

1 AN ACT concerning athlete agents.

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

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

6 Section 2. Definitions. In this Act:

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

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

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

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

1 an agency contract.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 Section 3. Service of process; subpoenas.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

32 (A) formal training as an athlete agent;

33 (B) practical experience as an athlete agent;

1 and

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

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

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

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

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

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

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

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

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

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

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

10 Section 5.5. Public records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (1) how recently the conduct occurred;

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

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

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

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

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

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

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

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

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

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

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

30 Section 8. Temporary registration.

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

1 of registration is pending.

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

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

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

16 Section. 8.5. Expiration of registration.

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

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

26 Section 9. Fees.

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

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

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

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

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

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

9 Section 10. Required form of contract.

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

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

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

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

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

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

27 (5) the duration of the contract; and

28 (6) the date of execution.

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

32 WARNING TO STUDENT-ATHLETE

33 IF YOU SIGN THIS CONTRACT:

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

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

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

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

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

21 Section 11. Notice to educational institution.

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

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

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

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

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

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

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

14 Section 13. Required records.

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

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

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

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

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

27 Section 14. Prohibited conduct.

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

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

1 representation;

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

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

8 (b) An athlete agent may not intentionally:

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

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

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

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

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

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

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

25 Section 16. Civil remedies.

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

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

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

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

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

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

17 Section 17. Grounds for disciplinary action.

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

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

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

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

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

1 any court of competent jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Act shall be deemed a violation of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 to the last known address of a party.

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

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

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

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

16 Section 28. Enforcement; petition to court.

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

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

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

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

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

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

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

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

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

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

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