

(17) The fee for issuance and renewal of an armed proprietary security force registration is \$20.

(18) The fee for reinstatement of a license from inactive status that has lapsed for a period less than 6 years shall be the same as the current renewal fee.

(446/110. Checks or orders to Department dishonored because of insufficient funds - Fines) Section 110. Checks or

orders to Department dishonored because of insufficient funds; fines. Any person who delivers a check or other

payment to the Department that is returned to the Department unpaid by the financial institution upon which it is

drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. If the

check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee

or issuance fee and the fine due, an additional fine of \$100 shall be imposed. The fines imposed by this Section are

in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license.

The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified

check or money order within 30 calendar days of the notification. If after the expiration of 30 days from the date of

the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate

the license or certificate, or deny the application without hearing. If after termination or denial, the person seeks a

license or certificate, the person shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an

application for restoration of a license or certificate to recover all expenses of processing of this application. The

Director may waive the fines due under this Section in individual cases where the Director finds that the fines would

be unreasonable or unnecessarily burdensome.

(446/115. Reporting information to Department - Display of license - Duplicate or new licenses - Inspection of facilities)

Section 115. Reporting information to Department; display of license; duplicate or new licenses; inspection of facilities.

(a) As a condition of renewal of a license, each licensee shall report information pertaining to the licensee's practice location, practice status as active or inactive, proof of continued insurance coverage or its equivalent, and any other

data as determined by rule to be reasonably related to the administration of a licensure system in the interest of public

safety. Licensees shall report the information as a condition of renewal, except that a change in home or office address,

or a change of licensee in charge, shall be reported within 10 days of when it occurs.

(b) Upon renewal, every licensee shall report to the Department every instance during the licensure period before

the report in which the quality of professional services was the subject of legal action that resulted in a settlement or

verdict in excess of \$10,000.

(c) Each licensee shall prominently display his or her license to practice at each place from which the practice is being performed. If more than one location is used, branch office certificates shall be issued upon payment of the fee.

(d) If a license, permanent employee registration card, firearm authorization card, or agency certificate is lost, a duplicate shall be issued upon satisfactory proof to the Department of such loss together with the payment of the required fee.

If a licensee wishes to change his or her name, the Department shall issue a license in the new name upon satisfactory proof that the change was done in accordance with the law and payment of the required fee in accordance with Section 105.

(e) Each licensee shall permit his or her facilities and personnel or employee files to be audited or inspected at reasonable times with 24 hours notice and in a reasonable manner by representatives of the Department.

(446/117. Advertisment; penalties) Section 117. Advertisment; penalties.

(a) No licensee providing services regulated by this Act may knowingly advertise those services without including his or her license number in the advertisement. Nothing contained in this Section requires the publisher of advertising for such services to verify the accuracy of the license number provided by the

advertiser.

(b) A licensee who advertises services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business as required under Section 115, (ii) fails to provide a publisher with the correct license number, or (iii) provides a publisher with a false license number or a license number of a person or agency other than the person or agency doing the advertising, or a licensee who knowingly allows his or her license number to be displayed or used to allow another person or agency to circumvent any provision of this Section, is guilty of a Class A misdemeanor. Each day a licensee fails to display his or her license as required under Section 115 and each day an advertisement runs or a licensee allows his or her license to be displayed or used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided for in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary sanction and civil penalty provisions of this Act.
Added by P.A. 90-60, effective July 3, 1997.

(446/120. Disciplinary sanctions - Submission to physical or mental examination - Suspension or revocation of permanent employee registration card) Section 120. Disciplinary sanctions; submission to physical or mental examination; suspension or revocation of permanent employee registration card.

(a) The Department may refuse to issue, renew or restore, or may suspend or revoke any license, registration or card.

or may place on probation, reprimand, or fine, not to exceed \$1,500 for each violation and not to exceed \$5,000 for each

subsequent violation, or take any other disciplinary action the Department may deem appropriate in accordance with

Section 130 to any person, corporation, or partnership licensed or registered under this Act for any of the following reasons:

- (1) Fraud or material deception in the obtaining or renewing of a license.
- (2) Professional incompetence as manifested by poor standards of service.
- (3) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- (4) Conviction in this State or another state of any crime that is a felony under the laws of this State or conviction of a felony in a federal court, conviction of a misdemeanor an essential element of which is dishonesty, or conviction of any crime that is directly related to professional practice.

(5) Performing any services in a grossly negligent manner or permitting any of a licensee's registered employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.

(6) Continued practice although the licensee has become unfit to practice his or her profession due to any of the following:

(i) Physical illness, including, but not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice with reasonable judgement, skill, or safety.

(ii) Mental disability; the entry of an order of judgement by a circuit court that a licensee is in need of mental treatment or is incompetent constitutes mental disability.

(iii) Addiction to or severe dependency upon alcohol or drugs which may endanger the public by impairing the licensee's ability to practice; if the Department has reasonable cause to believe that a licensee is addicted to or dependent upon alcohol or drugs that may endanger the public, the Department may require the licensee to undergo an examination to determine the addiction or dependency.

(7) Directly or indirectly willfully receiving compensation for any professional services not actually rendered.

(8) Willfully deceiving or defrauding the member of the public being serviced.

(9) Failure to account for or remit any monies or documents coming into the licensee's possession that belong to others.

(10) Discipline by another U.S. jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth within this Act.

(11) Making differential treatment against any person to that person's detriment because of race, color, creed, sex, religion, or national origin.

(12) Engaging in false or misleading advertising.

(13) Aiding, assisting or willingly permitting another person to violate any provision of this Act or rules.

(14) Purporting to be licensee in charge of an agency without active participation in agency operations.

(15) Performing and charging for services without having authorization to do so from the member of the public being serviced.

(16) Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.

(17) Violation of any disciplinary order placed on a licensee by the Department.

(18) Failure to comply with any provision of this Act or the rules promulgated under this Act.

(19) Conducting an agency without a currently valid certificate.

(20) Improper revealing of confidential information, except as may be required by

law, including, but not limited to

information made available by the Secretary of State under Section 2-123 of the Illinois Vehicle Code.

(21) Failure to make available to the Department, upon request, any books, records, or forms required under this Act;

or failing, within 30 days, to respond to a written request for information from the Department, or failure to provide employment or experience information to the Department regarding an applicant for licensure.

(22) Failure to make available to the Department, at the time of request, any indicia of licensure or registration issued under this Act.

(b) The Department may order a licensee to submit to a reasonable physical or mental examination if his or her physical or mental capacity to practice safely is at issue in a disciplinary proceeding.

(c) Failure to comply with a Department order to submit to a physical or mental examination shall render a licensee liable to the summary suspension procedures described in Section 135.

(d) Individuals registered as employees under this Act, under the provisions of Section 80, shall be subject to disciplinary sanctions under this Act and shall act in accordance with this Act and any rules promulgated under this Act. The procedures in this Act for disciplining a licensee shall be followed in taking action against a registrant.

(e) The Department may order a registrant to submit to a reasonable physical or mental examination if the registrant's mental or physical capacity to work safely is at issue in a disciplinary proceeding. (f) The Department shall seek to achieve consistency in the application of the foregoing sanctions and consent orders. (446/125. Complaints reported to Department) Section 125. Complaints reported to Department. All complaints concerning violations regarding licensees or unlicensed activity shall be received and logged by the Department. (446/130. Formal charges against licensee · Hearing · Rehearing · Public record) Section 130. Formal charges against licensee: hearing; rehearing; public record. (a) Following the investigative process, the Department may file formal charges against the licensee. The formal charges shall, at a minimum, inform the licensee of the facts that are the basis of the charge and which are specific enough to enable the licensee to defend himself or herself. (b) Each licensee, whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of that formal charge at least 30 days before the date of the hearing. The hearing shall be presided over by a Board member or by a hearing officer authorized by the Department. Service shall be considered to have been given if the notice was personally received by the licensee or if the	notice was mailed certified mail, return receipt requested, to the licensee at the licensee's last known address as listed with the Department. (c) The notice of formal charge shall consist at a minimum of the following information: (1) The time, place, and date of the hearing. (2) That the licensee shall appear personally at the hearing and may be represented by counsel. (3) That the licensee has the right to produce witnesses and evidence in his or her behalf and has the right to cross-examine witnesses and evidence produced against himself or herself. (4) That the hearing could result in disciplinary action being taken against his or her licensee. (5) That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy. (6) That a Board member or a hearing officer authorized by the Department shall preside at the hearing and following the conclusion of that hearing shall make findings of fact, conclusions of law, and recommendations, separately stated, to the Director as to what disciplinary action, if any, should be imposed on the licensee. (7) The Department or the Board may continue the hearing.
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