



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB5862

Introduced 11/10/2020, by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

225 ILCS 454/10-45  
225 ILCS 454/20-20  
225 ILCS 458/10-25 new  
225 ILCS 458/15-10

Amends the Real Estate License Act of 2000. Provides that a real estate broker or managing broker may not engage in discrimination when preparing a broker price opinion or comparative market analysis for residential real estate. Provides that a real estate broker or managing broker engages in discrimination when he or she considers the actual or perceived race, color, religion, or national origin of the owner of the real estate or the residents of the geographic area in which the real estate is located when determining the market value of the real estate. Amends the Real Estate Appraiser Licensing Act of 2002. Provides that an appraiser may not engage in discrimination when preparing a comparative market analysis for residential real estate. Provides that an appraiser engages in discrimination when he or she considers the actual or perceived race, color, religion, or national origin of the owner of the real estate or the residents of the geographic area in which the real estate is located when determining the market value of the real estate. Provides for a private right of action in the circuit court and a civil action initiated by the Illinois Attorney General. Provides for professional discipline of brokers and appraisers who engage in discrimination.

LRB101 22939 HLH 74037 b

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning real estate appraisal.

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

4 Section 5. The Real Estate License Act of 2000 is amended  
5 by changing Sections 10-45 and 20-20 as follows:

6 (225 ILCS 454/10-45)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 10-45. Broker price opinions and comparative market  
9 analyses.

10 (a) A broker price opinion or comparative market analysis  
11 may be prepared or provided by a real estate broker or managing  
12 broker for any of the following:

13 (1) an existing or potential buyer or seller of an  
14 interest in real estate;

15 (2) an existing or potential lessor or lessee of an  
16 interest in real estate;

17 (3) a third party making decisions or performing due  
18 diligence related to the potential listing, offering,  
19 sale, option, lease, or acquisition price of an interest in  
20 real estate; or

21 (4) an existing or potential lienholder or other third  
22 party for any purpose other than as the primary basis to  
23 determine the market value of an interest in real estate

1 for the purpose of a mortgage loan origination by a  
2 financial institution secured by such real estate.

3 (b) A broker price opinion or comparative market analysis  
4 shall be in writing either on paper or electronically and shall  
5 include the following provisions:

6 (1) a statement of the intended purpose of the broker  
7 price opinion or comparative market analysis;

8 (2) a brief description of the interest in real estate  
9 that is the subject of the broker price opinion or  
10 comparative market analysis;

11 (3) a brief description of the methodology used to  
12 develop the broker price opinion or comparative market  
13 analysis;

14 (4) any assumptions or limiting conditions;

15 (5) a disclosure of any existing or contemplated  
16 interest of the broker or managing broker in the interest  
17 in real estate that is the subject of the broker price  
18 opinion or comparative market analysis;

19 (6) the name, license number, and signature of the  
20 broker or managing broker that developed the broker price  
21 opinion or comparative market analysis;

22 (7) a statement in substantially the following form:

23 "This is a broker price opinion/comparative market  
24 analysis, not an appraisal of the market value of the real  
25 estate, and was prepared by a licensed real estate broker  
26 or managing broker who was not acting as a State certified

1 real estate appraiser."; and

2 (8) such other items as the broker or managing broker  
3 may deem appropriate.

4 (b) A real estate broker or managing broker shall not  
5 discriminate when preparing a broker price opinion or  
6 comparative market analysis for residential real estate. For  
7 the purposes of this Section, a real estate broker or managing  
8 broker discriminates when he or she considers the actual or  
9 perceived race, color, religion, or national origin of the  
10 owner of the real estate or the residents of the geographic  
11 area in which the real estate is located when determining the  
12 market value of the real estate. In addition to the  
13 disciplinary procedures set forth in Section 20-20, an  
14 aggrieved party may commence a civil action alleging  
15 discrimination in an appropriate circuit court not later than 2  
16 years after the occurrence that constitutes discrimination  
17 under this subsection (b). Such a civil action shall be subject  
18 to the same procedures, rights, and remedies as a civil action  
19 alleging a civil rights violation under Section 10-102 of the  
20 Illinois Human Rights Act. A circuit court action may also be  
21 initiated by the Illinois Attorney General whenever the  
22 Illinois Attorney General has reasonable cause to believe that  
23 a real estate broker or managing broker is engaged in a pattern  
24 and practice of discrimination prohibited by this subsection.  
25 Such a civil action shall be subject to the same procedures,  
26 rights, and remedies as a civil action alleging a civil rights

1 violation under Section 10-104 of the Illinois Human Rights  
2 Act.

3 (Source: P.A. 101-71, eff. 7-12-19.)

4 (225 ILCS 454/20-20)

5 (Section scheduled to be repealed on January 1, 2030)

6 Sec. 20-20. Nature of and grounds for discipline.

7 (a) The Department may refuse to issue or renew a license,  
8 may place on probation, suspend, or revoke any license,  
9 reprimand, or take any other disciplinary or non-disciplinary  
10 action as the Department may deem proper and impose a fine not  
11 to exceed \$25,000 upon any licensee or applicant under this Act  
12 or any person who holds himself or herself out as an applicant  
13 or licensee or against a licensee in handling his or her own  
14 property, whether held by deed, option, or otherwise, for any  
15 one or any combination of the following causes:

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

19 (2) The licensee's conviction of or plea of guilty or  
20 plea of nolo contendere to: (A) a felony or misdemeanor in  
21 this State or any other jurisdiction; or (B) the entry of  
22 an administrative sanction by a government agency in this  
23 State or any other jurisdiction. Action taken under this  
24 paragraph (2) for a misdemeanor or an administrative  
25 sanction is limited to a misdemeanor or administrative

1 sanction that has as an essential element dishonesty or  
2 fraud or involves larceny, embezzlement, or obtaining  
3 money, property, or credit by false pretenses or by means  
4 of a confidence game.

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

10 (4) Practice under this Act as a licensee in a retail  
11 sales establishment from an office, desk, or space that is  
12 not separated from the main retail business and located  
13 within a separate and distinct area within the  
14 establishment.

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

23 (6) Engaging in the practice of real estate brokerage  
24 without a license or after the licensee's license or  
25 temporary permit was expired or while the license was  
26 inactive, revoked, or suspended.

1           (7) Cheating on or attempting to subvert the Real  
2           Estate License Exam or a continuing education course or  
3           examination.

4           (8) Aiding or abetting an applicant to subvert or cheat  
5           on the Real Estate License Exam or continuing education  
6           exam administered pursuant to this Act.

7           (9) Advertising that is inaccurate, misleading, or  
8           contrary to the provisions of the Act.

9           (10) Making any substantial misrepresentation or  
10          untruthful advertising.

11          (11) Making any false promises of a character likely to  
12          influence, persuade, or induce.

13          (12) Pursuing a continued and flagrant course of  
14          misrepresentation or the making of false promises through  
15          licensees, employees, agents, advertising, or otherwise.

16          (13) Any misleading or untruthful advertising, or  
17          using any trade name or insignia of membership in any real  
18          estate organization of which the licensee is not a member.

19          (14) Acting for more than one party in a transaction  
20          without providing written notice to all parties for whom  
21          the licensee acts.

22          (15) Representing or attempting to represent, or  
23          performing licensed activities for, a broker other than the  
24          sponsoring broker.

25          (16) Failure to account for or to remit any moneys or  
26          documents coming into his or her possession that belong to

1 others.

2 (17) Failure to maintain and deposit in a special  
3 account, separate and apart from personal and other  
4 business accounts, all escrow moneys belonging to others  
5 entrusted to a licensee while acting as a broker, escrow  
6 agent, or temporary custodian of the funds of others or  
7 failure to maintain all escrow moneys on deposit in the  
8 account until the transactions are consummated or  
9 terminated, except to the extent that the moneys, or any  
10 part thereof, shall be:

11 (A) disbursed prior to the consummation or  
12 termination (i) in accordance with the written  
13 direction of the principals to the transaction or their  
14 duly authorized agents, (ii) in accordance with  
15 directions providing for the release, payment, or  
16 distribution of escrow moneys contained in any written  
17 contract signed by the principals to the transaction or  
18 their duly authorized agents, or (iii) pursuant to an  
19 order of a court of competent jurisdiction; or

20 (B) deemed abandoned and transferred to the Office  
21 of the State Treasurer to be handled as unclaimed  
22 property pursuant to the Revised Uniform Unclaimed  
23 Property Act. Escrow moneys may be deemed abandoned  
24 under this subparagraph (B) only: (i) in the absence of  
25 disbursement under subparagraph (A); (ii) in the  
26 absence of notice of the filing of any claim in a court



1 of competent jurisdiction; and (iii) if 6 months have  
2 elapsed after the receipt of a written demand for the  
3 escrow moneys from one of the principals to the  
4 transaction or the principal's duly authorized agent.

5 The account shall be noninterest bearing, unless the  
6 character of the deposit is such that payment of interest  
7 thereon is otherwise required by law or unless the  
8 principals to the transaction specifically require, in  
9 writing, that the deposit be placed in an interest-bearing  
10 account.

11 (18) Failure to make available to the Department all  
12 escrow records and related documents maintained in  
13 connection with the practice of real estate within 24 hours  
14 of a request for those documents by Department personnel.

15 (19) Failing to furnish copies upon request of  
16 documents relating to a real estate transaction to a party  
17 who has executed that document.

18 (20) Failure of a sponsoring broker or licensee to  
19 timely provide sponsorship or termination of sponsorship  
20 information to the Department.

21 (21) Engaging in dishonorable, unethical, or  
22 unprofessional conduct of a character likely to deceive,  
23 defraud, or harm the public, including, but not limited to,  
24 conduct set forth in rules adopted by the Department.

25 (22) Commingling the money or property of others with  
26 his or her own money or property.

1           (23) Employing any person on a purely temporary or  
2           single deal basis as a means of evading the law regarding  
3           payment of commission to nonlicensees on some contemplated  
4           transactions.

5           (24) Permitting the use of his or her license as a  
6           broker to enable a residential leasing agent or unlicensed  
7           person to operate a real estate business without actual  
8           participation therein and control thereof by the broker.

9           (25) Any other conduct, whether of the same or a  
10          different character from that specified in this Section,  
11          that constitutes dishonest dealing.

12          (26) Displaying a "for rent" or "for sale" sign on any  
13          property without the written consent of an owner or his or  
14          her duly authorized agent or advertising by any means that  
15          any property is for sale or for rent without the written  
16          consent of the owner or his or her authorized agent.

17          (27) Failing to provide information requested by the  
18          Department, or otherwise respond to that request, within 30  
19          days of the request.

20          (28) Advertising by means of a blind advertisement,  
21          except as otherwise permitted in Section 10-30 of this Act.

22          (29) A licensee under this Act or an unlicensed  
23          individual offering guaranteed sales plans, as defined in  
24          Section 10-50, except to the extent set forth in Section  
25          10-50.

26          (30) Influencing or attempting to influence, by any

1 words or acts, a prospective seller, purchaser, occupant,  
2 landlord, or tenant of real estate, in connection with  
3 viewing, buying, or leasing real estate, so as to promote  
4 or tend to promote the continuance or maintenance of  
5 racially and religiously segregated housing or so as to  
6 retard, obstruct, or discourage racially integrated  
7 housing on or in any street, block, neighborhood, or  
8 community.

9 (31) Engaging in any act that constitutes a violation  
10 of any provision of Article 3 of the Illinois Human Rights  
11 Act, whether or not a complaint has been filed with or  
12 adjudicated by the Human Rights Commission.

13 (32) Inducing any party to a contract of sale or lease  
14 or brokerage agreement to break the contract of sale or  
15 lease or brokerage agreement for the purpose of  
16 substituting, in lieu thereof, a new contract for sale or  
17 lease or brokerage agreement with a third party.

18 (33) Negotiating a sale, exchange, or lease of real  
19 estate directly with any person if the licensee knows that  
20 the person has an exclusive brokerage agreement with  
21 another broker, unless specifically authorized by that  
22 broker.

23 (34) When a licensee is also an attorney, acting as the  
24 attorney for either the buyer or the seller in the same  
25 transaction in which the licensee is acting or has acted as  
26 a managing broker or broker.

1           (35) Advertising or offering merchandise or services  
2           as free if any conditions or obligations necessary for  
3           receiving the merchandise or services are not disclosed in  
4           the same advertisement or offer. These conditions or  
5           obligations include without limitation the requirement  
6           that the recipient attend a promotional activity or visit a  
7           real estate site. As used in this subdivision (35), "free"  
8           includes terms such as "award", "prize", "no charge", "free  
9           of charge", "without charge", and similar words or phrases  
10          that reasonably lead a person to believe that he or she may  
11          receive or has been selected to receive something of value,  
12          without any conditions or obligations on the part of the  
13          recipient.

14          (36) (Blank).

15          (37) Violating the terms of a disciplinary order issued  
16          by the Department.

17          (38) Paying or failing to disclose compensation in  
18          violation of Article 10 of this Act.

19          (39) Requiring a party to a transaction who is not a  
20          client of the licensee to allow the licensee to retain a  
21          portion of the escrow moneys for payment of the licensee's  
22          commission or expenses as a condition for release of the  
23          escrow moneys to that party.

24          (40) Disregarding or violating any provision of this  
25          Act or the published rules adopted by the Department to  
26          enforce this Act or aiding or abetting any individual,

1 foreign or domestic partnership, registered limited  
2 liability partnership, limited liability company,  
3 corporation, or other business entity in disregarding any  
4 provision of this Act or the published rules adopted by the  
5 Department to enforce this Act.

6 (41) Failing to provide the minimum services required  
7 by Section 15-75 of this Act when acting under an exclusive  
8 brokerage agreement.

9 (42) Habitual or excessive use of or addiction to  
10 alcohol, narcotics, stimulants, or any other chemical  
11 agent or drug that results in a managing broker, broker, or  
12 residential leasing agent's inability to practice with  
13 reasonable skill or safety.

14 (43) Enabling, aiding, or abetting an auctioneer, as  
15 defined in the Auction License Act, to conduct a real  
16 estate auction in a manner that is in violation of this  
17 Act.

18 (44) Permitting any residential leasing agent or  
19 temporary residential leasing agent permit holder to  
20 engage in activities that require a broker's or managing  
21 broker's license.

22 (45) Failing to notify the Department of any criminal  
23 conviction that occurs during the licensee's term of  
24 licensure within 30 days after the conviction.

25 (46) A designated managing broker's failure to provide  
26 an appropriate written company policy or failure to perform

1 any of the duties set forth in Section 10-55.

2 (47) Engaging in discrimination as provided in  
3 subsection (b) of Section 10-45.

4 (b) The Department may refuse to issue or renew or may  
5 suspend the license of any person who fails to file a return,  
6 pay the tax, penalty or interest shown in a filed return, or  
7 pay any final assessment of tax, penalty, or interest, as  
8 required by any tax Act administered by the Department of  
9 Revenue, until such time as the requirements of that tax Act  
10 are satisfied in accordance with subsection (g) of Section  
11 2105-15 of the Department of Professional Regulation Law of the  
12 Civil Administrative Code of Illinois.

13 (c) (Blank).

14 (d) In cases where the Department of Healthcare and Family  
15 Services (formerly Department of Public Aid) has previously  
16 determined that a licensee or a potential licensee is more than  
17 30 days delinquent in the payment of child support and has  
18 subsequently certified the delinquency to the Department may  
19 refuse to issue or renew or may revoke or suspend that person's  
20 license or may take other disciplinary action against that  
21 person based solely upon the certification of delinquency made  
22 by the Department of Healthcare and Family Services in  
23 accordance with item (5) of subsection (a) of Section 2105-15  
24 of the Department of Professional Regulation Law of the Civil  
25 Administrative Code of Illinois.

26 (e) In enforcing this Section, the Department or Board upon

1 a showing of a possible violation may compel an individual  
2 licensed to practice under this Act, or who has applied for  
3 licensure under this Act, to submit to a mental or physical  
4 examination, or both, as required by and at the expense of the  
5 Department. The Department or Board may order the examining  
6 physician to present testimony concerning the mental or  
7 physical examination of the licensee or applicant. No  
8 information shall be excluded by reason of any common law or  
9 statutory privilege relating to communications between the  
10 licensee or applicant and the examining physician. The  
11 examining physicians shall be specifically designated by the  
12 Board or Department. The individual to be examined may have, at  
13 his or her own expense, another physician of his or her choice  
14 present during all aspects of this examination. Failure of an  
15 individual to submit to a mental or physical examination, when  
16 directed, shall be grounds for suspension of his or her license  
17 until the individual submits to the examination if the  
18 Department finds, after notice and hearing, that the refusal to  
19 submit to the examination was without reasonable cause.

20 If the Department or Board finds an individual unable to  
21 practice because of the reasons set forth in this Section, the  
22 Department or Board may require that individual to submit to  
23 care, counseling, or treatment by physicians approved or  
24 designated by the Department or Board, as a condition, term, or  
25 restriction for continued, reinstated, or renewed licensure to  
26 practice; or, in lieu of care, counseling, or treatment, the

1 Department may file, or the Board may recommend to the  
2 Department to file, a complaint to immediately suspend, revoke,  
3 or otherwise discipline the license of the individual. An  
4 individual whose license was granted, continued, reinstated,  
5 renewed, disciplined or supervised subject to such terms,  
6 conditions, or restrictions, and who fails to comply with such  
7 terms, conditions, or restrictions, shall be referred to the  
8 Secretary for a determination as to whether the individual  
9 shall have his or her license suspended immediately, pending a  
10 hearing by the Department.

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

20 An individual licensed under this Act and affected under  
21 this Section shall be afforded an opportunity to demonstrate to  
22 the Department or Board that he or she can resume practice in  
23 compliance with acceptable and prevailing standards under the  
24 provisions of his or her license.

25 (Source: P.A. 100-22, eff. 1-1-18; 100-188, eff. 1-1-18;  
26 100-534, eff. 9-22-17; 100-831, eff. 1-1-19; 100-863, eff.



1 8-14-18; 100-872, eff. 8-14-18; 101-81, eff. 7-12-19; 101-357,  
2 eff. 8-9-19.)

3 Section 10. The Real Estate Appraiser Licensing Act of 2002  
4 is amended by changing Section 15-10 and by adding Section  
5 10-25 as follows:

6 (225 ILCS 458/10-25 new)

7 Sec. 10-25. Discrimination prohibited. An appraiser shall  
8 not discriminate when preparing a comparative market analysis  
9 for residential real estate. For the purposes of this Section,  
10 an appraiser discriminates when he or she considers the actual  
11 or perceived race, color, religion, or national origin of the  
12 owner of the real estate or the residents of the geographic  
13 area in which the real estate is located when determining the  
14 market value of the real estate. In addition to the  
15 disciplinary procedures set forth in Section 15-10, an  
16 aggrieved party may commence a civil action alleging  
17 discrimination in an appropriate circuit court not later than 2  
18 years after the occurrence that constitutes discrimination  
19 under this Section. Such a civil action shall be subject to the  
20 same procedures, rights, and remedies as a civil action  
21 alleging a civil rights violation under Section 10-102 of the  
22 Illinois Human Rights Act. A circuit court action may also be  
23 initiated by the Illinois Attorney General whenever the  
24 Illinois Attorney General has reasonable cause to believe that

1 an appraiser is engaged in a pattern and practice of  
2 discrimination prohibited by this Section. Such a civil action  
3 shall be subject to the same procedures, rights, and remedies  
4 as a civil action alleging a civil rights violation under  
5 Section 10-104 of the Illinois Human Rights Act.

6 (225 ILCS 458/15-10)

7 (Section scheduled to be repealed on January 1, 2022)

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

9 (a) The Department may suspend, revoke, refuse to issue,  
10 renew, or restore a license and may reprimand place on  
11 probation or administrative supervision, or take any  
12 disciplinary or non-disciplinary action, including imposing  
13 conditions limiting the scope, nature, or extent of the real  
14 estate appraisal practice of a licensee or reducing the  
15 appraisal rank of a licensee, and may impose an administrative  
16 fine not to exceed \$25,000 for each violation upon a licensee  
17 for any one or combination of the following:

18 (1) Procuring or attempting to procure a license by  
19 knowingly making a false statement, submitting false  
20 information, engaging in any form of fraud or  
21 misrepresentation, or refusing to provide complete  
22 information in response to a question in an application for  
23 licensure.

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

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

5           (4) Conviction by plea of guilty or nolo contendere,  
6           finding of guilt, jury verdict, or entry of judgment or by  
7           sentencing of any crime, including, but not limited to,  
8           convictions, preceding sentences of supervision,  
9           conditional discharge, or first offender probation, under  
10          the laws of any jurisdiction of the United States: (i) that  
11          is a felony; or (ii) that is a misdemeanor, an essential  
12          element of which is dishonesty, or that is directly related  
13          to the practice of the profession.

14          (5) Committing an act or omission involving  
15          dishonesty, fraud, or misrepresentation with the intent to  
16          substantially benefit the licensee or another person or  
17          with intent to substantially injure another person as  
18          defined by rule.

19          (6) Violating a provision or standard for the  
20          development or communication of real estate appraisals as  
21          provided in Section 10-10 of this Act or as defined by  
22          rule.

23          (7) Failing or refusing without good cause to exercise  
24          reasonable diligence in developing, reporting, or  
25          communicating an appraisal, as defined by this Act or by  
26          rule.

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

3           (9) Having been disciplined by another state, the  
4           District of Columbia, a territory, a foreign nation, a  
5           governmental agency, or any other entity authorized to  
6           impose discipline if at least one of the grounds for that  
7           discipline is the same as or the equivalent of one of the  
8           grounds for which a licensee may be disciplined under this  
9           Act.

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

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

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

26          (13) Violating the confidential nature of government

1 records to which the licensee gained access through  
2 employment or engagement as an appraiser by a government  
3 agency.

4 (14) Being adjudicated liable in a civil proceeding on  
5 grounds of fraud, misrepresentation, or deceit. In a  
6 disciplinary proceeding based upon a finding of civil  
7 liability, the appraiser shall be afforded an opportunity  
8 to present mitigating and extenuating circumstances, but  
9 may not collaterally attack the civil adjudication.

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

12 (16) Engaging in misleading or untruthful advertising  
13 or using a trade name or insignia of membership in a real  
14 estate appraisal or real estate organization of which the  
15 licensee is not a member.

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

22 (18) Failing to include within the certificate of  
23 appraisal for all written appraisal reports the  
24 appraiser's license number and licensure title. All  
25 appraisers providing significant contribution to the  
26 development and reporting of an appraisal must be disclosed

1 in the appraisal report. It is a violation of this Act for  
2 an appraiser to sign a report, transmittal letter, or  
3 appraisal certification knowing that a person providing a  
4 significant contribution to the report has not been  
5 disclosed in the appraisal report.

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

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

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

15 (22) Gross negligence in developing an appraisal or in  
16 communicating an appraisal or failing to observe one or  
17 more of the Uniform Standards of Professional Appraisal  
18 Practice.

19 (23) A pattern of practice or other behavior that  
20 demonstrates incapacity or incompetence to practice under  
21 this Act.

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

1 foregoing.

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

4 (26) Making a material misstatement in furnishing  
5 information to the Department.

6 (27) Failure to furnish information to the Department  
7 upon written request.

8 (28) Engaging in discrimination as provided in Section  
9 10-25.

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

17 (1) Procuring or attempting to procure licensure by  
18 knowingly making a false statement, submitting false  
19 information, engaging in any form of fraud or  
20 misrepresentation, or refusing to provide complete  
21 information in response to a question in an application for  
22 licensure.

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

25 (3) Committing an act or omission involving  
26 dishonesty, fraud, or misrepresentation or allowing any

1 such act or omission by any employee or contractor under  
2 the control of the provider.

3 (4) Engaging in misleading or untruthful advertising.

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

6 (6) Failing to meet the topic or time requirements for  
7 course approval as the provider of a qualifying curriculum  
8 course or a continuing education course.

9 (7) Failing to administer an approved course using the  
10 course materials, syllabus, and examinations submitted as  
11 the basis of the course approval.

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

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

18 (10) Failing to provide a certificate, transcript, or  
19 other student record to the Department or to a student as  
20 may be required by rule.

21 (11) Failing to fully cooperate with an investigation  
22 by the Department by knowingly making a false statement,  
23 submitting false or misleading information, or refusing to  
24 provide complete information in response to written  
25 interrogatories or a written request for documentation  
26 within 30 days of the request.



1           (c) In appropriate cases, the Department may resolve a  
2 complaint against a licensee through the issuance of a Consent  
3 to Administrative Supervision order. A licensee subject to a  
4 Consent to Administrative Supervision order shall be  
5 considered by the Department as an active licensee in good  
6 standing. This order shall not be reported or considered by the  
7 Department to be a discipline of the licensee. The records  
8 regarding an investigation and a Consent to Administrative  
9 Supervision order shall be considered confidential and shall  
10 not be released by the Department except as mandated by law. A  
11 complainant shall be notified if his or her complaint has been  
12 resolved by a Consent to Administrative Supervision order.

13       (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;  
14 98-1109, eff. 1-1-15.)