



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### HB1357

Introduced 2/18/2009, by Rep. Angelo Saviano

#### SYNOPSIS AS INTRODUCED:

225 ILCS 315/3	from Ch. 111, par. 8103
225 ILCS 315/4.5	
225 ILCS 315/7	from Ch. 111, par. 8107
225 ILCS 315/8	from Ch. 111, par. 8108
225 ILCS 315/9	from Ch. 111, par. 8109
225 ILCS 315/11	from Ch. 111, par. 8111
225 ILCS 315/13	from Ch. 111, par. 8113
225 ILCS 315/15	from Ch. 111, par. 8115
225 ILCS 315/18	from Ch. 111, par. 8118
225 ILCS 315/18.1	
225 ILCS 315/19	from Ch. 111, par. 8119
225 ILCS 315/21	from Ch. 111, par. 8121
225 ILCS 315/22.1	
225 ILCS 315/23	from Ch. 111, par. 8123
225 ILCS 315/24	from Ch. 111, par. 8124
225 ILCS 315/25	from Ch. 111, par. 8125
225 ILCS 315/28	from Ch. 111, par. 8128

Amends the Illinois Landscape Architecture Act of 1989. Replaces all references to "Director" with "Secretary". Provides that failing to respond and provide information to the Department within 30 days of a written request is grounds for discipline (now, 60 days). Provides that the Department may take disciplinary action against any person that commits certain tax violations. Provides that the Department shall deny a license or renewal to a person that has defaulted on an education loan or scholarship provided or guaranteed by the State. Provides that the Department may suspend or revoke a license, or deny a license or renewal, or take any other disciplinary action against a person who is more than 30 days delinquent in the payment of child support if the Department of Healthcare and Family Services has certified the delinquency to the Department. Provides that fines shall not exceed \$10,000 for each violation under the Act (now, \$1,000). Defines "address of record". Makes other changes. Effective immediately.

LRB096 08523 ASK 18643 b

1 AN ACT concerning professional regulation.

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

4 Section 5. The Illinois Landscape Architecture Act of 1989  
5 is amended by changing Sections 3, 4.5, 7, 8, 9, 11, 13, 15,  
6 18, 18.1, 19, 21, 22.1, 23, 24, 25, and 28 as follows:

7 (225 ILCS 315/3) (from Ch. 111, par. 8103)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 3. Definitions. As used in this Act:

10 (a) "Address of record" means the designated address  
11 recorded by the Department in the applicant's or licensee's  
12 application file or license file maintained by the Department's  
13 licensure maintenance unit. It is the duty of the applicant or  
14 licensee to inform the Department of any change of address, and  
15 such changes must be made either through the Department's  
16 website or by contracting the Department's licensure  
17 maintenance unit.

18 (b) ~~(a)~~ "Board" means the Illinois Landscape Architect  
19 Registration Board.

20 (c) ~~(b)~~ "Department" means the Illinois Department of  
21 Financial and Professional Regulation.

22 (d) ~~(c)~~ "Secretary" ~~"Director"~~ means the Secretary  
23 ~~Director~~ of the Department of Financial and Professional

1 Regulation.

2 (e) ~~(d)~~ "Landscape Architect" means a person who, based on  
3 education, experience, or both in the field of landscape  
4 architecture, is eligible to register under this Act.

5 (f) ~~(e)~~ "Landscape Architecture" means the art and science  
6 of arranging land, together with the spaces and objects upon  
7 it, for the purpose of creating a safe, efficient, healthful,  
8 and aesthetically pleasing physical environment for human use  
9 and enjoyment.

10 (g) ~~(f)~~ "Landscape Architectural Practice" means the  
11 offering or furnishing of professional services in connection  
12 with a landscape architecture project including, but not  
13 limited to, providing preliminary studies; developing design  
14 concepts; planning for the relationships of physical  
15 improvements and intended uses of the site; establishing form  
16 and aesthetic elements; analyzing and providing for life safety  
17 requirements; developing those construction details on the  
18 site which are exclusive of any building or structure and do  
19 not require the seal of an engineer, architect, or structural  
20 engineer; preparing and coordinating technical submissions;  
21 and conducting site observation of a landscape architecture  
22 project.

23 (h) ~~(g)~~ "Person" means any person, sole proprietorship, or  
24 entity such as a partnership, professional service  
25 corporation, or corporation.

26 (Source: P.A. 86-932.)

1 (225 ILCS 315/4.5)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 4.5. Unregistered practice; violation; civil penalty.

4 (a) Any person who practices, offers to practice, attempts  
5 to practice, or holds oneself out to practice landscape  
6 architecture without being registered under this Act shall, in  
7 addition to any other penalty provided by law, pay a civil  
8 penalty to the Department in an amount not to exceed \$10,000  
9 ~~\$5,000~~ for each offense as determined by the Department. The  
10 civil penalty shall be assessed by the Department after a  
11 hearing is held in accordance with the provisions set forth in  
12 this Act regarding the provision of a hearing for the  
13 discipline of a licensee.

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

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

21 (Source: P.A. 89-474, eff. 6-18-96.)

22 (225 ILCS 315/7) (from Ch. 111, par. 8107)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 7. Current Address. Every landscape architect shall

1 maintain an ~~a current~~ address of record with the Department. ~~It~~  
2 ~~shall be the responsibility of the registrant to notify the~~  
3 ~~Department in writing of any change of address.~~

4 (Source: P.A. 91-255, eff. 12-30-99.)

5 (225 ILCS 315/8) (from Ch. 111, par. 8108)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 8. Powers and Duties of the Department.

8 (a) The Department shall exercise the powers and duties  
9 prescribed by the Civil Administrative Code of Illinois for the  
10 administration of licensing acts and shall exercise such other  
11 powers and duties vested by this Act.

12 (b) The Department shall promulgate rules and regulations  
13 consistent with the provisions of this Act for the  
14 administration and enforcement thereof which shall include  
15 standards and criteria for registration and for the payment of  
16 fees connected therewith. The Department shall prescribe forms  
17 required for the administration of this Act.

18 (c) The Department shall consult the Landscape  
19 Architecture Board in promulgating rules and regulations.  
20 Notice of proposed rulemaking shall be transmitted to the Board  
21 and the Department shall review the Board's response and any  
22 recommendations made therein. The Department shall notify the  
23 Board in writing of the explanation for any deviations from the  
24 Board's recommendations and response.

25 (d) The Department may at any time seek the advice and the

1 expert knowledge of the Board on any matter relating to the  
2 administration of this Act.

3 ~~(c) The Department shall issue a quarterly report to the~~  
4 ~~Board setting forth the status of all complaints received by~~  
5 ~~the Department related to the landscape architecture practice.~~

6 (Source: P.A. 86-932.)

7 (225 ILCS 315/9) (from Ch. 111, par. 8109)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 9. Composition, qualification, and terms of Board.

10 (a) The Secretary ~~Director~~ shall appoint a Board consisting  
11 of 5 persons who are residents of the State of Illinois and who  
12 shall be appointed by and shall serve in an advisory capacity  
13 to the Secretary ~~Director~~. Four persons shall be individuals  
14 experienced in landscape architectural work who would qualify  
15 upon application to the Department under the provisions of this  
16 Act to be registered landscape architects, one of whom shall be  
17 a tenured member of the landscape architecture faculty of an  
18 accredited landscape architecture program in the State ~~the~~  
19 ~~University~~ of Illinois and 3 of whom shall have engaged in  
20 ~~landscape architectural~~ work for at least 5 years. The fifth  
21 person shall be a public member, not an employee of the State  
22 of Illinois, who is not registered under this Act or a similar  
23 Act of another jurisdiction. The public member may not be  
24 elected or appointed as chairman of the Board or serve in such  
25 capacity in any other manner.

1 (b) Members of the Board shall serve 5 year terms and until  
2 their successors are appointed and qualified. No member shall  
3 be reappointed to the Board for a term which would cause that  
4 member's cumulative service on the Board to be longer than 10  
5 years. No member who is an initial appointment to the Board  
6 shall be reappointed to the Board for a term which would cause  
7 that member's cumulative service on the Board to be longer than  
8 13 years. Appointments to fill vacancies shall be made in the  
9 same manner as original appointments for the unexpired portion  
10 of the vacated term. Initial terms shall begin upon the  
11 effective date of this Act.

12 (c) The Secretary ~~Director~~ may remove any member of the  
13 Board for cause, which may include without limitation a member  
14 who does not attend 2 consecutive meetings.

15 (d) The Secretary ~~Director~~ shall consider the  
16 recommendations of the Board on questions involving standards  
17 of professional conduct, discipline, and qualifications of  
18 candidates and registrants under this Act.

19 (e) The majority of the Board shall constitute a quorum. A  
20 vacancy in the membership of the Board shall not impair the  
21 right of a quorum to exercises all the duties of the Board. A  
22 ~~quorum of the Board shall consist of a majority of members~~  
23 ~~currently appointed. A majority vote of the quorum is required~~  
24 ~~for board decisions.~~

25 (f) The Board shall annually elect a chairperson and vice  
26 chairperson, both of whom shall be licensed landscape

1 architects.

2 (Source: P.A. 91-255, eff. 12-30-99.)

3 (225 ILCS 315/11) (from Ch. 111, par. 8111)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 11. Registration Qualifications.

6 (a) Every person applying to the Department for  
7 registration shall do so on forms approved by the Department  
8 and shall pay the required fee. Every person applying to the  
9 Department for registration shall submit, with his  
10 application, satisfactory evidence that the person holds an  
11 approved professional degree in landscape architecture from an  
12 approved and accredited program, as such terms are defined by  
13 the rules and regulations of the Department, and that he has  
14 had such practical experience in landscape architectural work  
15 as shall be required by the rules and regulations of the  
16 Department. In lieu of evidence of any approved professional  
17 degree in landscape architecture, the applicant may submit  
18 satisfactory evidence of such other education or experience as  
19 shall be required by the rules and regulations of the  
20 Department; provided, however, that after January 1, 1993 every  
21 applicant for initial registration must have an approved  
22 professional degree. If an applicant is qualified the  
23 Department shall, by means of a written examination, examine  
24 the applicant on such technical and professional subjects as  
25 shall be required by the rules and regulations of the

1 Department.

2 (b) The Department may exempt from such written examination  
3 an applicant who holds a certificate of qualification issued by  
4 the National Council of Landscape Architecture Registration  
5 Boards, or who holds a registration in another state which has  
6 equivalent or substantially equivalent requirements as the  
7 State of Illinois.

8 (c) (Blank). ~~The Department shall adopt rules determining~~  
9 ~~requirements for practical training and education. The~~  
10 ~~Department may also adopt the examinations and recommended~~  
11 ~~grading procedures of the National Council of Landscape~~  
12 ~~Architectural Registration Boards and the accreditation~~  
13 ~~procedures of the Landscape Architectural Accrediting Board.~~  
14 ~~The Department shall issue a certificate of registration to~~  
15 ~~each applicant who satisfies the requirements set forth in this~~  
16 ~~Section. Such registration shall be effective upon issuance.~~

17 (d) If an applicant neglects, fails without an approved  
18 excuse, or refuses to take an examination or fails to pass an  
19 examination to obtain a certificate of registration under this  
20 Act within 3 years after filing the application, the  
21 application shall be denied. However, such applicant may  
22 thereafter submit a new application accompanied by the required  
23 fee.

24 (e) Any person who has been engaged in the practice of  
25 landscape architecture prior to the effective date of this Act,  
26 shall, upon application within 2 years from the effective date

1 of this Act and upon payment of the required current  
2 registration fee and application fee, be issued registration  
3 without examination upon furnishing to the Department  
4 satisfactory proof that he was so engaged prior to such date.  
5 The Secretary ~~Director~~, through the Board, shall accept as  
6 satisfactory evidence of the competency and qualifications of  
7 the applicant for registration the following:

8 (1) A diploma of graduation or satisfactory completion  
9 certificate from a college, school, or university offering  
10 an accredited program in landscape architecture, together  
11 with evidence of at least 2 years of actual, practical  
12 experience in landscape architectural work of a grade and  
13 character acceptable to the Board; or

14 (2) Evidence that the applicant has a total of at least  
15 7 years of actual, practical experience in landscape  
16 architectural work of a grade and character acceptable to  
17 the Board and has been actually engaged in the active  
18 practice of landscape architecture for not less than 4  
19 years immediately prior to the effective date of this Act.

20 (Source: P.A. 91-255, eff. 12-30-99.)

21 (225 ILCS 315/13) (from Ch. 111, par. 8113)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 13. Inactive Status.

24 (a) Any landscape architect who notifies the Department in  
25 writing on forms prescribed by the Department may elect to

1 place his registration on an inactive status and shall be  
2 excused from payment of renewal fees until he notifies the  
3 Department in writing of his desire to resume active status.

4 (b) Any person whose license has been expired for more than  
5 5 ~~3~~ years may have his license restored by making application  
6 to the Department and filing proof acceptable to the Department  
7 of his fitness to have his license restored, including evidence  
8 certifying to active practice in another jurisdiction, and by  
9 paying the required restoration fee.

10 (c) Any landscape architect whose registration is in an  
11 inactive status, has been suspended or revoked, or has expired  
12 shall not represent himself to be a landscape architect or use  
13 the title "landscape architect", "registered landscape  
14 architect", or any other title which includes the words  
15 "landscape architect".

16 (Source: P.A. 86-932.)

17 (225 ILCS 315/15) (from Ch. 111, par. 8115)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 15. Disposition of funds. All of the fees collected  
20 pursuant to this Act shall be deposited in the General  
21 Professions Dedicated Fund.

22 ~~On January 1, 2000 the State Comptroller shall transfer the~~  
23 ~~balance of the monies in the Landscape Architects'~~  
24 ~~Administration and Investigation Fund into the General~~  
25 ~~Professions Dedicated Fund. Amounts appropriated for fiscal~~

1 ~~year 2000 out of the Landscape Architects' Administration and~~  
2 ~~Investigation Fund may be paid out of the General Professions~~  
3 ~~Dedicated Fund.~~

4 The monies deposited in the General Professions Dedicated  
5 Fund may be used for the expenses of the Department in the  
6 administration of this Act.

7 Moneys from the Fund may also be used for direct and  
8 allocable indirect costs related to the public purposes of the  
9 Department of Financial and Professional Regulation. Moneys in  
10 the Fund may be transferred to the Professions Indirect Cost  
11 Fund as authorized by Section 2105-300 of the Department of  
12 Professional Regulation Law (20 ILCS 2105/2105-300).

13 (Source: P.A. 91-239, eff. 1-1-00; 91-255, eff. 12-30-99;  
14 92-16, eff. 6-28-01.)

15 (225 ILCS 315/18) (from Ch. 111, par. 8118)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 18. Violation; injunction; cease and desist order. (a)  
18 If any person violates the provisions of this Act, the  
19 Secretary ~~Director~~ may, in the name of the People of the State  
20 of Illinois, through the Attorney General of the State of  
21 Illinois or the State's Attorney of any county in which the  
22 action is brought, petition for an order enjoining such  
23 violation and for an order enforcing compliance with this Act.  
24 Upon the filing of a verified petition in court, the court may  
25 issue a temporary restraining order, without notice or bond,

1 and may preliminarily and permanently enjoin such violation. If  
2 it is established that such person has violated or is violating  
3 the injunction, the Court may punish the offender for contempt  
4 of court. Proceedings under this Section shall be in addition  
5 to, and not in lieu of, all other remedies and penalties  
6 provided by this Act.

7 (b) If any person shall hold himself out as a "landscape  
8 architect" or "registered landscape architect" without being  
9 registered under the provisions of this Act, then any  
10 registered landscape architect, any interested party or any  
11 person injured thereby may, in addition to the Secretary  
12 ~~Director~~, petition for relief as provided in subsection (a) of  
13 this Section.

14 (c) Whoever holds himself out as a "landscape architect" or  
15 a "registered landscape architect" in this State without being  
16 registered for that purpose shall be guilty of a Class A  
17 misdemeanor, and for each subsequent conviction shall be guilty  
18 of a Class 4 felony.

19 (d) Whenever, in the opinion of the Department, a person  
20 violates any provision of this Act, the Department may issue a  
21 rule to show cause why an order to cease and desist should not  
22 be entered against that person. The rule shall clearly set  
23 forth the grounds relied upon by the Department and shall allow  
24 the person at least 7 days from the date of the rule to file an  
25 answer that is satisfactory to the Department. Failure to  
26 answer to the satisfaction of the Department shall cause an

1 order to cease and desist to be issued.

2 (Source: P.A. 88-363.)

3 (225 ILCS 315/18.1)

4 (Section scheduled to be repealed on January 1, 2010)

5 Sec. 18.1. Grounds for Discipline.

6 (a) The Department may refuse to issue, renew, or may  
7 revoke, suspend, place on probation, reprimand, or take other  
8 disciplinary action as the Department considers appropriate,  
9 including the issuance of fines not to exceed \$10,000 ~~\$1,000~~  
10 for each violation, with regard to any license for any one or  
11 more of the following:

12 (1) Material misstatement in furnishing information to  
13 the Department or to any other State agency.

14 (2) Negligent or intentional disregard of this Act, or  
15 violation of any rules under this Act.

16 (3) Conviction of, or entry of a plea of guilty or nolo  
17 contendere to, any crime that is a felony under the laws of  
18 the United States or any state or territory thereof that is  
19 a felony, or that is a misdemeanor, an essential element of  
20 which is dishonesty, or of any crime that is directly  
21 related to the practice of the profession.

22 (4) Making any misrepresentation for the purpose of  
23 obtaining a license, or violating any provision of this Act  
24 or its rules.

25 (5) Professional incompetence or gross negligence in

1 the rendering of landscape architectural services.

2 (6) Aiding or assisting another person in violating any  
3 provision of this Act or any rules.

4 (7) Failing to provide information within 30 ~~60~~ days in  
5 response to a written request made by the Department.

6 (8) Engaging in dishonorable, unethical, or  
7 unprofessional conduct of a character likely to deceive,  
8 defraud, or harm the public and violating the rules of  
9 professional conduct adopted by the Department.

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

14 (10) Discipline by another jurisdiction, if at least  
15 one of the grounds for the discipline is the same or  
16 substantially equivalent to those set forth in this  
17 Section.

18 (11) Directly or indirectly giving to or receiving from  
19 any person, firm, corporation, partnership, or association  
20 any fee, commission, rebate, or other form of compensation  
21 for any professional service not actually rendered.

22 (12) A finding by the Board that the licensee, after  
23 having the license placed on probationary status, has  
24 violated the terms of probation.

25 (12.5) (Blank). ~~A finding by the Board that the~~  
26 ~~licensee has failed to pay a fine imposed by the~~

1 ~~Department.~~

2 (13) Abandonment of a client.

3 (14) Willfully filing false reports relating to a  
4 licensee's practice, including but not limited to, false  
5 records filed with federal or State agencies or  
6 departments.

7 (15) Being named as a perpetrator in an indicated  
8 report by the Department of Children and Family Services  
9 under the Abused and Neglected Child Reporting Act, and  
10 upon proof by clear and convincing evidence that the  
11 licensee has caused a child to be an abused child or  
12 neglected child as defined in the Abused and Neglected  
13 Child Reporting Act.

14 (16) Physical or mental disability, including  
15 deterioration through the aging process or loss of  
16 abilities and skills that results in the inability to  
17 practice the profession with reasonable judgment, skill,  
18 or safety.

19 (17) Solicitation of professional services by using  
20 false or misleading advertising.

21 (18) Failure to file a return, to pay the tax,  
22 penalty, or interest shown in a filed return, or to pay any  
23 final assessment of tax, penalty, or interest as required  
24 by any tax Act administered by the Department of Revenue,  
25 until such time as the requirements of the tax Act are  
26 satisfied in accordance with subsection (g) of Section 15

1 of the Department of Professional Regulation Law of the  
2 Civil Administrative Code of Illinois (20 ILCS  
3 2105/2105-15). ~~Failure to file a return, or to pay the tax,~~  
4 ~~penalty, or interest shown in a filed return, or to pay any~~  
5 ~~final assessment of tax, penalty, or interest, as required~~  
6 ~~by any tax Act administered by the Illinois Department of~~  
7 ~~Revenue or any successor agency or the Internal Revenue~~  
8 ~~Service or any successor agency.~~

9 (b) (Blank). ~~Any fines imposed under this Section shall not~~  
10 ~~exceed \$1,000 for each violation.~~

11 (c) The determination by a court that a licensee is subject  
12 to involuntary admission or judicial admission as provided in  
13 the Mental Health and Developmental Disabilities Code will  
14 result in an automatic suspension of his or her license. The  
15 suspension will end upon a finding by a court that the licensee  
16 is no longer subject to involuntary admission or judicial  
17 admission, the issuance of an order so finding and discharging  
18 the patient, and the recommendation of the Board to the  
19 Secretary ~~Director~~ that the licensee be allowed to resume  
20 professional practice.

21 (d) In enforcing this Section, the Board, upon a showing of  
22 a possible violation, may compel a person registered under this  
23 Act or who has applied for registration pursuant to this Act to  
24 submit to a mental or physical examination, or both, as  
25 required by and at the expense of the Department. The examining  
26 physicians shall be those specifically designated by the Board.

1 The Board or the Department may order the examining physician  
2 to present testimony concerning this mental or physical  
3 examination of the registrant or applicant. No information  
4 shall be excluded by reason of any common law or statutory  
5 privilege relating to communications between the registrant or  
6 applicant and the examining physician. The person to be  
7 examined may have, at his or her own expense, another physician  
8 of his or her choice present during all aspects of the  
9 examination. Failure of any person to submit to a mental or  
10 physical examination when directed shall be grounds for  
11 suspension of a registration until the person submits to the  
12 examination if the Board finds, after notice and hearing, that  
13 the refusal to submit to the examination was without reasonable  
14 cause.

15 If the Board finds a person unable to practice because of  
16 the reasons set forth in this Section, the Board may require  
17 that person to submit to care, counseling, or treatment by  
18 physicians approved or designated by the Board as a condition,  
19 term, or restriction for continued, reinstated, or renewed  
20 registration; or, in lieu of care, counseling, or treatment,  
21 the Board may recommend that the Department file a complaint to  
22 immediately suspend, revoke, or otherwise discipline the  
23 registration of the person. Any person whose registration was  
24 granted, continued, reinstated, renewed, disciplined, or  
25 supervised subject to such terms, conditions, or restrictions  
26 and who fails to comply with such terms, conditions, or

1 restrictions shall be referred to the Director for a  
2 determination as to whether the person shall have his or her  
3 registration suspended immediately, pending a hearing by the  
4 Board.

5 (e) The Department shall deny a license or renewal  
6 authorized by this Act to a person who has defaulted on an  
7 educational loan or scholarship provided or guaranteed by the  
8 Illinois Student Assistance Commission or any governmental  
9 agency of this State in accordance with subdivision (a) (5) of  
10 Section 15 of the Department of Professional Regulation Law of  
11 the Civil Administrative Code of Illinois (20 ILCS  
12 2105/2105-15).

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

25 (Source: P.A. 91-255, eff. 12-30-99.)

1 (225 ILCS 315/19) (from Ch. 111, par. 8119)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 19. Investigation; notice and hearing. The Department  
4 may investigate the actions or qualifications of any applicant  
5 or person holding or claiming to hold a certificate of  
6 registration. The Department shall, before suspending or  
7 revoking, placing on probation, reprimanding, or taking any  
8 other disciplinary action under Section 18.1 of this Act, at  
9 least 30 days before the date set for the hearing, notify the  
10 applicant or holder of a certificate of registration in writing  
11 of the nature of the charges and that a hearing will be held on  
12 the date designated. The written notice may be served by  
13 personal delivery or certified or registered mail to the  
14 applicant or licensee at the address of record ~~his last~~  
15 ~~notification to the Department~~. The Department shall direct the  
16 applicant or licensee to file a written answer with the  
17 Department, under oath, within 20 days after the service of the  
18 notice, and inform the person that if he or she fails to file  
19 an answer, his or her license may be revoked, suspended, placed  
20 on probation, reprimanded, or the Department may take any other  
21 additional disciplinary action including the issuance of  
22 fines, not to exceed \$10,000 ~~\$1,000~~ for each violation, as the  
23 Department may consider necessary, without a hearing. At the  
24 time and place fixed in the notice, the Board shall proceed to  
25 hear the charges and the parties or their counsel. All parties  
26 shall be accorded an opportunity to present any statements,

1 testimony, evidence, and arguments as may be pertinent to the  
2 charges or to their defense. The Board may continue the hearing  
3 from time to time.

4 (Source: P.A. 87-1031; 88-363.)

5 (225 ILCS 315/21) (from Ch. 111, par. 8121)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 21. Subpoenas; depositions; oaths. The Department has  
8 the power to subpoena documents, books, records or other  
9 materials and to bring before it any person and to take  
10 testimony either orally or by deposition, or both, with the  
11 same fees and mileage and in the same manner as prescribed in  
12 civil cases in the courts of this State ~~and bring before it any~~  
13 ~~person and to take testimony either orally or by deposition, or~~  
14 ~~both, with the same fees and mileage and in the same manner as~~  
15 ~~prescribed in civil cases in circuit courts of this State.~~

16 The Secretary ~~Director~~, the designated hearing officer,  
17 and every member of the Board has the power to administer oaths  
18 to witnesses at any hearing which the Department is authorized  
19 to conduct, and any other oaths authorized in any Act  
20 administered by the Department.

21 (Source: P.A. 88-363.)

22 (225 ILCS 315/22.1)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 22.1. Findings and recommendations. At the conclusion

1 of the hearing, the Board shall present to the Secretary  
2 ~~Director~~ a written report of its findings of fact, conclusions  
3 of law, and recommendations. The report shall contain a finding  
4 whether the licensee violated this Act or failed to comply with  
5 the conditions required in this Act. The Board shall specify  
6 the nature of the violation or failure to comply, and shall  
7 make its recommendations to the Secretary ~~Director~~.

8 The report of findings of fact, conclusions of law, and  
9 recommendation of the Board shall be the basis for the  
10 Department's order for refusal or for the granting of the  
11 license. If the Secretary ~~Director~~ disagrees with the  
12 recommendations of the Board, the Secretary ~~Director~~ may issue  
13 an order in contravention of the Board recommendations and  
14 notify . ~~The Director shall provide a written report to the~~  
15 Board on any disagreement and shall specify the reasons for the  
16 action in the final order. The findings are not admissible in  
17 evidence against the person in a criminal prosecution for  
18 violation of this Act, but the hearing and findings are not a  
19 bar to a criminal prosecution for violation of this Act.

20 (Source: P.A. 88-363.)

21 (225 ILCS 315/23) (from Ch. 111, par. 8123)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 23. Board; Rehearing. At the conclusion of the  
24 hearing, a copy of the Board's report shall be served upon the  
25 accused person, either personally or as provided in this Act

1 for the service of the notice. Within 20 days after such  
2 service, the applicant or licensee may present to the  
3 Department a motion in writing for a rehearing which shall  
4 specify the particular grounds for rehearing. If no motion for  
5 a rehearing is filed, then upon the expiration of the time  
6 specified for filing such a motion, or if a motion for  
7 rehearing is denied, then upon the denial, the Secretary  
8 ~~Director~~ may enter any order in accordance with recommendations  
9 of the Board, except as provided in Section 120 of this Act. If  
10 the applicant or licensee requests and pays for a transcript of  
11 the record within the time for filing a motion for rehearing,  
12 the 20-day period within which a motion may be filed shall  
13 commence upon the delivery of the transcript to the applicant  
14 or licensee.

15 Whenever the Secretary ~~Director~~ is not satisfied that  
16 substantial justice has been done, he may order a rehearing by  
17 the same or another examiner ~~special board~~. At the expiration  
18 of the time specified for filing a motion for a rehearing the  
19 Secretary ~~Director~~ has the right to take the action recommended  
20 by the Board.

21 (Source: P.A. 88-363.)

22 (225 ILCS 315/24) (from Ch. 111, par. 8124)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 24. Appointment of a hearing officer. The Secretary  
25 ~~Director~~ has the authority to appoint any attorney licensed to

1 practice law in the State of Illinois to serve as the hearing  
2 officer in any action for refusal to issue or renew a license  
3 or permit or to discipline a licensee. The Secretary ~~Director~~  
4 shall notify the Board of any such appointment. The hearing  
5 officer has full authority to conduct the hearing. At least one  
6 member of the Board may ~~shall~~ attend each hearing. The hearing  
7 officer shall report his findings of fact, conclusions of law  
8 and recommendations to the Board and the Secretary ~~Director~~.  
9 The Board has 60 days from receipt of the report to review it  
10 and present its findings of fact, conclusions of law and  
11 recommendations to the Secretary ~~Director~~. If the Board fails  
12 to present its report within the 60 day period, the Secretary  
13 ~~Director~~ shall issue an order based on the report of the  
14 hearing officer. If the Secretary ~~Director~~ disagrees with the  
15 recommendation of the Board or hearing officer, the Secretary  
16 ~~Director~~ may issue an order in contravention of the  
17 recommendation. The Secretary ~~Director~~ shall notify ~~promptly~~  
18 ~~provide a written explanation to~~ the Board of ~~on~~ any  
19 disagreement.

20 (Source: P.A. 88-363.)

21 (225 ILCS 315/25) (from Ch. 111, par. 8125)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 25. Order or certified copy; prima facie proof. An  
24 order or a certified copy thereof, over the seal of the  
25 Department and purporting to be signed by the Secretary

1 ~~Director~~, shall be prima facie proof that:

2 (a) the signature is the genuine signature of the

3 Secretary Director;

4 (b) the Secretary Director is duly appointed and  
5 qualified; and

6 (c) the Board and the members thereof are qualified to  
7 act.

8 (Source: P.A. 91-357, eff. 7-29-99.)

9 (225 ILCS 315/28) (from Ch. 111, par. 8128)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 28. Summary suspension of a license. The Secretary  
12 ~~Director~~ may summarily suspend the license of a landscape  
13 architect without a hearing, simultaneously with the  
14 institution of proceedings for a hearing provided for in  
15 Section 19 24 of this Act, if the Secretary Director finds that  
16 evidence in the possession of the Director indicates that the  
17 continuation in practice by the landscape architect would  
18 constitute an imminent danger to the public. In the event that  
19 the Secretary Director temporarily suspends the license of an  
20 individual without a hearing, a hearing must be held within 30  
21 days after such suspension has occurred.

22 (Source: P.A. 88-363.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.