**Section 1480.30 Repossession Agency License Transfer**

a) Applications for the transfer of a repossession agency license shall be filed on forms and contain the information prescribed by the Commission. Incomplete or incorrect applications for the transfer of a license shall be refused or rejected by the Commission. Applications shall be accompanied by the appropriate fee listed in Section 1480.540.

b) The following shall constitute a transfer of a repossession agency license:

 1) Change in the ownership interest of the license;

 2) Change in the ownership interest of the license holder.

c) Transferees-applicants shall disclose on transfer applications:

1) All civil judgments entered in the 5 years preceding the date of application by any legal forum other than the Commission arising from conduct while performing repossessions against the transferee-applicant or any individual required to submit to a criminal background check as part of the licensure process; and

2) All *convictions for any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.*  [225 ILCS 422/80] The transferee-applicant shall provide all information required by the Commission's application regarding the transferee-applicant's convictions, in addition to submitting to a criminal background check as required by the Act.

d) Unless otherwise specifically provided for in the Act or in this Part, transferee-applicants will be held to the same fitness standards and will be required to comply with the same application procedures as initial applicants for repossession agency licensure.

e) The Commission shall review applications for the transfer of a license to determine whether the transferee-applicant has satisfied the fitness criteria contained in the Act and this Part. If, upon review of an application for the transfer of a license, the Commission discovers that the transferee-applicant or any individual required to submit to a criminal background check as part of the licensure process has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession* [225 ILCS 422/80]*,* the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the transferee-applicant is unfit by reason of conviction.

f) A transfer of a repossession agency license shall not be granted to a transferee-applicant if the transferee-applicant or any individual required to submit to a criminal background check as part of the licensure process has pending criminal proceedings involving *any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.* The application for transfer of repossession agency licensure shall remain on pending status until the resolution of the pending criminal charges. If the criminal proceedings culminate in the transferee-applicant or any individual required to submit to a criminal background check as part of the licensure process being *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession*, the matter shall be set for an administrative hearing before an Administrative Law Judge to assist the Commission in determining whether the transferee-applicant is unfit by reason of conviction. [225 ILCS 422/80]

g) Only repossession agency licenses that are in good standing with the Commission may be transferred. *Applicants have 90 days from the date of application to complete the application process*.The repossession agency license shall remain on active status during the 90 day period. *If the application* process *has not been completed* and all the fitness standards have not been fulfilled *within 90 days, then the application shall be denied, the fee shall be forfeited* and the license shall be suspended. [225 ILCS 422/35(k)]

h) At the hearing, the applicant shall have the burden of proving fitness by clear and convincing evidence.

i) As part of the transfer of repossession agency licensure process, the Commission shall consider the criminal record of the transferee-applicant. The Commission may refuse to grant the transfer of a repossession agency license if the transferee-applicant has been *convicted of any crime under the laws of the United States or any state or territory of the United States that is a felony, a misdemeanor an essential element of which is dishonesty, or a crime related to the practice of the profession.* [225 ILCS 422/80] For purposes of this subsection and subsection (c)(2), "transferee-applicant" shall include the sole proprietor if the transferee-applicant is a sole proprietorship, each partner of the transferee-applicant that is a partnership, each officer of the transferee-applicant that is a corporation and each member of the transferee-applicant that is a limited liability company.

(Source: Amended at 38 Ill. Reg. 5821, effective March 14, 2014)