

(8) That the licensee shall file a written answer to the Board under oath within 20 days after the service of the notice, and that if the licensee fails to file an answer default will be taken and the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may consider proper. In case the licensee, after receiving notice, fails to file an answer, that person's license or certificate may in the discretion of the Director, having received first the recommendation of the Board, be suspended, revoked, or placed on probationary status; or the Director may take whatever disciplinary action is considered under this Act, including limiting the scope, nature, or extent of the person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for the action under this Act.

(d) The Board or the hearing officer authorized by the Department shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee, if any. At the conclusion of the hearing, the Board shall make findings of fact, conclusions of law, and recommendations, separately stated, and submit them to the Director and to all parties to the proceeding.

The Board's findings of fact, conclusions of law, and recommendations shall be served upon the licensee in a similar fashion as service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may

present to the Director a motion, in writing, specifying the particular grounds for a rehearing.

(e) The Director, following the time allowed for filing a motion for rehearing, shall review the Board's findings of fact, conclusions of law, and recommendations, and any subsequently filed motions. After review of the information the Director may hear oral arguments and thereafter shall issue the order. The report of findings of fact, conclusions of law, and recommendations of the Board shall be the basis for the Department's order. If the Director finds that substantial justice was not done, the Director may issue an order in contravention of the Board's recommendations. The Director shall provide the Board with a written explanation of any deviation, and shall specify with particularity the reasons for the action. The finding of the Board and the Director are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act.

(f) All proceedings under this Section are matters of public record and shall be preserved.

(g) Upon the suspension or revocation of a license issued under this Act, a licensee shall surrender the license to the Department and upon failure to do so, the Department shall seize the same.

(446/135. Temporary suspension) Section 135. Temporary suspension. The Director may temporarily suspend a licensee without a hearing, simultaneously with the initiation of proceedings for a hearing provided for in Section 130 of this

Act, if the Director finds that evidence in his or her possession indicates that a licensee's continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends the license of a licensee without a hearing, a hearing by the Board shall be held within 30 days after the suspension has occurred.

(446/140. Disposition by consent order) Section 140. Disposition by consent order. Disposition may be made of any formal complaint by consent order between the Department and the licensee, but the Board must be apprised of the full consent order at the next regular business meeting and the Board shall submit its view of the consent order to the Department.

(446/145. Restoration of license after disciplinary proceedings) Section 145. Restoration of license after disciplinary proceedings. The Department shall reinstate any license to good standing under this Act, upon recommendation to the Director, after a hearing before the Board or hearing officer authorized by the Department. The Department shall be satisfied that the applicant's renewed practice is not contrary to the public interest.

(446/150. Cease and desist orders) Section 150. Cease and desist orders. The Department may conduct hearings and issue cease and desist orders to persons who engage in activities prohibited by this Act. Any person in violation of a cease and desist order entered by the Department is subject to all of the remedies provided by law and, in addition,

is subject to a civil penalty payable to the party injured by the violation.

(446/155. Penalties) Section 155. Penalties.

(a) In addition to any other penalty provided by law, any person who violates Section 15 of this Act or any other provision of this Act shall forfeit and pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department in accordance with the provisions set forth in Sections 130, 135, 140, 160 and 170.

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

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

(446/160. Subpoena power - Contempt - Record of proceedings - Surrender of license - Publication of records) Section 160. Subpoena power; contempt; record of proceedings; surrender of license; publication of records.

(a) The Department may subpoena and bring before it any person in this State and take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as in civil cases. The Director and any

member of the Board, or hearing officer approved by the Director, may administer oaths at any hearing the Board or Department is authorized to conduct.

(b) Any circuit court, upon the application of the licensee, the Department, or the Board, may order the attendance of witnesses and the production of relevant books and papers before the Board in any hearing under this Act. The court may compel obedience to its order by proceedings for contempt.

(c) The Department, at its expense, shall provide a stenographer to preserve a record of all proceedings at a hearing if a license may be revoked, suspended, placed on probationary status, or other disciplinary action is taken. The notice of hearing, the complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department constitute the record of the proceedings. The Department shall furnish a transcript of the record to any interested person upon payment of the costs of copying and transmitting the record.

(446/165. Administrative review) Section 165. Administrative review. All final administrative decisions of the

Department are subject to judicial review under Article III of the Code of Civil Procedure. The term "administrative

decision" is defined as in Section 3-101 of the Code of Civil Procedure. The proceedings for judicial review shall be

commenced in the circuit court of the county in which the party applying for review resides; but if the party is not

a resident of Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Costs shall be computed at the cost of preparing the record. Exhibits shall be certified without cost. Failure on the part of the licensee to file a receipt in court is grounds for dismissal of the action. During all judicial proceedings incident to a disciplinary action, the sanctions imposed upon a licensee by the Department shall remain in effect, unless the court feels justice requires a stay of the order.

(446/170. Prima Facie proof) Section 170. Prima facie proof. An order of revocation, suspension, or placing the license on probationary status, or other formal disciplinary action as the Department may consider proper, or a certified copy thereof over the seal of the Department and purporting to be signed by the Director, is prima facie proof that:

(1) the signature is that of the Director;

(2) the Director is qualified to act; and

(3) the members of the Board are qualified to act.

This proof may be rebutted.

(446/175. Rosters) Section 175. Rosters. The Department shall, upon request, publish a list of the names and addresses of all licensees under this Act. (446/180. Employee training) Section 180. Employee training. Individuals registered as employees of any agency certified under this Act, except employees of a private security contractor agency who perform guarding functions or those employees of a private alarm contractor agency who respond to alarm systems, must complete a minimum of 20 hours of training related to their employment to be provided by a qualified instructor. The substance and format of the training shall be germane to the work of the employee as by the employer and shall be completed under the provisions of this Act. Individuals registered as employees of a private security contractor agency who perform guarding functions or employees of a private alarm contractor agency who responds to alarm systems shall complete within 30 days of their employment a minimum of 20 hours of classroom training. The classroom training shall be provided by a qualified instructor and shall include the following subject matters: (1) The law regarding arrest and search and seizure as it applies to private security. (2) Civil and criminal liability for acts related to private security. (3) The use of force.

(4) Arrest and control techniques. (5) The elements of offenses under the Criminal Code of 1961 directly related to the protection of persons and property. (6) The law on private police and on reporting to law enforcement agencies. (7) Fire prevention, fire equipment, and fire safety. (8) The procedures for service of process and report writing. (9) Human and public relations. It is the responsibility of the employer to certify, on forms provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the term that the employee is retained by the employer. The form shall be returned to the employee when his or her employment is terminated. Failure to return the form to the employee is grounds for discipline. The employee shall not be required to complete the training required under this Act once the employee has been issued a form. Nothing in this Act prevents any employer from providing or requiring additional training beyond the required 20 hours that the employer feels is necessary and appropriate for competent job

performance.

Any certification of completion of 20-hour basic training that was issued under the Private Detective, Private Alarm and Private Security Act of 1983 shall be accepted as proof of training under this Section.

(446/185. Firearm authorization - Training course) Section 185. Firearm authorization; training courses.

(a) No person shall perform duties that include the use, carrying, or possession of a firearm in the performance of those duties without fully complying with this Section and having been issued a valid firearm authorization card by the Department.

(b) No employer shall employ any person to perform the duties for which employee registration is required under Section 80 and allow that person to carry a firearm in the performance of those duties unless that person has fully complied with the firearm training requirements specified in this Section and has been issued a valid firearm authorization card by the Department. This Act permits only the following to carry firearms while actually engaged in the performance of their duties or while commuting directly to or from their places of employment: persons licensed as private alarm contractors; persons licensed as private detectives; persons licensed as private security contractors and their registered employees; and registered armed proprietary security forces and their registered employees.

Actual possession of a valid firearm authorization card allows an employee to carry a firearm not otherwise prohibited

by law, while the employee is actually engaged in the performance of his or her duties or while the employee is commuting directly to or from the employee's place or places of employment, provided that this commuting is accomplished within one hour from departure from home or a place of employment.

(c) The Department shall evaluate and either approve or disapprove training programs for the basic firearm training course. The determination by the Department shall be reasonably made.

The firearm training course shall be taught by an instructor qualified to give the instruction. Reasonable qualifications shall be determined by the Department.

The firearm training course may be conducted by agencies or institutions approved by the Department or may be conducted by a licensee or any agency certified by this Act so long as the course is approved by the Department. The firearm course shall consist of the following:

(1) A minimum of 40 hours of training, 20 of which shall be as described in Section 180, and 20 of which shall be as follows:

(i) instruction in the dangers of and misuse of the firearm, safety rules, and care and cleaning of the firearm;