



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

Introduced 02/05/04, by Tom Cross, Angelo Saviano, Chapin Rose

#### SYNOPSIS AS INTRODUCED:

New Act

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

LRB093 17677 AMC 43353 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

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

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

1           (4.5) "Department" means the Department of  
2 Professional Regulation.

3           (4.6) "Director" means the Director of Professional  
4 Regulation.

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

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

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

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

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

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

32           (11) "State" means a State of the United States, the  
33 District of Columbia, Puerto Rico, the United States Virgin  
34 Islands, or any territory or insular possession subject to  
35 the jurisdiction of the United States.

36           (12) "Student-athlete" means an individual who engages

1 in, is eligible to engage in, or may be eligible in the  
2 future to engage in, any intercollegiate sport. If an  
3 individual is permanently ineligible to participate in a  
4 particular intercollegiate sport, the individual is not a  
5 student-athlete for purposes of that sport.

6 Section 2.1. Powers and duties of the Department. The  
7 Department may exercise the following powers and duties subject  
8 to the provisions of this Act:

9 (1) To prescribe forms of application for certificates  
10 of registration.

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

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

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

19 Section 3. Service of process; subpoenas.

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

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

27 Section 4. Athlete agents; registration required; void  
28 contracts.

29 (a) Except as otherwise provided in subsection (b), an  
30 individual may not act as an athlete agent in this State  
31 without holding a certificate of registration under Section 6  
32 or 8.

33 (b) Before being issued a certificate of registration, an

1 individual may act as an athlete agent in this state for all  
2 purposes except signing an agency contract, if:

3 (1) a student-athlete or another person acting on  
4 behalf of the student-athlete initiates communication with  
5 the individual; and

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

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

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

20 (1) the name of the applicant and the address of the  
21 applicant's principal place of business;

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

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

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

28 (A) formal training as an athlete agent;

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

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

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

35 (6) the name, sport, and last known team for each

1 individual for whom the applicant acted as an athlete agent  
2 during the five years next preceding the date of submission  
3 of the application;

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

5 (A) with respect to the athlete agent's business if  
6 it is not a corporation, the partners, members,  
7 officers, managers, associates, or profit-sharers of  
8 the business; and

9 (B) with respect to a corporation employing the  
10 athlete agent, the officers, directors, and any  
11 shareholder of the corporation having an interest of  
12 five percent or greater;

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

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

21 (10) any instance in which the conduct of the applicant  
22 or any person named pursuant to paragraph (7) resulted in  
23 the imposition of a sanction, suspension, or declaration of  
24 ineligibility to participate in an interscholastic or  
25 intercollegiate athletic event on a student-athlete or  
26 educational institution;

27 (11) any sanction, suspension, or disciplinary action  
28 taken against the applicant or any person named pursuant to  
29 paragraph (7) arising out of occupational or professional  
30 conduct; and

31 (12) whether there has been any denial of an  
32 application for, suspension or revocation of, or refusal to  
33 renew, the registration or licensure of the applicant or  
34 any person named pursuant to paragraph (7) as an athlete  
35 agent in any State.

1 Section 5.5. Public records.

2 (a) All information required by the Department of any  
3 applicant for registration shall be a public record, except  
4 financial information.

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

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

12 Section 6. Certificate of registration; issuance or  
13 denial; renewal.

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

18 (b) The Department may refuse to issue a certificate of  
19 registration if the Department determines that the applicant  
20 has engaged in conduct that has a significant adverse effect on  
21 the applicant's fitness to act as an athlete agent. In making  
22 the determination, the Department may consider whether the  
23 applicant has:

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

27 (2) made a materially false, misleading, deceptive, or  
28 fraudulent representation in the application or as an  
29 athlete agent;

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

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

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

1 (6) engaged in conduct the consequence of which was  
2 that a sanction, suspension, or declaration of  
3 ineligibility to participate in an interscholastic or  
4 intercollegiate athletic event was imposed on a  
5 student-athlete or educational institution; or

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

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

11 (1) how recently the conduct occurred;

12 (2) the nature of the conduct and the context in which  
13 it occurred; and

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

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

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

31 (1) was submitted in the other State within six months  
32 next preceding the filing in this State and the applicant  
33 certifies the information contained in the application for  
34 renewal is current;

35 (2) contains information substantially similar to or  
36 more comprehensive than that required in an application for



1 renewal submitted in this State; and

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

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

6 Section 7. Suspension, revocation, or refusal to renew  
7 registration.

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

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

15 Section 8. Temporary registration.

16 (a) The Department may issue a temporary certificate of  
17 registration while an application for registration or renewal  
18 of registration is pending.

19 (b) A temporary certificate shall be issued by the  
20 Department to an individual who holds a certificate,  
21 registration, or license as an athlete agent in another State  
22 and submits a copy of the certificate, registration, or license  
23 in lieu of submitting an application in the form prescribed  
24 pursuant to Section 5.

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

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

32 Section 8.5. Expiration of registration.

33 (a) Registrations shall expire at midnight on June 30 of

1 each odd-numbered year.

2 (b) Failure to renew a registration prior to its expiration  
3 shall cause the registration to become nonrenewed and it shall  
4 be unlawful thereafter for the registrant to engage, offer to  
5 engage, or hold himself or herself out as engaging as a  
6 registered athlete agent under the registration unless the  
7 registration is restored or reissued as defined by rule.

8 Section 9. Fees.

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

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

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

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

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

22 Section 10. Required form of contract.

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

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

26 (1) the amount and method of calculating the  
27 consideration to be paid by the student-athlete for  
28 services to be provided by the athlete agent under the  
29 contract and any other consideration the athlete agent has  
30 received or will receive from any other source for entering  
31 into the contract or for providing the services;

32 (2) the name of any person not listed in the  
33 application for registration or renewal of registration  
34 who will be compensated because the student-athlete signed

1 the agency contract;

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

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

6 (5) the duration of the contract; and

7 (6) the date of execution.

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

11 WARNING TO STUDENT-ATHLETE

12 IF YOU SIGN THIS CONTRACT:

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

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

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

23 (d) An agency contract that does not conform to this  
24 Section is voidable by the student-athlete. If a  
25 student-athlete voids an agency contract, the student-athlete  
26 is not required to pay any consideration under the contract or  
27 to return any consideration received from the athlete agent to  
28 induce the student-athlete to enter into the contract.

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

32 Section 11. Notice to educational institution.

33 (a) Within 72 hours after entering into an agency contract  
34 or before the next scheduled athletic event in which the  
35 student-athlete may participate, whichever occurs first, the

1 athlete agent shall give notice in a record of the existence of  
2 the contract to the athletic director of the educational  
3 institution at which the student-athlete is enrolled or the  
4 athlete agent has reasonable grounds to believe the  
5 student-athlete intends to enroll.

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

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

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

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

18 (c) If a student-athlete cancels an agency contract, the  
19 student-athlete is not required to pay any consideration under  
20 the contract or to return any consideration received from the  
21 athlete agent to induce the student-athlete to enter into the  
22 contract.

23 Section 13. Required records.

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

26 (1) the name and address of each individual represented  
27 by the athlete agent;

28 (2) any agency contract entered into by the athlete  
29 agent; and

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

33 (b) Records required by subsection (a) to be retained are  
34 open to inspection by the Department during normal business

1 hours.

2 Section 14. Prohibited conduct.

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

5 (1) give any materially false or misleading  
6 information or make a materially false promise or  
7 representation;

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

11 (3) furnish anything of value to any individual other  
12 than the student-athlete or another registered athlete  
13 agent.

14 (b) An athlete agent may not intentionally:

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

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

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

20 (4) provide materially false or misleading information  
21 in an application for registration or renewal of  
22 registration;

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

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

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

31 Section 16. Civil remedies.

32 (a) An educational institution has a right of action  
33 against an athlete agent or a former student-athlete for

1 damages caused by a violation of this Act. In an action under  
2 this Section, the court may award to the prevailing party costs  
3 and reasonable attorney's fees.

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

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

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

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

22 Section 17. Grounds for disciplinary action.

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

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

30 (2) Conviction of any crime under the laws of any U.S.  
31 jurisdiction that is a felony or that is a misdemeanor, an  
32 essential element of which is dishonesty, or of any crime  
33 that directly relates to the practice of the profession.

34 (3) Making any misrepresentation for the purpose of  
35 obtaining a registration.

1 (4) Gross malpractice, prima facie evidence of which  
2 may be a conviction or judgment of malpractice in any court  
3 of competent jurisdiction.

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

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

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

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

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

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

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

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

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

1 or obtained by fraudulent means.

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

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

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

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

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

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

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

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

31 (d) The determination by a court that a registrant is  
32 subject to involuntary admission or judicial admission as  
33 provided in the Mental Health and Developmental Disabilities  
34 Code will result in an automatic suspension of his or her  
35 registration. The suspension will end upon a finding by a court  
36 that the registrant is no longer subject to involuntary



1 admission or judicial admission, the issuance of an order so  
2 finding and discharging the patient, and the recommendation of  
3 the Board to the Director that the registrant be allowed to  
4 resume professional practice.

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

22 Section 19. Court orders. Any circuit court may, upon  
23 application of the Department or its designee or of the  
24 applicant or registrant against whom proceedings are pending,  
25 enter an order requiring the attendance of witnesses and their  
26 testimony and the production of documents, papers, files,  
27 books, and records in connection with any hearing or  
28 investigation. The court may compel obedience to its order by  
29 proceedings for contempt.

30 Section 20. Subpoenas; administration of oaths. The  
31 Department has power to subpoena and bring before it any person  
32 in this State and to take testimony orally, by deposition, or  
33 both or to subpoena documents, exhibits, or other materials

1 with the same fees and mileage and in the same manner as  
2 prescribed by law in judicial proceedings in civil cases in  
3 circuit courts of this State.

4 The Director has the power to administer oaths to witnesses  
5 at any hearing that the Department is authorized by law to  
6 conduct. The Director has the power to administer any other  
7 oaths required or authorized to be administered by the  
8 Department under this Act.

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

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

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

30 Section 22. Temporary suspension. The Director may  
31 temporarily suspend a person's registration without a hearing,  
32 simultaneously with the institution of proceedings for a  
33 hearing provided for in this Act, if the Director finds that  
34 evidence in his or her possession indicates that continuation

1 in practice by that person would constitute an imminent danger  
2 to the public. In the event that the Director temporarily  
3 suspends a registration without a hearing, the Department shall  
4 hold a hearing within 30 days after the suspension has  
5 occurred.

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

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

23 Section 25. Certification of record; costs. The Department  
24 shall not be required to certify any record to the court, to  
25 file an answer in court, or to otherwise appear in any court in  
26 a judicial review proceeding, unless there is filed in the  
27 court, with the complaint, a receipt from the Department  
28 acknowledging payment of the costs of furnishing and certifying  
29 the record. Failure on the part of the plaintiff to file the  
30 receipt in court is grounds for dismissal of the action.

31 Section 26. Returned checks; fines. A person who delivers a  
32 check or other payment to the Department that is returned to

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

23 Section 27. Hearing officer. The Director has the authority  
24 to appoint any attorney duly registered to practice law in the  
25 State of Illinois to serve as the hearing officer for any  
26 action for refusal to issue or renew a registration, for  
27 discipline of a registrant, for sanctions, for unregistered  
28 practice, for restoration of a registration, or for any other  
29 action for which findings of fact, conclusions of law, and  
30 recommendations are required pursuant to Section 21 of this  
31 Act. The hearing officer shall have full authority to conduct  
32 the hearing and shall issue his or her findings of fact and  
33 recommendations to the Director pursuant to Section 21 of this  
34 Act.

1 Section 28. Enforcement; petition to court.

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

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

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

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

1           Section 29. Unregistered practice; violation; civil  
2 penalty.

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

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

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

19           Section 30. Electronic Signatures in Global and National  
20 Commerce Act. The provisions of this Act governing the legal  
21 effect, validity, or enforceability of electronic records or  
22 signatures, and of contracts formed or performed with the use  
23 of such records or signatures conform to the requirements of  
24 Section 102 of the Electronic Signatures in Global and National  
25 Commerce Act, Pub. L. No. 106-229, 114 Stat. 464 (2000), and  
26 supersede, modify, and limit the Electronic Signatures in  
27 Global and National Commerce Act.

28           Section 31. Severability. If any provision of this Act or  
29 its application to any person or circumstance is held invalid,  
30 the invalidity does not affect other provisions or applications  
31 of this Act which can be given effect without the invalid  
32 provision or application, and to this end the provisions of  
33 this Act are severable.