**Section 1450.905 Temporary Suspension**

The Secretary may temporarily suspend a license without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 20-60 of the Act, if the Secretary finds evidence indicating that the public interest, safety or welfare imperatively requires emergency action. Emergency action is imperative when a licensee's conduct poses a threat that the public's or another licensee's money or other property will be stolen or embezzled or that continued licensure of a licensee will be a threat to the safety of the public or another licensee.

a) The Department may consider any one or more of the following acts committed by a licensee as cause for temporary suspension, including, but not limited to:

1) Failure to account for or to remit any moneys or documents that belong to others as set forth in Section 20-20(a)(16) of the Act;

2) Failure to maintain and deposit in a special or escrow account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a designated managing broker or sponsoring broker while acting as a licensee, escrow agent or temporary custodian of the funds of others, as set forth in Section 20-20(a)(17) of the Act;

3) Failure to make escrow records and related documents for the immediately preceding 2 years available, within 24 hours after request, to the Division during normal business hours pursuant to Section 20-20(a)(18) of the Act and Section 1450.755. This action alone may not be sufficient grounds for a temporary suspension;

4) Failure to make escrow records and related documents more than 2 years old available, within 30 days after request, to the Division during normal business hours, in physical or electronic form, as set forth in Section 20-20(a)(27) of the Act and Section 1450.755; or

5) Commingling money or property of others with the licensee's own money or property, as set forth in Section 20-20(a)(22) of the Act.

b) A petition for temporary suspension shall:

1) State the statutory basis for the action petitioned;

2) Allege facts, supported by sufficient evidence; and

3) Be presented to the Secretary.

c) An order for temporary suspension shall:

1) Contain sufficient notice regarding the basis for the action;

2) Recite the statutory basis for the action;

3) Demand immediate surrender of the license; and

4) Be signed by the Secretary.

d) A notice of temporary suspension shall accompany the order and shall:

1) Set a hearing date within 30 days after the date on which the order takes effect;

2) Identify the location where the hearing will take place; and

3) Provide information as to where the licensee may obtain the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110).

(Source: Amended at 45 Ill. Reg. 2851, effective February 23, 2021)