provision of this Act or rules adopted under this Act.

9 (8) Failing, within 60 days, to provide information in
10 response to a written request made by the Department.

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

14 (10) Inability to practice with reasonable judgment,
15 skill or safety as a result of habitual or excessive use or
16 addiction to alcohol, narcotics, stimulants or any other
17 chemical agent or drug.

18 (11) Denial of any application as an athlete agent or
19 discipline by another state, District of Columbia,
20 territory, or foreign nation, if at least one of the
21 grounds for the discipline is the same or substantially
22 equivalent to those set forth in this Section.

23 (12) A finding by the Department that the licensee,
24 after having his or her license placed on probationary
25 status, has violated the terms of probation.

26 (13) Willfully making or filing false records or

1 reports in his or her practice, including but not limited
2 to, false records filed with State agencies or departments.

3 (14) Inability to practice the profession with
4 reasonable judgment, skill, or safety as a result of a
5 physical illness, including but not limited to
6 deterioration through the aging process or loss of motor
7 skill, or a mental illness or disability.

8 (15) Solicitation of professional services other than
9 permitted advertising.

10 (16) Conviction of or cash compromise of a charge or
11 violation of the Illinois Controlled Substances Act
12 regulating narcotics.

13 (17) Gross, willful, or continued overcharging for
14 professional services, including filing false statements
15 for collection of fees for which services are not rendered.

16 (18) Practicing under a false or, except as provided by
17 law, an assumed name.

18 (19) Fraud or misrepresentation in applying for, or
19 procuring, a license under this Act or in connection with
20 applying for renewal of a license under this Act.

21 (20) Any instance in which the conduct of the applicant
22 or any person named pursuant to item (5) of subsection (a)
23 of Section 45 resulted in the imposition of a sanction,
24 suspension, or declaration of ineligibility to participate
25 in an interscholastic or intercollegiate athletic event on
26 a student-athlete or educational institution.

1 (21) Any instance in which the conduct of any person
2 named pursuant to item (5) of subsection (a) of Section 45
3 resulted in the denial of an application as an athlete
4 agent or discipline of a license as an athlete agent by
5 another state, District of Columbia, territory, or foreign
6 nation, if at least one of the grounds for the discipline
7 is the same or substantially equivalent to those set forth
8 in this Section.

9 (22) Committing any of the activities set forth in
10 subsection (b) of Section 175 of this Act.

11 (b) A person holding a license under this Act or has
12 applied for licensure under this Act who, because of a physical
13 or mental illness or disability, including but not limited to
14 deterioration through the aging process or loss of motor skill,
15 is unable to practice the profession with reasonable judgment,
16 skill, or safety may be required by the Department to submit to
17 care, counseling or treatment by physicians approved or
18 designated by the Department as a condition, term or
19 restriction for continued, reinstated or renewed licensure to
20 practice. Submission to care, counseling or treatment as
21 required by the Department shall not be considered discipline
22 of the license. If the licensee refuses to enter into a care,
23 counseling, or treatment agreement or fails to abide by the
24 terms of the agreement, then the Department may file a
25 complaint to suspend, revoke, or otherwise discipline the
26 license of the individual. The Secretary may order the license

1 suspended immediately, pending a hearing by the Department.
2 Fines shall not be assessed in disciplinary actions involving
3 physical or mental illness or impairment.

4 (c) The determination by a circuit court that a licensee is
5 subject to involuntary admission or judicial admission as
6 provided in the Mental Health and Developmental Disabilities
7 Code, as amended, operates as an automatic suspension. The
8 suspension will end only upon a finding by a court that the
9 licensee is no longer subject to the involuntary admission or
10 judicial admission and issues an order so finding and
11 discharging the licensee; and upon review of the order by the
12 Secretary or his or her designee, the licensee may be allowed
13 to resume his or her practice.

14 (d) The Department may refuse to issue or may suspend
15 without hearing as provided for in the Code of Civil Procedure
16 the license of any person who fails to file a return, or to pay
17 the tax, penalty or interest shown in a filed return, or to pay
18 any final assessment of the tax, penalty, or interest as
19 required by any tax Act administered by the Illinois Department
20 of Revenue, until such time as the requirements of any such tax
21 Act are satisfied.

22 (e) In enforcing this Section, the Department upon a
23 showing of a possible violation may compel an individual
24 licensed to practice under this Act, or who has applied for
25 licensure under this Act, to submit to a mental or physical
26 examination, or both, as required by and at the expense of the

1 Department. The Department may order the examining physician to
2 present testimony concerning the mental or physical
3 examination of the licensee or applicant. No information shall
4 be excluded by reason of any common law or statutory privilege
5 relating to communications between the licensee or applicant
6 and the examining physician. The examining physicians shall be
7 specifically designated by the Department. The individual to be
8 examined may have, at his or her own expense, another physician
9 of his or her choice present during all aspects of this
10 examination. Failure of an individual to submit to a mental or
11 physical examination, when directed, shall be grounds for the
12 immediate suspension of his or her license until the individual
13 submits to the examination if the Department finds that the
14 refusal to submit to the examination was without reasonable
15 cause as defined by rule.

16 In instances in which the Secretary immediately suspends a
17 person's license for his or her failure to submit to a mental
18 or physical examination, when directed, a hearing on that
19 person's license must be convened by the Department within 15
20 days after the suspension and completed without appreciable
21 delay.

22 In instances in which the Secretary otherwise suspends a
23 person's license pursuant to the results of a compelled mental
24 or physical examination a hearing on that person's license must
25 be convened by the Department within 15 days after the
26 suspension and completed without appreciable delay. The

1 Department shall have the authority to review the subject
2 individual's record of treatment and counseling regarding the
3 impairment to the extent permitted by applicable federal
4 statutes and regulations safeguarding the confidentiality of
5 medical records.

6 An individual licensed under this Act and affected under
7 this Section shall be afforded an opportunity to demonstrate to
8 the Department that he or she can resume practice in compliance
9 with acceptable and prevailing standards under the provisions
10 of his or her license.

11 Section 80. Required form of contract.

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

14 (b) An agency contract must state or contain the following:

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

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

25 (3) a description of any expenses that the

1 student-athlete agrees to reimburse;

2 (4) a description of the services to be provided to the
3 student-athlete;

4 (5) the duration of the contract; and

5 (6) the date of execution.

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

9 WARNING TO STUDENT-ATHLETE IF YOU SIGN THIS CONTRACT:

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

12 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72 HOURS
13 AFTER ENTERING INTO THIS CONTRACT OR BEFORE YOUR NEXT
14 SCHEDULED ATHLETIC EVENT, WHICHEVER OCCURS FIRST, BOTH YOU
15 AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;
16 AND

17 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER
18 SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE
19 YOUR ELIGIBILITY.

20 (d) An agency contract that does not conform to this
21 Section is voidable by the student-athlete. If a
22 student-athlete voids an agency contract, then the
23 student-athlete is not required to pay any consideration under
24 the contract or to return any consideration received from the

1 athlete agent to induce the student-athlete to enter into the
2 contract.

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

6 Section 85. Student-athlete's right to cancel.

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

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

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

17 Section 90. Notice to educational institution.

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

1 student-athlete intends to enroll.

2 (b) Within 72 hours after entering into an agency contract
3 or before the next athletic event in which the student-athlete
4 may participate, whichever occurs first, the student-athlete
5 shall inform the athletic director of the educational
6 institution at which the student-athlete is enrolled that he or
7 she has entered into an agency contract.

8 Section 95. Required records.

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

11 (1) the name and address of each individual represented
12 by the athlete agent;

13 (2) any agency contract entered into by the athlete
14 agent; and

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

18 (b) Records required by subsection (a) of this Section to
19 be retained shall be open to inspection by the Department
20 during normal business hours.

21 Section 100. Injunctive action; cease and desist order.

22 (a) If any person violates the provisions of this Act, then
23 the Secretary, in the name of the People of the State of
24 Illinois, through the Attorney General or the State's Attorney

1 of the county in which the violation is alleged to have
2 occurred, may petition for an order enjoining the violation or
3 for an order enforcing compliance with this Act. Upon the
4 filing of a verified petition, the court with appropriate
5 jurisdiction may issue a temporary restraining order, without
6 notice or bond, and may preliminarily and permanently enjoin
7 the violation. If it is established that the person has
8 violated or is violating the injunction, then the court may
9 punish the offender for contempt of court. Proceedings under
10 this Section are in addition to, and not in lieu of, all other
11 remedies and penalties provided by this Act.

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

21 Section 105. Investigations; notice and hearing. The
22 Department may investigate the actions of any applicant or of
23 any person or persons rendering or offering to render services
24 as an athlete agent or any person holding or claiming to hold a
25 license as an athlete agent. The Department shall, before

1 revoking, suspending, placing on probation, reprimanding, or
2 taking any other disciplinary or non-disciplinary action under
3 Section 75 of this Act, at least 30 days before the date set
4 for the hearing, (i) notify the accused in writing of the
5 charges made and the time and place for the hearing on the
6 charges, (ii) direct him or her to file a written answer to the
7 charges with the Department under oath within 20 days after the
8 service on him or her of the notice, and (iii) inform the
9 accused that, if he or she fails to answer, default will be
10 taken against him or her or that his or her license may be
11 suspended, revoked, placed on probationary status, or other
12 disciplinary action taken with regard to the license, including
13 limiting the scope, nature, or extent of his or her practice,
14 as the Department may consider proper. At the time and place
15 fixed in the notice, the Department shall proceed to hear the
16 charges and the parties or their counsel shall be accorded
17 ample opportunity to present any pertinent statements,
18 testimony, evidence, and arguments. The Department may
19 continue the hearing from time to time. In case the person,
20 after receiving the notice, fails to file an answer, his or her
21 license may, in the discretion of the Department, be suspended,
22 revoked, placed on probationary status, or the Department may
23 take whatever disciplinary action considered proper, including
24 limiting the scope, nature, or extent of the person's practice
25 or the imposition of a fine, without a hearing, if the act or
26 acts charged constitute sufficient grounds for that action

1 under this Act. The written notice may be served by personal
2 delivery or by certified mail to the address specified by the
3 accused in his or her last notification with the Department.

4 Section 110. Record of proceedings; transcript. The
5 Department, at its expense, shall preserve a record of all
6 proceedings at the formal hearing of any case. The notice of
7 hearing, complaint, all other documents in the nature of
8 pleadings, written motions filed in the proceedings, the
9 transcripts of testimony, the report of the Hearing Officer,
10 and orders of the Department shall be in the record of the
11 proceeding. The Department shall furnish a transcript of such
12 record to any person interested in such hearing upon payment of
13 the fee required under Section 2105-115 of the Department of
14 Professional Regulation Law (20 ILCS 2105/2105-115).

15 Section 115. Subpoenas; depositions; oaths. The Department
16 has the power to subpoena documents, books, records or other
17 materials and to bring before it any person and to take
18 testimony either orally or by deposition, or both, with the
19 same fees and mileage and in the same manner as prescribed in
20 civil cases in the courts of this State.

21 The Secretary, the designated hearing officer, and other
22 parties designated by the Department have the power to
23 administer oaths to witnesses at any hearing that the
24 Department is authorized to conduct, and any other oaths

1 authorized in any Act administered by the Department.

2 Section 120. Compelling testimony. Any circuit court, upon
3 application of the Department or designated hearing officer may
4 enter an order requiring the attendance of witnesses and their
5 testimony, and the production of documents, papers, files,
6 books, and records in connection with any hearing or
7 investigation. The court may compel obedience to its order by
8 proceedings for contempt.

9 Section 125. Findings and recommendations. At the
10 conclusion of the hearing, the Hearing Officer shall present to
11 the Secretary a written report of its findings of fact,
12 conclusions of law, and recommendations. The report shall
13 contain a finding whether or not the accused person violated
14 this Act or its rules or failed to comply with the conditions
15 required in this Act or its rules. The Hearing Officer shall
16 specify the nature of any violations or failure to comply and
17 shall make its recommendations to the Secretary. In making
18 recommendations for any disciplinary actions, the Hearing
19 Officer may take into consideration all facts and circumstances
20 bearing upon the reasonableness of the conduct of the accused
21 and the potential for future harm to the public, including but
22 not limited to previous discipline of the accused by the
23 Department, intent, degree of harm to the public and likelihood
24 of harm in the future, any restitution made by the accused, and

1 whether the incident or incidents contained in the complaint
2 appear to be isolated or represent a continuing pattern of
3 conduct. In making its recommendations for discipline, the
4 Hearing Officer shall endeavor to ensure that the severity of
5 the discipline recommended is reasonably related to the
6 severity of the violation.

7 The report of findings of fact, conclusions of law, and
8 recommendation of the Hearing Officer may, but shall not be
9 required to be, the basis for the Department's order refusing
10 to issue, restore, or renew a license, or otherwise
11 disciplining a licensee. If the Secretary disagrees with the
12 recommendations of the Hearing Officer, then the Secretary may
13 issue an order in contravention. The finding is not admissible
14 in evidence against the person in a criminal prosecution
15 brought for a violation of this Act, but the hearing and
16 finding are not a bar to a criminal prosecution brought for a
17 violation of this Act.

18 Section 130. Rehearing. At the conclusion of the hearing, a
19 copy of the Hearing Officer's report shall be served upon the
20 applicant or licensee by the Department, either personally or
21 as provided in this Act for the service of a notice of hearing.
22 Within 20 days after service, the applicant or licensee may
23 present to the Department a motion in writing for a rehearing,
24 which shall specify the particular grounds for rehearing. The
25 Department may respond to the motion for rehearing within 20

1 days after its service on the Department. If no motion for
2 rehearing is filed, then upon the expiration of the time
3 specified for filing such a motion, or if a motion for
4 rehearing is denied, then upon denial, the Secretary may enter
5 an order in accordance with recommendations of the Hearing
6 Officer except as provided in Section 135 of this Act. If the
7 applicant or licensee orders from the reporting service and
8 pays for a transcript of the record within the time for filing
9 a motion for rehearing, then the 20-day period within which a
10 motion may be filed shall commence upon the delivery of the
11 transcript to the applicant or licensee.

12 Section 135. Secretary; rehearing. Whenever the Secretary
13 believes that substantial justice has not been done in the
14 revocation, suspension, or refusal to issue, restore, or renew
15 a license, or other discipline of an applicant or licensee, he
16 or she may order a rehearing the same or a different Hearing
17 Officer.

18 Section 140. Appointment of a hearing officer. The
19 Secretary has the authority to appoint any attorney licensed to
20 practice law in the State of Illinois to serve as the hearing
21 officer in any action for refusal to issue, restore, or renew a
22 license or to discipline a licensee. The hearing officer has
23 full authority to conduct the hearing. The hearing officer
24 shall report his or her findings of fact, conclusions of law,

1 and recommendations to the Secretary. If the Secretary
2 disagrees with the recommendation of the hearing officer, then
3 the Secretary may issue an order in contravention of the
4 recommendation.

5 Section 145. Order or certified copy; prima facie proof. An
6 order or certified copy thereof, over the seal of the
7 Department and purporting to be signed by the Secretary, is
8 prima facie proof that:

9 (1) the signature is the genuine signature of the
10 Secretary; and

11 (2) the Secretary is duly appointed and qualified.

12 Section 150. Restoration of suspended or revoked license.
13 At any time after the successful completion of a term of
14 suspension or revocation of a license, the Department may
15 restore it to the licensee, unless after an investigation and a
16 hearing the Department determines that restoration is not in
17 the public interest.

18 Section 155. Surrender of license. Upon the revocation or
19 suspension of a license, the licensee shall immediately
20 surrender his or her license to the Department. If the licensee
21 fails to do so, then the Department has the right to seize the
22 license.

1 Section 160. Summary suspension of a license. The Secretary
2 may summarily suspend a license, without a hearing,
3 simultaneously with the institution of proceedings for a
4 hearing provided for in Section 105 of this Act, if the
5 Secretary finds that evidence in the Secretary's possession
6 indicates that the continuation of practice as an athlete agent
7 would constitute an imminent danger to the public. In the event
8 that the Secretary summarily suspends a license, without a
9 hearing, a hearing must be commenced within 30 days after the
10 suspension has occurred and concluded as expeditiously as
11 practical.

12 Section 165. Administrative review; venue.

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

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

21 Section 170. Certifications of record; costs. The
22 Department shall not be required to certify any record to the
23 court, to file an answer in court, or to otherwise appear in
24 any court in a judicial review proceeding unless and until the

1 Department has received from the plaintiff payment of the costs
2 of furnishing and certifying the record, which costs shall be
3 determined by the Department. Failure on the part of the
4 plaintiff to file the receipt in court is grounds for dismissal
5 of the action.

6 Section 175. Criminal penalties.

7 (a) Any person who is found to have violated any provision
8 of this Act is guilty of a Class A misdemeanor. On conviction
9 of a second or subsequent offense, the violator shall be guilty
10 of a Class 4 felony.

11 (b) In addition, an athlete agent or an individual holding
12 oneself out as an athlete agent shall be guilty of a Class A
13 misdemeanor if he or she, with the intent to induce a
14 student-athlete to enter into an agency contract, does any of
15 the following:

16 (1) gives any materially false or misleading
17 information or makes a materially false promise or
18 representation;

19 (2) furnishes anything of value to a student-athlete
20 before the student-athlete enters into the agency
21 contract;

22 (3) furnishes anything of value to any individual other
23 than the student-athlete or another athlete agent;

24 (4) initiates contact with a student-athlete unless
25 registered under this Act;

1 (5) refuses or fails to retain or permit inspection of
2 the records as required under this Act;

3 (6) provides materially false or misleading
4 information in an application for licensure;

5 (7) predates or postdates an agency contract; or

6 (8) fails to notify a student-athlete before the
7 student-athlete signs or otherwise authenticates an agency
8 contract for a particular sport that the signing or
9 authentication may make the student-athlete ineligible to
10 participate as a student-athlete in that sport.

11 Section 180. Civil penalties.

12 (a) In addition to any other penalty provided by law, any
13 person who violates this Act shall forfeit and pay a civil
14 penalty to the Department in an amount not to exceed \$10,000
15 for each violation as determined by the Department. The civil
16 penalty shall be assessed by the Department in accordance with
17 the provisions of this Act.

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

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

25 (d) All moneys collected under this Section shall be

1 deposited into the General Fund.

2 Section 185. Civil remedies; educational institutions.

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

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

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

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

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

1 Section 190. Consent order. At any point in the proceedings
2 as provided in Sections 100 through 145 and Section 165, both
3 parties may agree to a negotiated consent order. The consent
4 order shall be final upon signature of the Secretary.

5 Section 195. Illinois Administrative Procedure Act;
6 application. The Illinois Administrative Procedure Act is
7 expressly adopted and incorporated in this Act as if all of the
8 provisions of that Act were included in this Act, except that
9 the provision of paragraph (d) of Section 10-65 of the Illinois
10 Administrative Procedure Act, which provides that at hearings
11 the registrant or licensee has the right to show compliance
12 with all lawful requirements for retention or continuation or
13 renewal of the license, is specifically excluded. For the
14 purpose of this Act, the notice required under Section 10-25 of
15 the Illinois Administrative Procedure Act is considered
16 sufficient when mailed to the last known address of a party.

17 Section 200. Home rule. The regulation and licensing as an
18 athlete agent are exclusive powers and functions of the State.
19 A home rule unit may not regulate or license an athlete agent
20 or the practice as an athlete agent, except as provided under
21 Section 20 of this Act. This Section is a denial and limitation
22 of home rule powers and functions under subsection (h) of
23 Section 6 of Article VII of the Illinois Constitution.

1 Section 205. Relation to electronic signatures in Global
2 and 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 210. Severability. The provisions of this Act are
10 severable under Section 1.31 of the Statute on Statutes.

11 Section 215. Agent for service of process. By acting as an
12 athlete agent in this State, a nonresident individual appoints
13 the Department as the individual's agent for service of process
14 in any civil action in this State related to the individual's
15 acting as an athlete agent in this State.