



Sen. Pamela J. Althoff

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10000SB1818sam001

LRB100 07934 SMS 23262 a

1 AMENDMENT TO SENATE BILL 1818

2 AMENDMENT NO. _____. Amend Senate Bill 1818 by replacing
3 everything after the enacting clause:

4 "Section 5. The Community Association Manager Licensing
5 and Disciplinary Act is amended by changing Sections 5, 10, 15,
6 20, 32, 55, 60, 70, 75, 85, 90, 92, 95, 155, and 165 as follows:

7 (225 ILCS 427/5)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 5. Legislative intent. It is the intent of the General
10 Assembly that this Act provide for the licensing and regulation
11 of community association managers ~~and community association~~
12 ~~management firms~~, ensure that those who hold themselves out as
13 possessing professional qualifications to engage in the
14 business of community association management are, in fact,
15 qualified to render management services of a professional
16 nature, and provide for the maintenance of high standards of

1 professional conduct by those licensed to provide community
2 association management services.

3 (Source: P.A. 98-365, eff. 1-1-14.)

4 (225 ILCS 427/10)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 10. Definitions. As used in this Act:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's or licensee's application
9 file or license file maintained by the Department's licensure
10 maintenance unit. It is the duty of the applicant or licensee
11 to inform the Department of any change of address, and such
12 changes must be made either through the Department's website or
13 by contacting the Department's licensure maintenance unit.

14 "Advertise" means, but is not limited to, issuing or
15 causing to be distributed any card, sign or device to any
16 person; or causing, permitting or allowing any sign or marking
17 on or in any building, structure, newspaper, magazine or
18 directory, or on radio or television; or advertising by any
19 other means designed to secure public attention.

20 "Board" means the ~~Illinois~~ Community Association Manager
21 Licensing and Disciplinary Board.

22 "Community association" means an association in which
23 membership is a condition of ownership or shareholder interest
24 of a unit in a condominium, cooperative, townhouse, villa, or
25 other residential unit which is part of a residential

1 development plan and that is authorized to impose an
2 assessment, rents, or other costs that may become a lien on the
3 unit or lot.

4 "Community association funds" means any assessments, fees,
5 fines, or other funds collected by the community association
6 manager from the community association, or its members, other
7 than the compensation paid to the community association manager
8 for performance of community association management services.

9 "Community association management firm" means a company,
10 corporation, limited liability company, or other entity that
11 engages in community association management services.

12 "Community association management services" means those
13 services listed in the definition of community association
14 manager in this Section.

15 "Community association manager" means an individual who
16 administers for remuneration the financial, administrative,
17 maintenance, or other duties for the community association,
18 including the following services: (A) collecting, controlling
19 or disbursing funds of the community association or having the
20 authority to do so; (B) preparing budgets or other financial
21 documents for the community association; (C) assisting in the
22 conduct of community association meetings; (D) maintaining
23 association records; and (E) administrating association
24 contracts, as stated in the declaration, bylaws, proprietary
25 lease, declaration of covenants, or other governing document of
26 the community association. "Community association manager"

1 does not mean support staff, including, but not limited to
2 bookkeepers, administrative assistants, secretaries, property
3 inspectors, or customer service representatives.

4 "Department" means the Department of Financial and
5 Professional Regulation.

6 "License" means the license issued to a person,
7 ~~corporation, partnership, limited liability company, or other~~
8 ~~legal entity~~ under this Act to provide community association
9 management services.

10 "Person" means an ~~any~~ individual, ~~corporation,~~
11 ~~partnership, limited liability company, or other legal entity.~~

12 "Secretary" means the Secretary of Financial and
13 Professional Regulation.

14 ~~"Supervising community association manager" means an~~
15 ~~individual licensed as a community association manager who~~
16 ~~manages and supervises a firm.~~

17 (Source: P.A. 98-365, eff. 1-1-14; revised 10-27-16.)

18 (225 ILCS 427/15)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 15. License required. It shall be unlawful for any
21 person, ~~corporation, partnership, limited liability company,~~
22 ~~or other entity~~ to provide community association management
23 services, provide services as a community association manager,
24 or hold himself or, herself, ~~or itself~~ out as a community
25 association manager ~~or community association management firm~~

1 to any community association in this State, unless he ~~or~~ she
2 ~~or it~~ holds a current and valid license issued licensed by the
3 Department or is otherwise exempt from licensure under this
4 Act.

5 (Source: P.A. 98-365, eff. 1-1-14.)

6 (225 ILCS 427/20)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 20. Exemptions.

9 (a) The requirement for holding a license under this Act
10 shall not apply to any of the following:

11 (1) Any director, officer, or member of a community
12 association providing one or more of the services of a
13 community association manager to a community association
14 without compensation for such services to the association.

15 (2) Any person, ~~corporation, partnership, or limited~~
16 ~~liability company~~ providing one or more of the services of
17 a community association manager to a community association
18 of 10 units or less.

19 (3) A licensed attorney acting solely as an incident to
20 the practice of law.

21 (4) A person acting as a receiver, trustee in
22 bankruptcy, administrator, executor, or guardian acting
23 under a court order or under the authority of a will or of
24 a trust instrument.

25 (5) A person licensed in this State under any other Act

1 from engaging the practice for which he or she is licensed.

2 (b) A licensed community association manager may not
3 perform or engage in any activities for which a real estate
4 managing broker or real estate broker's license is required
5 under the Real Estate License Act of 2000, unless he or she
6 also possesses a current and valid license under the Real
7 Estate License Act of 2000 and is providing those services as
8 provided for in the Real Estate License Act of 2000 and the
9 applicable rules.

10 (c) A person may temporarily act as, or provide services
11 as, a community association manager without being licensed
12 under this Act if the person (i) is a community association
13 manager regulated under the laws of another state or territory
14 of the United States or another country and (ii) has applied in
15 writing to the Department, on forms prepared and furnished by
16 the Department, for licensure under this Act. This temporary
17 right to act as a community association manager shall expire 6
18 months after the filing of his or her written application to
19 the Department; upon the withdrawal of the application for
20 licensure under this Act; or upon delivery of a notice of
21 intent to deny the application from the Department; or upon the
22 denial of the application by the Department, whichever occurs
23 first.

24 (Source: P.A. 98-365, eff. 1-1-14.)

1 (Section scheduled to be repealed on January 1, 2020)

2 Sec. 32. Social Security Number ~~or Federal Tax~~
3 ~~Identification Number~~ on license application. In addition to
4 any other information required to be contained in the
5 application, every application for an original license under
6 this Act shall include the applicant's Social Security Number
7 ~~or Federal Tax Identification Number~~, which shall be retained
8 in the Department's records pertaining to the license. As soon
9 as practical, the Department shall assign a customer's
10 identification number to each applicant for a license.

11 Every application for a renewal or restored license shall
12 require the applicant's customer identification number.

13 (Source: P.A. 97-400, eff. 1-1-12; 98-365, eff. 1-1-14.)

14 (225 ILCS 427/55)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 55. Fidelity insurance; segregation of accounts.

17 (a) ~~A The supervising~~ community association manager or the
18 community association management firm with which he or she is
19 employed shall not have access to and disburse community
20 association funds unless each of the following conditions
21 occur:

22 (1) There is fidelity insurance in place to insure
23 against loss for theft of community association funds.

24 (2) The fidelity insurance is not less than all moneys
25 under the control of the ~~supervising~~ community association

1 manager or the employing community association management
2 firm for the association.

3 (3) The fidelity insurance covers the community
4 association manager, ~~supervising community association~~
5 ~~manager~~, and all partners, officers, and employees of the
6 community association management firm during the term of
7 the insurance coverage, which shall be at least for the
8 same term as the service agreement between the community
9 association management firm or ~~supervising~~ community
10 association manager as well as the community association
11 officers, directors, and employees.

12 (4) The insurance company issuing the fidelity
13 insurance may not cancel or refuse to renew the bond
14 without giving at least 10 days' prior written notice.

15 (5) Unless an agreement between the community
16 association and the ~~supervising~~ community association
17 manager or the community association management firm
18 provides to the contrary, a community association may
19 secure and pay for the fidelity insurance required by this
20 Section. The ~~supervising~~ community association manager or
21 the community association management firm must be named as
22 additional insured parties on the community association
23 policy.

24 (b) A community association management firm that provides
25 community association management services for more than one
26 community association shall maintain separate, segregated

1 accounts for each community association or, with the consent of
2 the community association, combine the accounts of one or more
3 community associations, but in that event, separately account
4 for the funds of each community association. The funds shall
5 not, in any event, be commingled with the ~~supervising~~ community
6 association manager's or community association management
7 firm's funds. The maintenance of such accounts shall be
8 custodial, and such accounts shall be in the name of the
9 respective community association or community association
10 manager or community association management firm ~~Community~~
11 ~~Association Management Agency~~ as the agent for the association.

12 (c) The ~~supervising~~ community association manager or
13 community association management firm shall obtain the
14 appropriate general liability and errors and omissions
15 insurance, as determined by the Department, to cover any losses
16 or claims against the ~~supervising~~ community association
17 manager or the community association management firm.

18 (d) The Department shall have authority to promulgate
19 additional rules regarding insurance, fidelity insurance and
20 all accounts maintained and to be maintained by a ~~supervising~~
21 community association manager or community association
22 management firm.

23 (Source: P.A. 98-365, eff. 1-1-14.)

24 (225 ILCS 427/60)

25 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 60. Licenses; renewals; restoration; person in
2 military service.

3 (a) The expiration date and renewal period for each license
4 issued under this Act shall be set by rule. The Department may
5 promulgate rules requiring continuing education and set all
6 necessary requirements for such, including but not limited to
7 fees, approved coursework, number of hours, and waivers of
8 continuing education.

9 (b) Any licensee who has permitted his or, her, ~~or its~~
10 license to expire may have the license restored by making
11 application to the Department and filing proof acceptable to
12 the Department of fitness to have his or, her, ~~or its~~ license
13 restored, by which may include sworn evidence certifying to
14 active practice in another jurisdiction satisfactory to the
15 Department, complying with any continuing education
16 requirements, and paying the required restoration fee.

17 (c) If the person has not maintained an active practice in
18 another jurisdiction satisfactory to the Department, the
19 Department shall determine, by an evaluation program
20 established by rule, the person's fitness to resume active
21 status and may require the person to complete a period of
22 evaluated clinical experience and successful completion of a
23 practical examination. However, any person whose license
24 expired while (i) in federal service on active duty with the
25 Armed Forces of the United States or called into service or
26 training with the State Militia or (ii) in training or

1 education under the supervision of the United States
2 preliminary to induction into the military service may have his
3 or her license renewed or restored without paying any lapsed
4 renewal fees if, within 2 years after honorable termination of
5 the service, training or education, except under condition
6 other than honorable, he or she furnishes the Department with
7 satisfactory evidence to the effect that he or she has been so
8 engaged and that the service, training, or education has been
9 so terminated.

10 (d) A community association manager, ~~community association~~
11 ~~management firm or supervising community association manager~~
12 who notifies the Department, in writing on forms prescribed by
13 the Department, may place his or, her, ~~or its~~ license on
14 inactive status and shall be excused from the payment of
15 renewal fees until the person notifies the Department in
16 writing of the intention to resume active practice.

17 (e) A community association manager, ~~community association~~
18 ~~management firm, or supervising community association manager~~
19 requesting his or, her, ~~or its~~ license be changed from inactive
20 to active status shall be required to pay the current renewal
21 fee and shall also demonstrate compliance with the continuing
22 education requirements.

23 (f) Any licensee with a nonrenewed or on inactive license
24 status shall not provide community association management
25 services as set forth in this Act.

26 (g) Any person violating subsection (f) of this Section

1 shall be considered to be practicing without a license and will
2 be subject to the disciplinary provisions of this Act.

3 (Source: P.A. 98-365, eff. 1-1-14.)

4 (225 ILCS 427/70)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 70. Penalty for insufficient funds; payments. Any
7 person who delivers a check or other payment to the Department
8 that is returned to the Department unpaid by the financial
9 institution upon which it is drawn shall pay to the Department,
10 in addition to the amount already owed to the Department, a
11 fine of \$50. The Department shall notify the person that
12 payment of fees and fines shall be paid to the Department by
13 certified check or money order within 30 calendar days after
14 notification. If, after the expiration of 30 days from the date
15 of the notification, the person has failed to submit the
16 necessary remittance, the Department shall automatically
17 terminate the license or deny the application, without hearing.
18 If, after termination or denial, the person seeks a license, he
19 or she, ~~or it~~ shall apply to the Department for restoration or
20 issuance of the license and pay all fees and fines due to the
21 Department. The Department may establish a fee for the
22 processing of an application for restoration of a license to
23 pay all expenses of processing this application. The Secretary
24 may waive the fines due under this Section in individual cases
25 where the Secretary finds that the fines would be unreasonable

1 or unnecessarily burdensome.

2 (Source: P.A. 98-365, eff. 1-1-14.)

3 (225 ILCS 427/75)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 75. Endorsement. The Department may issue a community
6 association manager ~~or supervising community association~~
7 ~~manager~~ license, without the required examination, to an
8 applicant licensed under the laws of another state if the
9 requirements for licensure in that state are, on the date of
10 licensure, substantially equal to the requirements of this Act
11 or to a person who, at the time of his or her application for
12 licensure, possessed individual qualifications that were
13 substantially equivalent to the requirements then in force in
14 this State. An applicant under this Section shall pay all of
15 the required fees.

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

21 (Source: P.A. 98-365, eff. 1-1-14.)

22 (225 ILCS 427/85)

23 (Section scheduled to be repealed on January 1, 2020)

24 Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

2 (a) The Department may refuse to issue or renew a license,
3 or may place on probation, reprimand, suspend, or revoke any
4 license, or take any other disciplinary or non-disciplinary
5 action as the Department may deem proper and impose a fine not
6 to exceed \$10,000 for each violation upon any licensee or
7 applicant under this Act or any person ~~or entity~~ who holds
8 himself or herself, ~~or itself~~ out as an applicant or licensee
9 for any one or combination of the following causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violations of this Act or its rules.

13 (3) Conviction of or entry of a plea of guilty or plea
14 of nolo contendere to a felony or a misdemeanor under the
15 laws of the United States, any state, or any other
16 jurisdiction or entry of an administrative sanction by a
17 government agency in this State or any other jurisdiction.
18 Action taken under this paragraph (3) for a misdemeanor or
19 an administrative sanction is limited to a misdemeanor or
20 administrative sanction that has as an essential element
21 dishonesty or fraud, that involves larceny, embezzlement,
22 or obtaining money, property, or credit by false pretenses
23 or by means of a confidence game, or that is directly
24 related to the practice of the profession.

25 (4) Making any misrepresentation for the purpose of
26 obtaining a license or violating any provision of this Act

1 or its rules.

2 (5) Professional incompetence.

3 (6) Gross negligence.

4 (7) Aiding or assisting another person in violating any
5 provision of this Act or its rules.

6 (8) Failing, within 30 days, to provide information in
7 response to a request made by the Department.

8 (9) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud or harm the public as defined by the rules of the
11 Department, or violating the rules of professional conduct
12 adopted by the Department.

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

17 (11) Having been disciplined by another state, the
18 District of Columbia, a territory, a foreign nation, or a
19 governmental agency authorized to impose discipline if at
20 least one of the grounds for the discipline is the same or
21 substantially equivalent of one of the grounds for which a
22 licensee may be disciplined under this Act. A certified
23 copy of the record of the action by the other state or
24 jurisdiction shall be prima facie evidence thereof.

25 (12) Directly or indirectly giving to or receiving from
26 any person, firm, corporation, partnership or association

1 any fee, commission, rebate, or other form of compensation
2 for any professional services not actually or personally
3 rendered.

4 (13) A finding by the Department that the licensee,
5 after having his or her, ~~or its~~ license placed on
6 probationary status, has violated the terms of probation.

7 (14) Willfully making or filing false records or
8 reports relating to a licensee's practice, including but
9 not limited to false records filed with any State or
10 federal agencies or departments.

11 (15) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and upon
14 proof by clear and convincing evidence that the licensee
15 has caused a child to be an abused child or neglected child
16 as defined in the Abused and Neglected Child Reporting Act.

17 (16) Physical illness or mental illness or impairment,
18 including, but not limited to, deterioration through the
19 aging process or loss of motor skill that results in the
20 inability to practice the profession with reasonable
21 judgment, skill, or safety.

22 (17) Solicitation of professional services by using
23 false or misleading advertising.

24 (18) A finding that licensure has been applied for or
25 obtained by fraudulent means.

26 (19) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any
2 other legally authorized name.

3 (20) Gross overcharging for professional services
4 including, but not limited to, (i) collection of fees or
5 moneys for services that are not rendered; and (ii)
6 charging for services that are not in accordance with the
7 contract between the licensee and the community
8 association.

9 (21) Improper commingling of personal and client funds
10 in violation of this Act or any rules promulgated thereto.

11 (22) Failing to account for or remit any moneys or
12 documents coming into the licensee's possession that
13 belong to another person or entity.

14 (23) Giving differential treatment to a person that is
15 to that person's detriment because of race, color, creed,
16 sex, religion, or national origin.

17 (24) Performing and charging for services without
18 reasonable authorization to do so from the person or entity
19 for whom service is being provided.

20 (25) Failing to make available to the Department, upon
21 request, any books, records, or forms required by this Act.

22 (26) (Blank). ~~Purporting to be a supervising community~~
23 ~~association manager of a firm without active participation~~
24 ~~in the firm.~~

25 (27) Failing to make available to the Department at the
26 time of the request any indicia of licensure or

1 registration issued under this Act.

2 (28) Failing to maintain and deposit funds belonging to
3 a community association in accordance with subsection (b)
4 of Section 55 of this Act.

5 (29) Violating the terms of a disciplinary order issued
6 by the Department.

7 (b) In accordance with subdivision (a)(5) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15),
10 the Department shall deny a license or renewal authorized by
11 this Act to a person who has defaulted on an educational loan
12 or scholarship provided or guaranteed by the Illinois Student
13 Assistance Commission or any governmental agency of this State.

14 (c) The determination by a circuit court that a licensee is
15 subject to involuntary admission or judicial admission, as
16 provided in the Mental Health and Developmental Disabilities
17 Code, operates as an automatic suspension. The suspension will
18 terminate only upon a finding by a court that the patient is no
19 longer subject to involuntary admission or judicial admission
20 and the issuance of an order so finding and discharging the
21 patient, and upon the recommendation of the Board to the
22 Secretary that the licensee be allowed to resume his or her
23 practice as a licensed community association manager.

24 (d) In accordance with subsection (g) of Section 2105-15 of
25 the Department of Professional Regulation Law of the Civil
26 Administrative Code of Illinois (20 ILCS 2105/2105-15), the

1 Department may refuse to issue or renew or may suspend the
2 license of any person who fails to file a return, to pay the
3 tax, penalty, or interest shown in a filed return, or to pay
4 any final assessment of tax, penalty, or interest, as required
5 by any tax Act administered by the Department of Revenue, until
6 such time as the requirements of that tax Act are satisfied.

7 (e) In accordance with subdivision (a)(5) of Section
8 2105-15 of the Department of Professional Regulation Law of the
9 Civil Administrative Code of Illinois (20 ILCS 2105/2105-15)
10 and in cases where the Department of Healthcare and Family
11 Services (formerly Department of Public Aid) has previously
12 determined that a licensee or a potential licensee is more than
13 30 days delinquent in the payment of child support and has
14 subsequently certified the delinquency to the Department may
15 refuse to issue or renew or may revoke or suspend that person's
16 license or may take other disciplinary action against that
17 person based solely upon the certification of delinquency made
18 by the Department of Healthcare and Family Services.

19 (f) In enforcing this Section, the Department or Board upon
20 a showing of a possible violation may compel a licensee or an
21 individual licensed to practice under this Act, or who has
22 applied for licensure under this Act, to submit to a mental or
23 physical examination, or both, as required by and at the
24 expense of the Department. The Department or Board may order
25 the examining physician to present testimony concerning the
26 mental or physical examination of the licensee or applicant. No

1 information shall be excluded by reason of any common law or
2 statutory privilege relating to communications between the
3 licensee or applicant and the examining physician. The
4 examining physicians shall be specifically designated by the
5 Board or Department. The individual to be examined may have, at
6 his or her own expense, another physician of his or her choice
7 present during all aspects of this examination. Failure of an
8 individual to submit to a mental or physical examination, when
9 directed, shall be grounds for suspension of his or her license
10 or denial of his or her application or renewal until the
11 individual submits to the examination if the Department finds,
12 after notice and hearing, that the refusal to submit to the
13 examination was without reasonable cause.

14 If the Department or Board finds an individual unable to
15 practice because of the reasons set forth in this Section, the
16 Department or Board may require that individual to submit to
17 care, counseling, or treatment by physicians approved or
18 designated by the Department or Board, as a condition, term, or
19 restriction for continued, reinstated, or renewed licensure to
20 practice; or, in lieu of care, counseling, or treatment, the
21 Department may file, or the Board may recommend to the
22 Department to file, a complaint to immediately suspend, revoke,
23 deny, or otherwise discipline the license of the individual. An
24 individual whose license was granted, continued, reinstated,
25 renewed, disciplined or supervised subject to such terms,
26 conditions, or restrictions, and who fails to comply with such

1 terms, conditions, or restrictions, shall be referred to the
2 Secretary for a determination as to whether the individual
3 shall have his or her license suspended immediately, pending a
4 hearing by the Department.

5 In instances in which the Secretary immediately suspends a
6 person's license under this Section, a hearing on that person's
7 license must be convened by the Department within 30 days after
8 the suspension and completed without appreciable delay. The
9 Department and Board shall have the authority to review the
10 subject individual's record of treatment and counseling
11 regarding the impairment to the extent permitted by applicable
12 federal statutes and regulations safeguarding the
13 confidentiality of medical records.

14 An individual licensed under this Act and affected under
15 this Section shall be afforded an opportunity to demonstrate to
16 the Department or Board that he or she can resume practice in
17 compliance with acceptable and prevailing standards under the
18 provisions of his or her license.

19 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;
20 98-756, eff. 7-16-14.)

21 (225 ILCS 427/90)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 90. Violations; injunctions; cease and desist orders.

24 (a) If any person violates a provision of this Act, the
25 Secretary may, in the name of the People of the State of

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

12 (b) If any person provides, ~~entity or other business may~~
13 ~~provide~~ community association management services or provides
14 ~~provide~~ services as community association manager to any
15 community association in this State without having a valid
16 license under this Act, then any licensee, any interested party
17 or any person injured thereby may, in addition to the
18 Secretary, petition for relief as provided in subsection (a) of
19 this Section.

20 (c) Whenever in the opinion of the Department any person,~~7~~
21 ~~entity or other business~~ violates any provision of this Act,
22 the Department may issue a rule to show cause why an order to
23 cease and desist should not be entered against such person,~~7~~
24 ~~firm or other entity~~. The rule shall clearly set forth the
25 grounds relied upon by the Department and shall provide a
26 period of at least 7 days from the date of the rule to file an

1 answer to the satisfaction of the Department. If the person,
2 ~~firm or other entity~~ fails to file an answer satisfactory to
3 the Department, the matter shall be considered as a default and
4 the Department may cause an order to cease and desist to be
5 issued immediately.

6 (Source: P.A. 96-726, eff. 7-1-10.)

7 (225 ILCS 427/92)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 92. Unlicensed practice; violation; civil penalty.

10 (a) Any person, ~~entity or other business~~ who practices,
11 offers to practice, attempts to practice, or holds himself,
12 herself or itself out to practice as a community association
13 manager ~~or community association management firm~~ or provide
14 services as a community association manager ~~or community~~
15 ~~association management firm~~ to any community association in
16 this State without being licensed under this Act shall, in
17 addition to any other penalty provided by law, pay a civil
18 penalty to the Department in an amount not to exceed \$10,000
19 for each offense, as determined by the Department. The civil
20 penalty shall be assessed by the Department after a hearing is
21 held in accordance with the provisions set forth in this Act
22 regarding the provision of a hearing for the discipline of a
23 licensee.

24 (b) The Department may investigate any and all unlicensed
25 activity.

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

6 (Source: P.A. 98-365, eff. 1-1-14.)

7 (225 ILCS 427/95)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 95. Investigation; notice and hearing. The Department
10 may investigate the actions or qualifications of a person,
11 ~~entity or other business~~ holding or claiming to hold a license.
12 Before suspending, revoking, placing on probationary status,
13 or taking any other disciplinary action as the Department may
14 deem proper with regard to any license, at least 30 days before
15 the date set for the hearing, the Department shall (i) notify
16 the accused in writing of any charges made and the time and
17 place for a hearing on the charges before the Board, (ii)
18 direct the individual ~~or entity~~ to file a written answer to the
19 charges with the Board under oath within 20 days after the
20 service on him or her of such notice, and (iii) inform the
21 person, ~~entity or other business~~ that if the person, ~~entity, or~~
22 ~~other business~~ fails to file an answer, default will be taken
23 against such person, ~~entity, or other business~~ and the license
24 of such person, ~~entity, or other business~~ may be suspended,
25 revoked, placed on probationary status, or other disciplinary

1 action taken with regard to the license, including limiting the
2 scope, nature, or extent of his or her practice, as the
3 Department may deem proper. Written notice may be served by
4 personal delivery or by registered or certified mail to the
5 applicant or licensee at his or her last address of record with
6 the Department. In case the person fails to file an answer
7 after receiving notice, his or her license may, in the
8 discretion of the Department, be suspended, revoked, or placed
9 on probationary status, or the Department may take whatever
10 disciplinary action deemed proper, including limiting the
11 scope, nature, or extent of the person's practice or the
12 imposition of a fine, without a hearing, if the act or acts
13 charged constitute sufficient grounds for such action under
14 this Act. The written answer shall be served by personal
15 delivery, certified delivery, or certified or registered mail
16 to the Department. At the time and place fixed in the notice,
17 the Department shall proceed to hear the charges and the
18 parties or their counsel shall be accorded ample opportunity to
19 present such statements, testimony, evidence, and argument as
20 may be pertinent to the charges or to the defense thereto. The
21 Department may continue such hearing from time to time. At the
22 discretion of the Secretary after having first received the
23 recommendation of the Board, the accused person's license may
24 be suspended or revoked, if the evidence constitutes sufficient
25 grounds for such action under this Act.

26 (Source: P.A. 96-726, eff. 7-1-10; 97-333, eff. 8-12-11.)

1 (225 ILCS 427/155)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 155. Violations; penalties.

4 (a) A person who violates any of the following provisions
5 shall be guilty of a Class A misdemeanor; a person who commits
6 a second or subsequent violation of these provisions is guilty
7 of a Class 4 felony:

8 (1) The practice of or attempted practice of or holding
9 out as available to practice as a community association
10 manager ~~or supervising community association manager~~
11 without a license.

12 (2) (Blank). ~~Operation of or attempt to operate a~~
13 ~~community association management firm without a firm~~
14 ~~license or a designated supervising community association~~
15 ~~manager.~~

16 (3) The obtaining of or the attempt to obtain any
17 license or authorization issued under this Act by
18 fraudulent misrepresentation.

19 (b) Whenever a licensee is convicted of a felony related to
20 the violations set forth in this Section, the clerk of the
21 court in any jurisdiction shall promptly report the conviction
22 to the Department and the Department shall immediately revoke
23 any license authorized under this Act held by that licensee.
24 The licensee shall not be eligible for licensure under this Act
25 until at least 10 years have elapsed since the time of full

1 discharge from any sentence imposed for a felony conviction. If
2 any person in making any oath or affidavit required by this Act
3 swears falsely, the person is guilty of perjury and may be
4 punished accordingly.

5 (Source: P.A. 98-365, eff. 1-1-14; 99-78, eff. 7-20-15.)

6 (225 ILCS 427/165)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 165. Home rule. The regulation and licensing of
9 community association managers, ~~supervising community~~
10 ~~association managers, and community association management~~
11 ~~firms~~ are exclusive powers and functions of the State. A home
12 rule unit may not regulate or license community association
13 managers, ~~supervising community association managers, or~~
14 ~~community association management firms~~. This Section is a
15 denial and limitation of home rule powers and functions under
16 subsection (h) of Section 6 of Article VII of the Illinois
17 Constitution.

18 (Source: P.A. 98-365, eff. 1-1-14.)

19 (225 ILCS 427/42 rep.)

20 (225 ILCS 427/50 rep.)

21 Section 10. The Community Association Manager Licensing
22 and Disciplinary Act is amended by repealing Sections 42 and
23 50.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".