



Rep. Angelo Saviano

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LRB097 08574 CEL 55043 a

1 AMENDMENT TO SENATE BILL 1539

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1539 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.22 and by adding Section 4.32 as follows:

6 (5 ILCS 80/4.22)

7 Sec. 4.22. Acts repealed on January 1, 2012. The following  
8 Acts are repealed on January 1, 2012:

9 The Detection of Deception Examiners Act.

10 The Home Inspector License Act.

11 The Interior Design Title Act.

12 The Massage Licensing Act.

13 The Petroleum Equipment Contractors Licensing Act.

14 The Professional Boxing Act.

15 ~~The Real Estate Appraiser Licensing Act of 2002.~~

16 The Water Well and Pump Installation Contractor's License

1 Act.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 (5 ILCS 80/4.32 new)

4 Sec. 4.32. Act repealed on January 1, 2022. The following  
5 Act is repealed on January 1, 2022:

6 The Real Estate Appraiser Licensing Act of 2002.

7 Section 10. The Real Estate Appraiser Licensing Act of 2002  
8 is amended changing Sections 1-10, 5-5, 5-55, 10-5, 10-10,  
9 10-20, 15-10, 15-30, and 25-15 and by adding Sections 10-17 and  
10 15-65 as follows:

11 (225 ILCS 458/1-10)

12 (Section scheduled to be repealed on January 1, 2012)

13 Sec. 1-10. Definitions. As used in this Act, unless the  
14 context otherwise requires:

15 "Accredited college or university, junior college, or  
16 community college" means a college or university, junior  
17 college, or community college that is approved or accredited by  
18 the Board of Higher Education, a regional or national  
19 accreditation association, or by an accrediting agency that is  
20 recognized by the U.S. Secretary of Education.

21 "Address of record" means the designated address recorded  
22 by the Department in the applicant's or licensee's application  
23 file or license file as maintained by the Department's

1 licensure maintenance unit. It is the duty of the applicant or  
2 licensee to inform the Department of any change of address and  
3 those changes must be made either through the Department's  
4 website or by contacting the Department.

5 "Applicant" means person who applies to the Department for  
6 a license under this Act.

7 "Appraisal" means (noun) the act or process of developing  
8 an opinion of value; an opinion of value (adjective) of or  
9 pertaining to appraising and related functions, such as  
10 appraisal practice or appraisal services.

11 "Appraisal assignment" means a valuation service provided  
12 as a consequence of an agreement between an appraiser and a  
13 client.

14 "Appraisal consulting" means the act or process of  
15 developing an analysis, recommendation, or opinion to solve a  
16 problem, where an opinion of value is a component of the  
17 analysis leading to the assignment results.

18 "Appraisal firm" means an appraisal entity that is 100%  
19 owned and controlled by a person or persons licensed in  
20 Illinois as a certified general real estate appraiser or a  
21 certified residential real estate appraiser. "Appraisal firm"  
22 does not include an appraisal management company.

23 "Appraisal management company" means any corporation,  
24 limited liability company, partnership, sole proprietorship,  
25 subsidiary, unit, or other business entity that directly or  
26 indirectly performs the following appraisal management

1 services: (1) administers networks of independent contractors  
2 or employee appraisers to perform real estate appraisal  
3 assignments for clients; (2) receives requests for real estate  
4 appraisal services from clients and, for a fee paid by the  
5 client, enters into an agreement with one or more independent  
6 appraisers to perform the real estate appraisal services  
7 contained in the request; or (3) otherwise serves as a  
8 third-party broker of appraisal management services between  
9 clients and appraisers. "Appraisal management company" does  
10 not include an appraisal firm.

11 "Appraisal practice" means valuation services performed by  
12 an individual acting as an appraiser, including, but not  
13 limited to, appraisal, appraisal review, or appraisal  
14 consulting.

15 "Appraisal report" means any communication, written or  
16 oral, of an appraisal, appraisal review, or appraisal  
17 consulting service that is transmitted to a client upon  
18 completion of an assignment.

19 "Appraisal review" means the act or process of developing  
20 and communicating an opinion about the quality of another  
21 appraiser's work that was performed as part of an appraisal,  
22 appraisal review, or appraisal assignment.

23 "Appraisal Subcommittee" means the Appraisal Subcommittee  
24 of the Federal Financial Institutions Examination Council as  
25 established by Title XI.

26 "Appraiser" means a person who performs real estate or real

1 property appraisals.

2 "AQB" means the Appraisal Qualifications Board of the  
3 Appraisal Foundation.

4 "Associate real estate trainee appraiser" means an  
5 entry-level appraiser who holds a license of this  
6 classification under this Act with restrictions as to the scope  
7 of practice in accordance with this Act.

8 "Board" means the Real Estate Appraisal Administration and  
9 Disciplinary Board.

10 "Classroom hour" means 50 minutes of instruction out of  
11 each 60 minute segment of coursework.

12 "Client" means the party or parties who engage an appraiser  
13 by employment or contract in a specific appraisal assignment.

14 "Coordinator" means the Coordinator of Real Estate  
15 Appraisal of the Division of Professional Regulation of the  
16 Department of Financial and Professional Regulation.

17 "Department" means the Department of Financial and  
18 Professional Regulation.

19 "Federal financial institutions regulatory agencies" means  
20 the Board of Governors of the Federal Reserve System, the  
21 Federal Deposit Insurance Corporation, the Office of the  
22 Comptroller of the Currency, the Office of Thrift Supervision,  
23 and the National Credit Union Administration.

24 "Federally related transaction" means any real  
25 estate-related financial transaction in which a federal  
26 financial institutions regulatory agency, the Department of

1 Housing and Urban Development, Fannie Mae, Freddie Mae, or the  
2 National Credit Union Administration engages in, contracts  
3 for, or regulates and requires the services of an appraiser.

4 "Financial institution" means any bank, savings bank,  
5 savings and loan association, credit union, mortgage broker,  
6 mortgage banker, licensee under the Consumer Installment Loan  
7 Act or the Sales Finance Agency Act, or a corporate fiduciary,  
8 subsidiary, affiliate, parent company, or holding company of  
9 any such licensee, or any institution involved in real estate  
10 financing that is regulated by state or federal law.

11 "Modular Course" means the Appraisal Qualifying Course  
12 Design conforming to the Sub Topics Course Outline contained in  
13 the AQB Criteria 2008.

14 "Person" means an individual, entity, sole proprietorship,  
15 corporation, limited liability company, partnership, and joint  
16 venture, foreign or domestic, except that when the context  
17 otherwise requires, the term may refer to more than one  
18 individual or other described entity.

19 "Real estate" means an identified parcel or tract of land,  
20 including any improvements.

21 "Real estate related financial transaction" means any  
22 transaction involving:

23 (1) the sale, lease, purchase, investment in, or  
24 exchange of real property, including interests in property  
25 or the financing thereof;

26 (2) the refinancing of real property or interests in

1 real property; and

2 (3) the use of real property or interest in property as  
3 security for a loan or investment, including mortgage  
4 backed securities.

5 "Real property" means the interests, benefits, and rights  
6 inherent in the ownership of real estate.

7 "Secretary" means the Secretary of Financial and  
8 Professional Regulation.

9 "State certified general real estate appraiser" means an  
10 appraiser who holds a license of this classification under this  
11 Act and such classification applies to the appraisal of all  
12 types of real property without restrictions as to the scope of  
13 practice.

14 "State certified residential real estate appraiser" means  
15 an appraiser who holds a license of this classification under  
16 this Act and such classification applies to the appraisal of  
17 one to 4 units of residential real property without regard to  
18 transaction value or complexity, but with restrictions as to  
19 the scope of practice in a federally related transaction in  
20 accordance with Title XI, the provisions of USPAP, criteria  
21 established by the AQB, and further defined by rule.

22 "Supervising appraiser" means either (i) an appraiser who  
23 holds a valid license under this Act as either a State  
24 certified general real estate appraiser or a State certified  
25 residential real estate appraiser, who co-signs an appraisal  
26 report for an associate real estate trainee appraiser or (ii) a

1 State certified general real estate appraiser who holds a valid  
2 license under this Act who co-signs an appraisal report for a  
3 State certified residential real estate appraiser on  
4 properties other than one to 4 units of residential real  
5 property without regard to transaction value or complexity.

6 "Title XI" means Title XI of the federal Financial  
7 Institutions Reform, Recovery and Enforcement Act of 1989.

8 "USPAP" means the Uniform Standards of Professional  
9 Appraisal Practice as promulgated by the Appraisal Standards  
10 Board pursuant to Title XI and by rule.

11 "Valuation services" means services pertaining to aspects  
12 of property value.

13 (Source: P.A. 96-844, eff. 12-23-09.)

14 (225 ILCS 458/5-5)

15 (Section scheduled to be repealed on January 1, 2012)

16 Sec. 5-5. Necessity of license; use of title; exemptions.

17 (a) It is unlawful for a person to (i) act, offer services,  
18 or advertise services as a State certified general real estate  
19 appraiser, State certified residential real estate appraiser,  
20 or associate real estate trainee appraiser, (ii) develop a real  
21 estate appraisal, (iii) practice as a real estate appraiser, or  
22 (iv) advertise or hold himself or herself out to be a real  
23 estate appraiser, ~~or (v) solicit clients or enter into an~~  
24 ~~appraisal engagement with clients~~ without a license issued  
25 under this Act. A person who violates this subsection is guilty

1 of a Class A misdemeanor for a first offense and a Class 4  
2 felony for any subsequent offense.

3 (a-5) It is unlawful for a person, unless registered as an  
4 appraisal management company, to solicit clients or enter into  
5 an appraisal engagement with clients without either a certified  
6 residential real estate appraiser license or a certified  
7 general real estate appraiser license issued under this Act. A  
8 person who violates this subsection is guilty of a Class A  
9 misdemeanor for a first offense and a Class 4 felony for any  
10 subsequent offense.

11 (b) It is unlawful for a person, other than a person who  
12 holds a valid license issued pursuant to this Act as a State  
13 certified general real estate appraiser, a State certified  
14 residential real estate appraiser, or an associate real estate  
15 trainee appraiser to use these titles or any other title,  
16 designation, or abbreviation likely to create the impression  
17 that the person is licensed as a real estate appraiser pursuant  
18 to this Act. A person who violates this subsection is guilty of  
19 a Class A misdemeanor for a first offense and a Class 4 felony  
20 for any subsequent offense.

21 (c) The licensing requirements of this Act do not require a  
22 person who holds a valid license pursuant to the Real Estate  
23 License Act of 2000, to be licensed as a real estate appraiser  
24 under this Act, unless that person is providing or attempting  
25 to provide an appraisal report, as defined in Section 1-10 of  
26 this Act, in connection with a federally-related transaction.

1 Nothing in this Act shall prohibit a person who holds a valid  
2 license under the Real Estate License Act of 2000 from  
3 performing a comparative market analysis or broker price  
4 opinion for compensation, provided that the person does not  
5 hold himself out as being a licensed real estate appraiser.

6 (d) Nothing in this Act shall preclude a State certified  
7 general real estate appraiser, a State certified residential  
8 real estate appraiser, or an associate real estate trainee  
9 appraiser from rendering appraisals for or on behalf of a  
10 partnership, association, corporation, firm, or group.  
11 However, no State appraisal license or certification shall be  
12 issued under this Act to a partnership, association,  
13 corporation, firm, or group.

14 (e) This Act does not apply to a county assessor, township  
15 assessor, multi-township assessor, county supervisor of  
16 assessments, or any deputy or employee of any county assessor,  
17 township assessor, multi-township assessor, or county  
18 supervisor of assessments who is performing his or her  
19 respective duties in accordance with the provisions of the  
20 Property Tax Code.

21 (f) A State real estate appraisal certification or license  
22 is not required under this Act for any of the following:

23 (1) A person, partnership, association, or corporation  
24 that performs appraisals of property owned by that person,  
25 partnership, association, or corporation for the sole use  
26 of that person, partnership, association, or corporation.

1           (2) A court-appointed commissioner who conducts an  
2           appraisal pursuant to a judicially ordered evaluation of  
3           property.

4           However, any person who is certified or licensed under this Act  
5           and who performs any of the activities set forth in this  
6           subsection (f) must comply with the provisions of this Act. A  
7           person who violates this subsection (f) is guilty of a Class A  
8           misdemeanor for a first offense and a Class 4 felony for any  
9           subsequent offense.

10          (g) This Act does not apply to an employee, officer,  
11          director, or member of a credit or loan committee of a  
12          financial institution or any other person engaged by a  
13          financial institution when performing an evaluation of real  
14          property for the sole use of the financial institution in a  
15          transaction for which the financial institution would not be  
16          required to use the services of a State licensed or State  
17          certified appraiser pursuant to federal regulations adopted  
18          under Title XI of the federal Financial Institutions Reform,  
19          Recovery, and Enforcement Act of 1989, nor does this Act apply  
20          to the procurement of an automated valuation model.

21          "Automated valuation model" means an automated system that  
22          is used to derive a property value through the use of publicly  
23          available property records and various analytic methodologies  
24          such as comparable sales prices, home characteristics, and  
25          historical home price appreciations.

26          (Source: P.A. 96-844, eff. 12-23-09.)

1 (225 ILCS 458/5-55)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 5-55. Fees. The Department shall establish rules for  
4 fees to be paid by applicants and licensees to cover the  
5 reasonable costs of the Department in administering and  
6 enforcing the provisions of this Act. The Department, with the  
7 advice of the Board, may also establish rules for general fees  
8 to cover the reasonable expenses of carrying out other  
9 functions and responsibilities under this Act.

10 (Source: P.A. 96-844, eff. 12-23-09.)

11 (225 ILCS 458/10-5)

12 (Section scheduled to be repealed on January 1, 2012)

13 Sec. 10-5. Scope of practice.

14 (a) This Act does not limit a State certified general real  
15 estate appraiser in his or her scope of practice in a federally  
16 related transaction. A certified general real estate appraiser  
17 may independently provide appraisal services, review, or  
18 consulting relating to any type of property for which he or she  
19 has experience or is competent. All such appraisal practice  
20 must be made in accordance with the provisions of USPAP,  
21 criteria established by the AQB, and rules adopted pursuant to  
22 this Act.

23 (b) A State certified residential real estate appraiser is  
24 limited in his or her scope of practice to ~~in a federally~~

1 ~~related transaction as provided by Title XI,~~ the provisions of  
2 USPAP, criteria established by the AQB, and the rules adopted  
3 pursuant to this Act.

4 (c) A State certified residential real estate appraiser  
5 must have a State certified general real estate appraiser who  
6 holds a valid license under this Act co-sign all appraisal  
7 reports on properties other than one to 4 units of residential  
8 real property without regard to transaction value or  
9 complexity.

10 (d) An associate real estate trainee appraiser is limited  
11 in his or her scope of practice in all transactions in  
12 accordance with the provisions of USPAP, this Act, and the  
13 rules adopted pursuant to this Act. In addition, an associate  
14 real estate trainee appraiser shall be required to have a State  
15 certified general real estate appraiser or State certified  
16 residential real estate appraiser who holds a valid license  
17 under this Act to co-sign all appraisal reports. The associate  
18 real estate trainee appraiser licensee may not have more than 3  
19 supervising appraisers, and a supervising appraiser may not  
20 supervise more than 3 associate real estate trainee appraisers  
21 at one time. A chronological appraisal log on an approved log  
22 form shall be maintained by the associate real estate trainee  
23 appraiser and shall be made available to the Department upon  
24 request.

25 (Source: P.A. 96-844, eff. 12-23-09.)

1 (225 ILCS 458/10-10)

2 (Section scheduled to be repealed on January 1, 2012)

3 Sec. 10-10. Standards of practice. All persons licensed  
4 under this Act must comply with standards of professional  
5 appraisal practice adopted by the Department. The Department  
6 must adopt, as part of its rules, the Uniform Standards of  
7 Professional Appraisal Practice (USPAP) as published from time  
8 to time by the Appraisal Standards Board of the Appraisal  
9 Foundation. The Department shall consider federal laws and  
10 regulations regarding the licensure of real estate appraisers  
11 prior to adopting its rules for the administration of this Act.  
12 When an appraisal obtained through an appraisal management  
13 company is used for loan purposes, the borrower or loan  
14 applicant shall be provided with a written disclosure of the  
15 total compensation to the appraiser or appraisal firm within  
16 the certification of the appraisal report and it shall not be  
17 redacted or otherwise obscured

18 (Source: P.A. 96-844, eff. 12-23-09.)

19 (225 ILCS 458/10-17 new)

20 Sec. 10-17. Survey. Within 12 months after the effective  
21 date of this amendatory Act of the 97th General Assembly, the  
22 Department or its designee shall conduct a survey of fees for  
23 appraisal services for single-family residences, two-family  
24 residences, three-family residences, and four-family  
25 residences. The fee survey shall exclude assignments ordered by

1 known appraisal management companies and complex assignments.  
2 The Department may conduct additional surveys as necessitated  
3 by rules adopted pursuant to the federal Dodd-Frank Wall Street  
4 Reform and Consumer Protection Act. The Department may assess  
5 an additional fee at the time of licensure or renewal to cover  
6 the expenses of carrying out this Section.

7 (225 ILCS 458/10-20)

8 (Section scheduled to be repealed on January 1, 2012)

9 Sec. 10-20. Retention of records. A person licensed under  
10 this Act shall retain records as required by the most recent  
11 version of the USPAP and as further defined by rule ~~the~~  
12 ~~original copy of all written contracts engaging his or her~~  
13 ~~services as an appraiser and all appraisal reports, including~~  
14 ~~any supporting data used to develop the appraisal report, for a~~  
15 ~~period of 5 years or 2 years after the final disposition of any~~  
16 ~~judicial proceeding in which testimony was given, whichever is~~  
17 ~~longer. In addition, a person licensed under this Act shall~~  
18 ~~retain contracts, logs, and appraisal reports used in meeting~~  
19 ~~pre-license experience requirements for a period of 5 years and~~  
20 ~~shall be made available to the Department upon request.~~

21 (Source: P.A. 96-844, eff. 12-23-09.)

22 (225 ILCS 458/15-10)

23 (Section scheduled to be repealed on January 1, 2012)

24 Sec. 15-10. Grounds for disciplinary action.

1 (a) The Department may suspend, revoke, refuse to issue,  
2 renew, or restore a license and may reprimand place on  
3 probation or administrative supervision, or take any  
4 disciplinary or non-disciplinary action, including imposing  
5 conditions limiting the scope, nature, or extent of the real  
6 estate appraisal practice of a licensee or reducing the  
7 appraisal rank of a licensee, and may impose an administrative  
8 fine not to exceed \$25,000 for each violation upon a licensee  
9 for any one or combination of the following:

10 (1) Procuring or attempting to procure a license by  
11 knowingly making a false statement, submitting false  
12 information, engaging in any form of fraud or  
13 misrepresentation, or refusing to provide complete  
14 information in response to a question in an application for  
15 licensure.

16 (2) Failing to meet the minimum qualifications for  
17 licensure as an appraiser established by this Act.

18 (3) Paying money, other than for the fees provided for  
19 by this Act, or anything of value to a member or employee  
20 of the Board or the Department to procure licensure under  
21 this Act.

22 (4) Conviction by plea of guilty or nolo contendere,  
23 finding of guilt, jury verdict, or entry of judgment or by  
24 sentencing of any crime, including, but not limited to,  
25 convictions, preceding sentences of supervision,  
26 conditional discharge, or first offender probation, under

1        the laws of any jurisdiction of the United States: (i) that  
2        is a felony; or (ii) that is a misdemeanor, an essential  
3        element of which is dishonesty, or that is directly related  
4        to the practice of the profession. ~~Conviction of or entry~~  
5        ~~of a plea of guilty or nolo contendere to any crime that is~~  
6        ~~a felony under the laws of the United States or any state~~  
7        ~~or territory thereof or a misdemeanor of which an essential~~  
8        ~~element is dishonesty or that is directly related to the~~  
9        ~~practice of the profession.~~

10        (5) Committing an act or omission involving  
11        dishonesty, fraud, or misrepresentation with the intent to  
12        substantially benefit the licensee or another person or  
13        with intent to substantially injure another person as  
14        defined by rule.

15        (6) Violating a provision or standard for the  
16        development or communication of real estate appraisals as  
17        provided in Section 10-10 of this Act or as defined by  
18        rule.

19        (7) Failing or refusing without good cause to exercise  
20        reasonable diligence in developing, reporting, or  
21        communicating an appraisal, as defined by this Act or by  
22        rule.

23        (8) Violating a provision of this Act or the rules  
24        adopted pursuant to this Act.

25        (9) Having been disciplined by another state, the  
26        District of Columbia, a territory, a foreign nation, a

1 governmental agency, or any other entity authorized to  
2 impose discipline if at least one of the grounds for that  
3 discipline is the same as or the equivalent of one of the  
4 grounds for which a licensee may be disciplined under this  
5 Act.

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

9 (11) Accepting an appraisal assignment when the  
10 employment itself is contingent upon the appraiser  
11 reporting a predetermined estimate, analysis, or opinion  
12 or when the fee to be paid is contingent upon the opinion,  
13 conclusion, or valuation reached or upon the consequences  
14 resulting from the appraisal assignment.

15 (12) Developing valuation conclusions based on the  
16 race, color, religion, sex, national origin, ancestry,  
17 age, marital status, family status, physical or mental  
18 handicap, or unfavorable military discharge, as defined  
19 under the Illinois Human Rights Act, of the prospective or  
20 present owners or occupants of the area or property under  
21 appraisal.

22 (13) Violating the confidential nature of government  
23 records to which the licensee gained access through  
24 employment or engagement as an appraiser by a government  
25 agency.

26 (14) Being adjudicated liable in a civil proceeding on

1 grounds of fraud, misrepresentation, or deceit. In a  
2 disciplinary proceeding based upon a finding of civil  
3 liability, the appraiser shall be afforded an opportunity  
4 to present mitigating and extenuating circumstances, but  
5 may not collaterally attack the civil adjudication.

6 (15) Being adjudicated liable in a civil proceeding for  
7 violation of a state or federal fair housing law.

8 (16) Engaging in misleading or untruthful advertising  
9 or using a trade name or insignia of membership in a real  
10 estate appraisal or real estate organization of which the  
11 licensee is not a member.

12 (17) Failing to fully cooperate with a Department  
13 investigation by knowingly making a false statement,  
14 submitting false or misleading information, or refusing to  
15 provide complete information in response to written  
16 interrogatories or a written request for documentation  
17 within 30 days of the request.

18 (18) Failing to include within the certificate of  
19 appraisal for all written appraisal reports the  
20 appraiser's license number and licensure title. All  
21 appraisers providing significant contribution to the  
22 development and reporting of an appraisal must be disclosed  
23 in the appraisal report. It is a violation of this Act for  
24 an appraiser to sign a report, transmittal letter, or  
25 appraisal certification knowing that a person providing a  
26 significant contribution to the report has not been

1 disclosed in the appraisal report.

2 (19) Violating the terms of a disciplinary order or  
3 consent to administrative supervision order.

4 (20) Habitual or excessive use or addiction to alcohol,  
5 narcotics, stimulants, or any other chemical agent or drug  
6 that results in a licensee's inability to practice with  
7 reasonable judgment, skill, or safety.

8 (21) A physical or mental illness or disability which  
9 results in the inability to practice under this Act with  
10 reasonable judgment, skill, or safety.

11 (22) Gross negligence in developing an appraisal or in  
12 communicating an appraisal or failing to observe one or  
13 more of the Uniform Standards of Professional Appraisal  
14 Practice.

15 (23) A pattern of practice or other behavior that  
16 demonstrates incapacity or incompetence to practice under  
17 this Act.

18 (24) Using or attempting to use the seal, certificate,  
19 or license of another as his or her own; falsely  
20 impersonating any duly licensed appraiser; using or  
21 attempting to use an inactive, expired, suspended, or  
22 revoked license; or aiding or abetting any of the  
23 foregoing.

24 (25) Solicitation of professional services by using  
25 false, misleading, or deceptive advertising.

26 (26) Making a material misstatement in furnishing

1 information to the Department.

2 (27) Failure to furnish information to the Department  
3 upon written request.

4 (b) The Department may reprimand suspend, revoke, or refuse  
5 to issue or renew an education provider's license, may  
6 reprimand, place on probation, or otherwise discipline an  
7 education provider and may suspend or revoke the course  
8 approval of any course offered by an education provider and may  
9 impose an administrative fine not to exceed \$25,000 upon an  
10 education provider, for any of the following:

11 (1) Procuring or attempting to procure licensure by  
12 knowingly making a false statement, submitting false  
13 information, engaging in any form of fraud or  
14 misrepresentation, or refusing to provide complete  
15 information in response to a question in an application for  
16 licensure.

17 (2) Failing to comply with the covenants certified to  
18 on the application for licensure as an education provider.

19 (3) Committing an act or omission involving  
20 dishonesty, fraud, or misrepresentation or allowing any  
21 such act or omission by any employee or contractor under  
22 the control of the provider.

23 (4) Engaging in misleading or untruthful advertising.

24 (5) Failing to retain competent instructors in  
25 accordance with rules adopted under this Act.

26 (6) Failing to meet the topic or time requirements for

1 course approval as the provider of a pre-license curriculum  
2 course or a continuing education course.

3 (7) Failing to administer an approved course using the  
4 course materials, syllabus, and examinations submitted as  
5 the basis of the course approval.

6 (8) Failing to provide an appropriate classroom  
7 environment for presentation of courses, with  
8 consideration for student comfort, acoustics, lighting,  
9 seating, workspace, and visual aid material.

10 (9) Failing to maintain student records in compliance  
11 with the rules adopted under this Act.

12 (10) Failing to provide a certificate, transcript, or  
13 other student record to the Department or to a student as  
14 may be required by rule.

15 (11) Failing to fully cooperate with an investigation  
16 by the Department by knowingly making a false statement,  
17 submitting false or misleading information, or refusing to  
18 provide complete information in response to written  
19 interrogatories or a written request for documentation  
20 within 30 days of the request.

21 (c) In appropriate cases, the Department may resolve a  
22 complaint against a licensee through the issuance of a Consent  
23 to Administrative Supervision order. A licensee subject to a  
24 Consent to Administrative Supervision order shall be  
25 considered by the Department as an active licensee in good  
26 standing. This order shall not be reported or considered by the

1 Department to be a discipline of the licensee. The records  
2 regarding an investigation and a Consent to Administrative  
3 Supervision order shall be considered confidential and shall  
4 not be released by the Department except as mandated by law. A  
5 complainant shall be notified if his or her complaint has been  
6 resolved by a Consent to Administrative Supervision order.

7 (Source: P.A. 96-844, eff. 12-23-09.)

8 (225 ILCS 458/15-30)

9 (Section scheduled to be repealed on January 1, 2012)

10 Sec. 15-30. Statute of limitations. No action may be taken  
11 under this Act against a person licensed under this Act unless  
12 the action is commenced within 5 years after the occurrence of  
13 the alleged violation or within ~~at least~~ 2 years after final  
14 disposition of any judicial proceeding, including any appeals,  
15 in which the appraiser provided testimony related to the  
16 assignment, whichever period expires last. A continuing  
17 violation is deemed to have occurred on the date when the  
18 circumstances last existed that gave rise to the alleged  
19 continuing violation.

20 (Source: P.A. 96-844, eff. 12-23-09.)

21 (225 ILCS 458/15-65 new)

22 Sec. 15-65. Confidentiality. All information collected by  
23 the Department in the course of an examination or investigation  
24 of a licensee or applicant, including, but not limited to, any

1 complaint against a licensee filed with the Department and  
2 information collected to investigate any such complaint, shall  
3 be maintained for the confidential use of the Department and  
4 shall not be disclosed. The Department may not disclose the  
5 information to anyone other than law enforcement officials,  
6 other regulatory agencies that have an appropriate regulatory  
7 interest as determined by the Secretary, or to a party  
8 presenting a lawful subpoena to the Department. Information and  
9 documents disclosed to a federal, State, county, or local law  
10 enforcement agency shall not be disclosed by the agency for any  
11 purpose to any other agency or person. A formal complaint filed  
12 against a licensee by the Department or any order issued by the  
13 Department against a licensee or applicant shall be a public  
14 record, except as otherwise prohibited by law.

15 (225 ILCS 458/25-15)

16 (Section scheduled to be repealed on January 1, 2012)

17 Sec. 25-15. Coordinator of Real Estate Appraisal;  
18 appointment; duties. The Secretary shall appoint, subject to  
19 the Personnel Code, a Coordinator of Real Estate Appraisal. In  
20 appointing the Coordinator, the Secretary shall give due  
21 consideration to recommendations made by members,  
22 organizations, and associations of the real estate appraisal  
23 industry. On or after January 1, 2010, the Coordinator must  
24 hold a current, valid State certified general real estate  
25 appraiser license or a State certified residential real estate

1 appraiser license, which shall be surrendered to the Department  
2 during the term of his or her appointment. The Coordinator must  
3 take the 30-hour National Instructors Course on Uniform  
4 Standards of Professional Appraisal Practice. The  
5 Coordinator's license shall be returned in the same status as  
6 it was on the date of surrender, credited with all fees that  
7 came due during his or her employment. The Coordinator shall:

8 (1) serve as a member of the Real Estate Appraisal  
9 Administration and Disciplinary Board without vote;

10 (2) be the direct liaison between the Department, the  
11 profession, and the real estate appraisal industry  
12 organizations and associations;

13 (3) prepare and circulate to licensees such  
14 educational and informational material as the Department  
15 deems necessary for providing guidance or assistance to  
16 licensees;

17 (4) appoint necessary committees to assist in the  
18 performance of the functions and duties of the Department  
19 under this Act; ~~and~~

20 (5) (blank); and -

21 (6) be authorized to investigate and determine the  
22 facts of a complaint; the coordinator may interview  
23 witnesses, the complainant, and any licensees involved in  
24 the alleged matter and make a recommendation as to the  
25 findings of fact.

26 (Source: P.A. 96-844, eff. 12-23-09.)

1 (225 ILCS 458/5-21 rep.)

2 Section 15. The Real Estate Appraiser Licensing Act of 2002  
3 is amended by repealing Section 5-21.

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.".