**Section 1232.150 Disciplinary Sanctions; Restoration**

a) *For violations of the Act not penalized under Section 5-15 of the Act, ISP may refuse to renew or restore, or may reprimand, place on probation, suspend, revoke, or take other disciplinary or nondisciplinary action against any certified licensee, and may impose a fine commensurate with the severity of the violation not to exceed $10,000 for each violation.* (Section 5-85(a) of the Act) Any disciplinary action taken under this Section will be made public on the ISP website.

b) Violations that, after investigation, are demonstrated to be the result of errors in record keeping, other required inventory tracking mechanisms, or other ministerial errors that do not constitute deliberate misfeasance, malfeasance, criminal intent, or negligence may be addressed through nondisciplinary action, including, but not limited to, a written warning, remediation plan, or additional training requirements.

c) The following factors shall be weighed by the Director or hearing officer appointed by the Director when determining the severity of a violation that requires disciplinary action:

1) Whether the violation constitutes a criminal offense under the Criminal Code of 2012 [720 ILCS 5] or any federal law and, if so, whether the violation would be considered a petty or business offense, misdemeanor, or felony under Illinois law;

2) Whether the certified licensee cooperated with ISP in its investigation;

3) Whether the CL refused to cooperate with ISP in its investigation, including, but not limited to, providing false or misleading information;

4) Whether the violation is the first violation or a subsequent violation of the Act;

5) Whether the CL has received prior discipline for the violation in question (i.e., 1st violation, 2nd or subsequent violation);

6) The number of violations committed by the CL;

7) Whether the violation involves fraudulent activity, deception or misrepresentation;

8) Whether the violation directly resulted in the death or injury to any person or damage to any property; and

9) Whether the violation constitutes a petty, minor, or major violation as those terms are defined in subsections (c), (d) and (e).

d) Petty violations of the Act may be subject to a written reprimand, a specified term of probation or suspension not to exceed 6 months for a 1st violation or one year for a 2nd violation, or a civil penalty or fine not to exceed $200 for a 1st violation and $500 for a 2nd or subsequent violation. For purposes of this Section, "petty violation" means any violation of the Act listed in Section 5-85 of the Act that is not a criminal offense, or that would constitute a petty or business offense or a Class B or C misdemeanor, under the Criminal Code of 2012.

e) Minor violations of the Act may be subject to probation or suspension not to exceed one year for a 1st violation or 18 months for a 2nd or subsequent violation, or a civil penalty or a fine not to exceed $2,500 for a 1st violation and $5,000 for a 2nd or subsequent violation. For the purposes of this Section, "minor violation" means:

1) any violation of Section 5-15 of the Act that would constitute a Class A misdemeanor; and

2) a violation of Section 5-85 of the Act:

A) (a)(1), (a)(3), (a)(5) or (a)(8), if the violation would constitute a Class A misdemeanor;

B) (a)(2), if due to negligence or carelessness;

C) (a)(6)(A), if a misdemeanor;

D) (a)(7), if the person did not have knowledge the firearms were sold or transferred illegally, but should have known; and

E) (a)(9).

f) Major violations of the Act shall be subject to suspension for a period of time deemed appropriate by the Director, or to revocation, based on the facts and circumstances of the violation, and may include a civil penalty or fine not to exceed $5,000 for a 1st violation and $10,000 for a 2nd or subsequent violation. For the purposes of this Section, "major violation" means:

1) any violation of Section 5-15 of the Act that would constitute a Class 4 felony; and

2) a violation of Section 5-85 of the Act:

A) (a)(1), (a)(3), (a)(5), (a)(6)(A), or (a)(8), if the violation would constitute a felony;

B) (a)(2), if due to intentional or willful and wanton behavior;

C) (a)(7), if the person had knowledge the firearms were sold or transferred illegally;

D) (a)(10); and

E) (a)(11).

g) All penalties, including *civil penalties* or fines, *shall* only *be assessed by ISP after a hearing is held in accordance with Sections 5-95 and 5-100* of the Act. (Section 5-15(e) of the Act)

h) *All civil penalties or fines imposed under the Act shall be paid within 90 days after the effective date of the final order imposing the fine. The order shall constitute a judgment and may be filed and executed in the same manner as any judgment from any court of record.* (Sections 5-15(g) and 85(b) of the Act) All civil penalties or fines shall be paid via certified check or money order payable to the "Illinois State Police" or by such other means as approved by ISP. Checks or money orders shall be delivered to ISP as provided in Section 1232.180.

i) *Any certificate of license obtained under the Act by material misstatement or fraudulent misrepresentation shall be automatically revoked.*

j) *At any time after the successful completion of a term of probation, suspension or revocation of a certificate of license, ISP may restore the license to the certified licensee, unless, after an investigation and a hearing, the Director determines that restoration is not in the public interest.* (Section 5-105 of the Act)