



Rep. Mary E. Flowers

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10300HB1020ham005

LRB103 04710 JDS 59773 a

1 AMENDMENT TO HOUSE BILL 1020

2 AMENDMENT NO. _____. Amend House Bill 1020 by replacing
3 everything after the enacting clause with the following:

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

7 (225 ILCS 458/10-25 new)

8 Sec. 10-25. Discrimination prohibited. An appraiser shall
9 not discriminate when preparing an appraisal of residential or
10 commercial real estate. For the purposes of this Section, an
11 appraiser discriminates when the appraiser considers the
12 actual or perceived race, color, religion, sex, national
13 origin, ancestry, age, order of protection status, marital
14 status, physical or mental disability, military status, sexual
15 orientation, pregnancy, unfavorable discharge from military
16 service, familial status, source of income, or arrest record

1 of the owner of the real estate or the residents of the
2 geographic area in which the real estate is located when
3 determining the market value of the real estate. In addition
4 to the disciplinary procedures set forth in Section 15-10, an
5 aggrieved party may commence a civil action alleging
6 discrimination in an appropriate circuit court not later than
7 2 years after the occurrence that constitutes discrimination
8 under this Section. Such a civil action shall be subject to the
9 same procedures, rights, and remedies as a civil action
10 alleging a civil rights violation of Article 3 of the Illinois
11 Human Rights Act under Section 10-102 of the Illinois Human
12 Rights Act.

13 A civil action may also be initiated by the Attorney
14 General whenever the Attorney General has reasonable cause to
15 believe that an appraiser is engaged in a pattern and practice
16 of discrimination prohibited by this Section. Such a civil
17 action shall be subject to the same procedures, rights, and
18 remedies as a civil action alleging a civil rights violation
19 of Article 3 of the Illinois Human Rights Act under Section
20 10-104 of the Illinois Human Rights Act.

21 Prior to initiating a civil action, the Attorney General
22 shall conduct a preliminary investigation to determine whether
23 there is reasonable cause to believe that any person or group
24 of persons is engaged in a pattern and practice of
25 discrimination prohibited by this Section and whether the
26 dispute can be resolved without litigation. In conducting this

1 investigation, the Attorney General may: (i) require the
2 individual or entity to file a statement or report in writing,
3 under oath or otherwise, as to all information the Attorney
4 General may consider necessary; (ii) examine under oath any
5 person alleged to have participated in or with knowledge of
6 the alleged pattern and practice violation; or (iii) issue
7 subpoenas or conduct hearings in aid of any investigation.

8 (225 ILCS 458/15-10)

9 (Section scheduled to be repealed on January 1, 2027)

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

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

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

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

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

7 (4) Conviction of, or plea of guilty or nolo
8 contendere, as enumerated in subsection (e) of Section
9 5-22, under the laws of any jurisdiction of the United
10 States: (i) that is a felony, misdemeanor, or
11 administrative sanction or (ii) that is a crime that
12 subjects the licensee to compliance with the requirements
13 of the Sex Offender Registration Act.

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, sexual orientation, pregnancy, order of
23 protection status, military status, or unfavorable
24 military discharge, as defined under the Illinois Human
25 Rights Act, of the prospective or present owners or
26 occupants of the area or property under appraisal.

1 (13) Violating the confidential nature of government
2 records to which the licensee gained access through
3 employment or engagement as an appraiser by a government
4 agency.

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

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

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

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

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

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

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

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

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

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

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

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

1 aiding or abetting any of the 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
11 refuse 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
15 may impose an administrative fine not to exceed \$25,000 upon
16 an 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
22 for 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
7 the 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 the complaint has been
12 resolved by a Consent to Administrative Supervision order.
13 (Source: P.A. 102-20, eff. 1-1-22.)".