

1 AMENDMENT TO HOUSE BILL 4166

2 AMENDMENT NO. _____. Amend House Bill 4166 by replacing
3 the title with the following:

4 "AN ACT concerning athlete agents."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 1. Short title. This Act may be cited as the
8 Athlete Agents Act.

9 Section 2. Definitions. In this Act:

10 (1) "Agency contract" means an agreement in which a
11 student-athlete authorizes a person to negotiate or
12 solicit on behalf of the student-athlete a
13 professional-sports-services contract or an endorsement
14 contract.

15 (2) "Athlete agent" means an individual who enters
16 into an agency contract with a student-athlete or,
17 directly or indirectly, recruits or solicits a
18 student-athlete to enter into an agency contract. The
19 term includes an individual who represents to the public
20 that the individual is an athlete agent. The term does
21 not include a spouse, parent, sibling, grandparent, or

1 guardian of the student-athlete or an individual acting
2 solely on behalf of a professional sports team or
3 professional sports organization.

4 (3) "Athletic director" means an individual
5 responsible for administering the overall athletic
6 program of an educational institution or, if an
7 educational institution has separately administered
8 athletic programs for male students and female students,
9 the athletic program for males or the athletic program
10 for females, as appropriate.

11 (4) "Contact" means a communication, direct or
12 indirect, between an athlete agent and a student-athlete,
13 to recruit or solicit the student-athlete to enter into
14 an agency contract.

15 (4.5) "Department" means the Department of
16 Professional Regulation.

17 (4.6) "Director" means the Director of Professional
18 Regulation.

19 (5) "Endorsement contract" means an agreement under
20 which a student-athlete is employed or receives
21 consideration to use on behalf of the other party any
22 value that the student-athlete may have because of
23 publicity, reputation, following, or fame obtained
24 because of athletic ability or performance.

25 (6) "Intercollegiate sport" means a sport played at
26 the collegiate level for which eligibility requirements
27 for participation by a student-athlete are established by
28 a national association for the promotion or regulation of
29 collegiate athletics.

30 (7) "Person" means an individual, corporation,
31 business trust, estate, trust, partnership, limited
32 liability company, association, joint venture,
33 government; governmental subdivision, agency, or
34 instrumentality; public corporation, or any other legal

1 or commercial entity.

2 (8) "Professional-sports-services contract" means
3 an agreement under which an individual is employed, or
4 agrees to render services, as a player on a professional
5 sports team, with a professional sports organization, or
6 as a professional athlete.

7 (9) "Record" means information that is inscribed on
8 a tangible medium or that is stored in an electronic or
9 other medium and is retrievable in perceivable form.

10 (10) "Registration" means registration as an
11 athlete agent pursuant to this Act.

12 (11) "State" means a State of the United States,
13 the District of Columbia, Puerto Rico, the United States
14 Virgin Islands, or any territory or insular possession
15 subject to the jurisdiction of the United States.

16 (12) "Student-athlete" means an individual who
17 engages in, is eligible to engage in, or may be eligible
18 in the future to engage in, any intercollegiate sport.
19 If an individual is permanently ineligible to participate
20 in a particular intercollegiate sport, the individual is
21 not a student-athlete for purposes of that sport.

22 Section 2.1. The Department may exercise the following
23 powers and duties subject to the provisions of this Act:

24 (1) To prescribe forms of application for
25 certificates of registration.

26 (2) To pass upon the qualifications of applicants
27 for certificates of registration and issue certificates
28 of registration to those found to be fit and qualified.

29 (3) To conduct hearings on proceedings to revoke,
30 suspend, or otherwise discipline or to refuse to issue or
31 renew certificates of registration.

32 (4) To formulate rules when required for the
33 administration and enforcement of this Act.

1 Section 3. Service of process; subpoenas.

2 (a) By acting as an athlete agent in this State, a
3 nonresident individual appoints the Department as the
4 individual's agent for service of process in any civil action
5 in this State related to the individual's acting as an
6 athlete agent in this State.

7 (b) The Department may issue subpoenas for any material
8 that is relevant to the administration of this Act.

9 Section 4. Athlete agents: registration required; void
10 contracts.

11 (a) Except as otherwise provided in subsection (b), an
12 individual may not act as an athlete agent in this State
13 without holding a certificate of registration under Section 6
14 or 8.

15 (b) Before being issued a certificate of registration,
16 an individual may act as an athlete agent in this state for
17 all purposes except signing an agency contract, if:

18 (1) a student-athlete or another person acting on
19 behalf of the student-athlete initiates communication
20 with the individual; and

21 (2) within seven days after an initial act as an
22 athlete agent, the individual submits an application for
23 registration as an athlete agent in this State.

24 (c) An agency contract resulting from conduct in
25 violation of this section is void and the athlete agent shall
26 return any consideration received under the contract.

27 Section 5. Registration as athlete agent; form;
28 requirements. An applicant for registration shall submit an
29 application for registration to the Department in a form
30 prescribed by the Department. An application filed under this
31 Section is a public record. The application must be in the
32 name of an individual and, except as otherwise provided in

1 subsection (b), signed or otherwise authenticated by the
2 applicant under penalty of perjury and state or contain:

3 (1) the name of the applicant and the address of
4 the applicant's principal place of business;

5 (2) the name of the applicant's business or
6 employer, if applicable;

7 (3) any business or occupation engaged in by the
8 applicant for the five years next preceding the date of
9 submission of the application;

10 (4) a description of the applicant's:

11 (A) formal training as an athlete agent;

12 (B) practical experience as an athlete agent;

13 and

14 (C) educational background relating to the
15 applicant's activities as an athlete agent;

16 (5) the names and addresses of three individuals
17 not related to the applicant who are willing to serve as
18 references;

19 (6) the name, sport, and last known team for each
20 individual for whom the applicant acted as an athlete
21 agent during the five years next preceding the date of
22 submission of the application;

23 (7) the names and addresses of all persons who are:

24 (A) with respect to the athlete agent's
25 business if it is not a corporation, the partners,
26 members, officers, managers, associates, or
27 profit-sharers of the business; and

28 (B) with respect to a corporation employing
29 the athlete agent, the officers, directors, and any
30 shareholder of the corporation having an interest of
31 five percent or greater;

32 (8) whether the applicant or any person named
33 pursuant to paragraph (7) has been convicted of a crime
34 that, if committed in this State, would be a crime

1 involving moral turpitude or a felony, and identify the
2 crime;

3 (9) whether there has been any administrative or
4 judicial determination that the applicant or any person
5 named pursuant to paragraph (7) has made a false,
6 misleading, deceptive, or fraudulent representation;

7 (10) any instance in which the conduct of the
8 applicant or any person named pursuant to paragraph (7)
9 resulted in the imposition of a sanction, suspension, or
10 declaration of ineligibility to participate in an
11 interscholastic or intercollegiate athletic event on a
12 student-athlete or educational institution;

13 (11) any sanction, suspension, or disciplinary
14 action taken against the applicant or any person named
15 pursuant to paragraph (7) arising out of occupational or
16 professional conduct; and

17 (12) whether there has been any denial of an
18 application for, suspension or revocation of, or refusal
19 to renew, the registration or licensure of the applicant
20 or any person named pursuant to paragraph (7) as an
21 athlete agent in any State.

22 Section 5.5. Public records.

23 (a) All information required by the Department of any
24 applicant for licensure shall be a public record, except
25 financial information.

26 (b) If a registrant changes his or her name style,
27 address, or employment from that which appears on his or her
28 current registration, he or she shall notify the Department
29 of the change within 30 days after it occurs.

30 (c) All public records of the Department, when duly
31 certified by the Director, shall be received as prima facie
32 evidence in any State administrative or judicial proceedings.

1 Section 6. Certificate of registration; issuance or
2 denial; renewal.

3 (a) Except as otherwise provided in subsection (b), the
4 Department shall issue a certificate of registration to an
5 individual who complies with Section 5(a) or whose
6 application has been accepted under Section 5(b).

7 (b) The Department may refuse to issue a certificate of
8 registration if the Department determines that the applicant
9 has engaged in conduct that has a significant adverse effect
10 on the applicant's fitness to act as an athlete agent. In
11 making the determination, the Department may consider whether
12 the applicant has:

13 (1) been convicted of a crime that, if committed in
14 this State, would be a crime involving moral turpitude or
15 a felony;

16 (2) made a materially false, misleading, deceptive,
17 or fraudulent representation in the application or as an
18 athlete agent;

19 (3) engaged in conduct that would disqualify the
20 applicant from serving in a fiduciary capacity;

21 (4) engaged in conduct prohibited by Section 14;

22 (5) had a registration or licensure as an athlete
23 agent suspended, revoked, or denied or been refused
24 renewal of registration or licensure as an athlete agent
25 in any State;

26 (6) engaged in conduct the consequence of which was
27 that a sanction, suspension, or declaration of
28 ineligibility to participate in an interscholastic or
29 intercollegiate athletic event was imposed on a
30 student-athlete or educational institution; or

31 (7) engaged in conduct that significantly adversely
32 reflects on the applicant's credibility, honesty, or
33 integrity.

34 (c) In making a determination under subsection (b), the

1 Department shall consider:

2 (1) how recently the conduct occurred;

3 (2) the nature of the conduct and the context in
4 which it occurred; and

5 (3) any other relevant conduct of the applicant.

6 (d) An athlete agent may apply to renew a registration
7 by submitting an application for renewal in a form prescribed
8 by the Department. An application filed under this section is
9 a public record. The application for renewal must be signed
10 by the applicant under penalty of perjury and must contain
11 current information on all matters required in an original
12 registration.

13 (e) An individual who has submitted an application for
14 renewal of registration or licensure in another State, in
15 lieu of submitting an application for renewal in the form
16 prescribed pursuant to subsection (d), may file a copy of the
17 application for renewal and a valid certificate of
18 registration or licensure from the other State. The
19 Department shall accept the application for renewal from the
20 other State as an application for renewal in this State if
21 the application to the other State:

22 (1) was submitted in the other State within six
23 months next preceding the filing in this State and the
24 applicant certifies the information contained in the
25 application for renewal is current;

26 (2) contains information substantially similar to
27 or more comprehensive than that required in an
28 application for renewal submitted in this State; and

29 (3) was signed by the applicant under penalty of
30 perjury.

31 (f) A certificate of registration or a renewal of a
32 registration is valid for two years.

33 Section 7. Suspension, revocation, or refusal to renew

1 registration.

2 (a) The Department may suspend, revoke, or refuse to
3 renew a registration for conduct that would have justified
4 denial of registration under Section 6(b).

5 (b) The Department may deny, suspend, revoke, or refuse
6 to renew a certificate of registration or licensure only
7 after proper notice and an opportunity for a hearing. The
8 Illinois Administrative Procedure Act applies to this Act.

9 Section 8. Temporary registration.

10 (a) The Department may issue a temporary certificate of
11 registration while an application for registration or renewal
12 of registration is pending.

13 (b) A temporary certificate shall be issued by the
14 Department to an individual who holds a certificate,
15 registration, or license as an athlete agent in another State
16 and submits a copy of the certificate, registration, or
17 license in lieu of submitting an application in the form
18 prescribed pursuant to Section 5.

19 (c) A temporary certificate issued pursuant to
20 subsection (b) of this Section shall be valid for 30 days or
21 until such time as the Department receives an application in
22 accordance with Section 5.

23 (d) A temporary certificate shall be considered as
24 issued upon the Department's receipt of a copy of a
25 certificate in accordance with subsection (b) of this
26 Section.

27 Section. 8.5. Expiration of registration.

28 (a) Registrations shall expire at midnight on June 30 of
29 each odd-numbered year.

30 (b) Failure to renew a registration prior to its
31 expiration shall cause the registration to become nonrenewed
32 and it shall be unlawful thereafter for the registrant to

1 engage, offer to engage, or hold himself or herself out as
2 engaging as a registered athlete agent under the registration
3 unless the registration is restored or reissued as defined by
4 rule.

5 Section 9. Fees.

6 (a) The initial application fee for a certificate shall
7 be fixed by the Department by rule.

8 (b) All other fees not set forth in this Act shall be
9 fixed by rule.

10 (c) If an applicant for initial registration applies for
11 licensure during the second half of the biennial period, he
12 or she shall be required to pay only one-half of the amount
13 fixed by the Department for initial application.

14 (d) Any change of a registration that requires the
15 issuance of a new registration shall be completed on a form
16 required by the Department and accompanied by a \$10 handling
17 fee.

18 (e) All fees and fines collected under this Act shall be
19 deposited into the General Professions Dedicated Fund.

20 Section 10. Required form of contract.

21 (a) An agency contract must be in a record, signed or
22 otherwise authenticated by the parties.

23 (b) An agency contract must state or contain:

24 (1) the amount and method of calculating the
25 consideration to be paid by the student-athlete for
26 services to be provided by the athlete agent under the
27 contract and any other consideration the athlete agent
28 has received or will receive from any other source for
29 entering into the contract or for providing the services;

30 (2) the name of any person not listed in the
31 application for registration or renewal of registration
32 who will be compensated because the student-athlete

1 signed the agency contract;

2 (3) a description of any expenses that the
3 student-athlete agrees to reimburse;

4 (4) a description of the services to be provided to
5 the student-athlete;

6 (5) the duration of the contract; and

7 (6) the date of execution.

8 (c) An agency contract must contain, in close proximity
9 to the signature of the student-athlete, a conspicuous notice
10 in boldface type in capital letters stating:

11 WARNING TO STUDENT-ATHLETE

12 IF YOU SIGN THIS CONTRACT:

13 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A
14 STUDENT-ATHLETE IN YOUR SPORT;

15 (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72
16 HOURS AFTER ENTERING INTO THIS CONTRACT OR BEFORE YOUR
17 NEXT SCHEDULED ATHLETIC EVENT, WHICHEVER OCCURS FIRST,
18 BOTH YOU AND YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC
19 DIRECTOR; AND

20 (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS
21 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT
22 REINSTATE YOUR ELIGIBILITY.

23 (d) An agency contract that does not conform to this
24 section is voidable by the student-athlete. If a
25 student-athlete voids an agency contract, the student-athlete
26 is not required to pay any consideration under the contract
27 or to return any consideration received from the athlete
28 agent to induce the student-athlete to enter into the
29 contract.

30 (e) The athlete agent shall give a record of the signed
31 or otherwise authenticated agency contract to the
32 student-athlete at the time of execution.

33 Section 11. Notice to educational institution.

1 (a) Within 72 hours after entering into an agency
2 contract or before the next scheduled athletic event in which
3 the student-athlete may participate, whichever occurs first,
4 the athlete agent shall give notice in a record of the
5 existence of the contract to the athletic director of the
6 educational institution at which the student-athlete is
7 enrolled or the athlete agent has reasonable grounds to
8 believe the student-athlete intends to enroll.

9 (b) Within 72 hours after entering into an agency
10 contract or before the next athletic event in which the
11 student-athlete may participate, whichever occurs first, the
12 student-athlete shall inform the athletic director of the
13 educational institution at which the student-athlete is
14 enrolled that he or she has entered into an agency contract.

15 Section 12. Student-athlete's right to cancel.

16 (a) A student-athlete may cancel an agency contract by
17 giving notice of the cancellation to the athlete agent in a
18 record within 14 days after the contract is signed.

19 (b) A student-athlete may not waive the right to cancel
20 an agency contract.

21 (c) If a student-athlete cancels an agency contract, the
22 student-athlete is not required to pay any consideration
23 under the contract or to return any consideration received
24 from the athlete agent to induce the student-athlete to enter
25 into the contract.

26 Section 13. Required records.

27 (a) An athlete agent shall retain the following records
28 for a period of five years:

29 (1) the name and address of each individual
30 represented by the athlete agent;

31 (2) any agency contract entered into by the athlete
32 agent; and

1 (3) any direct costs incurred by the athlete agent
2 in the recruitment or solicitation of a student-athlete
3 to enter into an agency contract.

4 (b) Records required by subsection (a) to be retained
5 are open to inspection by the Department during normal
6 business hours.

7 Section 14. Prohibited conduct.

8 (a) An athlete agent, with the intent to induce a
9 student-athlete to enter into an agency contract, may not:

10 (1) give any materially false or misleading
11 information or make a materially false promise or
12 representation;

13 (2) furnish anything of value to a student-athlete
14 before the student-athlete enters into the agency
15 contract; or

16 (3) furnish anything of value to any individual
17 other than the student-athlete or another registered
18 athlete agent.

19 (b) An athlete agent may not intentionally:

20 (1) initiate contact with a student-athlete unless
21 registered under this Act;

22 (2) refuse or fail to retain or permit inspection
23 of the records required to be retained by Section 13;

24 (3) fail to register when required by Section 4;

25 (4) provide materially false or misleading
26 information in an application for registration or renewal
27 of registration;

28 (5) predate or postdate an agency contract; or

29 (6) fail to notify a student-athlete before the
30 student-athlete signs or otherwise authenticates an
31 agency contract for a particular sport that the signing
32 or authentication may make the student-athlete ineligible
33 to participate as a student-athlete in that sport.

1 Section 15. Criminal penalties. An athlete agent who
2 violates Section 14 is guilty of a Class A misdemeanor.

3 Section 16. Civil remedies.

4 (a) An educational institution has a right of action
5 against an athlete agent or a former student-athlete for
6 damages caused by a violation of this Act. In an action
7 under this section, the court may award to the prevailing
8 party costs and reasonable attorney's fees.

9 (b) Damages of an educational institution under
10 subsection (a) include losses and expenses incurred because,
11 as a result of the conduct of an athlete agent or former
12 student-athlete, the educational institution was injured by a
13 violation of this Act or was penalized, disqualified, or
14 suspended from participation in athletics by a national
15 association for the promotion and regulation of athletics, by
16 an athletic conference, or by reasonable self-imposed
17 disciplinary action taken to mitigate sanctions likely to be
18 imposed by such an organization.

19 (c) A right of action under this section does not accrue
20 until the educational institution discovers or by the
21 exercise of reasonable diligence would have discovered the
22 violation by the athlete agent or former student-athlete.

23 (d) Any liability of the athlete agent or the former
24 student-athlete under this section is several and not joint.

25 (e) This Act does not restrict rights, remedies, or
26 defenses of any person under law or equity.

27 Section 17. Grounds for disciplinary action.

28 (a) The Department may refuse to issue or to renew or
29 may revoke, suspend, place on probation, reprimand, or take
30 other disciplinary action as the Department may deem proper,
31 including fines not to exceed \$5,000 for each violation, with
32 regard to any registration for any one or combination of the

1 following causes:

2 (1) Violation of this Act or its rules.

3 (2) Conviction of any crime under the laws of any
4 U.S. jurisdiction that is a felony or that is a
5 misdemeanor, an essential element of which is dishonesty,
6 or of any crime that directly relates to the practice of
7 the profession.

8 (3) Making any misrepresentation for the purpose of
9 obtaining a registration.

10 (4) Gross malpractice, prima facie evidence of
11 which may be a conviction or judgment of malpractice in
12 any court of competent jurisdiction.

13 (5) Aiding or assisting another person in violating
14 any provision of this Act or rules adopted pursuant to
15 this Act.

16 (6) Failing, within 60 days, to provide information
17 in response to a written request made by the Department
18 that was sent by certified or registered mail to the
19 registrant's last known address.

20 (7) Engaging in dishonorable, unethical, or
21 unprofessional conduct of a character likely to deceive,
22 defraud, or harm the public.

23 (8) Habitual or excessive use or addiction to
24 alcohol, narcotics, stimulants, or any other chemical
25 agent or drug that results in the inability to practice
26 with reasonable judgment or skill.

27 (9) Discipline by another U.S. jurisdiction or
28 foreign nation if at least one of the grounds for the
29 discipline is the same or substantially equivalent to
30 those set forth in this Section.

31 (10) Directly or indirectly giving to or receiving
32 from any person, firm, corporation, partnership, or
33 association any fee, commission, rebate, or other form of
34 compensation for any professional services not actually

1 or personally rendered.

2 (11) A finding by the Department that the
3 registrant, after having his or her registration placed
4 on probationary status, has violated the terms of
5 probation.

6 (12) Conviction by any court of competent
7 jurisdiction, either within or without this State, of any
8 violation of any law governing the practice of athlete
9 agents if the Department determines, after investigation,
10 that the person has not been sufficiently rehabilitated
11 to warrant the public trust.

12 (13) A finding that registration has been applied
13 for or obtained by fraudulent means.

14 (14) Practicing, attempting to practice, or
15 advertising under a name other than the full name as
16 shown on the registration or any other legally authorized
17 name.

18 (15) Gross and willful overcharging for
19 professional services, including filing false statements
20 for collection of fees or moneys for which services are
21 not rendered.

22 (16) Failure to file a return, to pay the tax,
23 penalty, or interest shown in a filed return, or to pay
24 any final assessment of tax, penalty, or interest, as
25 required by any tax Act administered by the Illinois
26 Department of Revenue, until such time as the
27 requirements of that tax Act are satisfied.

28 (17) Physical or mental disability, including
29 deterioration through the aging process, or loss of
30 abilities and skills that result in an inability to
31 practice the profession with reasonable judgment or
32 skill.

33 (18) Material misstatement in furnishing
34 information to the Department or to any other State

1 agency.

2 (19) Advertising in any manner that is false,
3 misleading, or deceptive.

4 (b) The Department shall deny any registration or
5 renewal under this Act to any person who has defaulted on an
6 educational loan guaranteed by the Illinois State Scholarship
7 Commission; however, the Department may issue a registration
8 or renewal if the person in default has established a
9 satisfactory repayment record as determined by the Illinois
10 State Scholarship Commission.

11 (c) Failure to continue to meet the requirements of this
12 Act shall be deemed a violation of this Act.

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

23 Section 18. Stenographer; record of proceedings. The
24 Department, at its expense, shall provide a stenographer to
25 take down the testimony and preserve a record of all
26 proceedings initiated pursuant to this Act, the rules for the
27 administration of this Act, or any other Act or rules
28 relating to this Act and proceedings for restoration of any
29 registration issued under this Act. The notice of hearing,
30 complaint, answer, and all other documents in the nature of
31 pleadings and written motions and responses filed in the
32 proceedings, the transcript of the testimony, all exhibits
33 admitted into evidence, the report of the hearing officer,

1 the conclusions of law, and recommendations to the Director,
2 and the order shall be the record of the proceedings. The
3 Department shall furnish a transcript of the record to any
4 person interested in the hearing upon payment of the fee
5 required under Section 2105-115 of the Civil Administrative
6 Code of Illinois (Department of Professional Regulation Law).

7 Section 19. Court orders. Any circuit court may, upon
8 application of the Department or its designee or of the
9 applicant or registrant against whom proceedings are pending,
10 enter an order requiring the attendance of witnesses and
11 their testimony and the production of documents, papers,
12 files, books, and records in connection with any hearing or
13 investigation. The court may compel obedience to its order by
14 proceedings for contempt.

15 Section 20. Subpoenas; administration of oaths. The
16 Department has power to subpoena and bring before it any
17 person in this State and to take testimony orally, by
18 deposition, or both or to subpoena documents, exhibits, or
19 other materials with the same fees and mileage and in the
20 same manner as prescribed by law in judicial proceedings in
21 civil cases in circuit courts of this State.

22 The Director has the power to administer oaths to
23 witnesses at any hearing that the Department is authorized by
24 law to conduct. The Director has the power to administer any
25 other oaths required or authorized to be administered by the
26 Department under this Act.

27 Section 21. Findings of fact; conclusions of law;
28 recommendations; order. Within 60 days of the Department's
29 receipt of the transcript of any hearing that is conducted
30 pursuant to this Act or the rules for its enforcement, any
31 other statute or rule requiring a hearing under this Act or

1 the rules for its enforcement, or any hearing related to
2 restoration of any registration issued pursuant to this Act,
3 the hearing officer shall submit his or her written findings
4 and recommendations to the Director.

5 A copy of the findings of fact, conclusions of law, and
6 recommendations submitted to the Director shall be served
7 upon the accused person, either personally or by registered
8 or certified mail. Within 20 days after service, the accused
9 person may present to the Department a written motion for a
10 rehearing, which shall state the particular grounds therefor.
11 If the accused person orders and pays for a transcript
12 pursuant to Section 18, the time elapsing thereafter and
13 before the transcript is ready for delivery to him or her
14 shall not be counted as part of the 20 days.

15 The Director shall issue an order based on the findings
16 of fact, conclusions of law, and recommendations.

17 Section 22. Temporary suspension. The Director may
18 temporarily suspend a person's registration without a
19 hearing, simultaneously with the institution of proceedings
20 for a hearing provided for in this Act, if the Director finds
21 that evidence in his or her possession indicates that
22 continuation in practice by that person would constitute an
23 imminent danger to the public. In the event that the Director
24 temporarily suspends a registration without a hearing, the
25 Department shall hold a hearing within 30 days after the
26 suspension has occurred.

27 Section 23. Administrative Review Law. All final
28 administrative decisions of the Department are subject to
29 judicial review pursuant to the Administrative Review Law and
30 its rules. The term "administrative decision" is defined as
31 in Section 3-101 of the Code of Civil Procedure.

1 Section 24. Illinois Administrative Procedure Act. The
2 Illinois Administrative Procedure Act is hereby expressly
3 adopted and incorporated herein as if all of the provisions
4 of that Act were included in this Act, except that the
5 provision of subsection (d) of Section 10-65 of the Illinois
6 Administrative Procedure Act that provides that at hearings
7 the registrant has the right to show compliance with all
8 lawful requirements for retention, continuation, or renewal
9 of the registration is specifically excluded. For the purpose
10 of this Act the notice required under Section 10-25 of the
11 Administrative Procedure Act is deemed sufficient when mailed
12 to the last known address of a party.

13 Section 25. Certification of record; costs. The
14 Department shall not be required to certify any record to the
15 court, to file an answer in court, or to otherwise appear in
16 any court in a judicial review proceeding, unless there is
17 filed in the court, with the complaint, a receipt from the
18 Department acknowledging payment of the costs of furnishing
19 and certifying the record. Failure on the part of the
20 plaintiff to file the receipt in court is grounds for
21 dismissal of the action.

22 Section 26. Returned checks; fines. A person who
23 delivers a check or other payment to the Department that is
24 returned to the Department unpaid by the financial
25 institution upon which it is drawn shall pay to the
26 Department, in addition to the amount already owed to the
27 Department, a fine of \$50. A fine imposed under this Section
28 is in addition to any other discipline provided under this
29 Act for unregistered practice or practice on a nonrenewed
30 registration. The Department shall notify the person that
31 fees and fines shall be paid to the Department by certified
32 check or money order within 30 calendar days of the

1 notification. If, after the expiration of 30 days from the
2 date of the notification, the person fails to submit the
3 necessary remittance, the Department shall automatically
4 terminate his or her registration or deny his or her
5 application without hearing. If, after termination or denial,
6 the person seeks a registration, he or she shall apply to the
7 Department for restoration or issuance of his or her
8 registration and pay all fees and fines due to the
9 Department. The Department may establish a fee for the
10 processing of an application for restoration of a
11 registration to pay all expenses of processing the
12 application. The Director may waive any fine due under this
13 Section in any individual case where the Director finds that
14 the fine would be unreasonable or unnecessarily burdensome.

15 Section 27. Hearing officer. The Director has the
16 authority to appoint any attorney duly registered to practice
17 law in the State of Illinois to serve as the hearing officer
18 for any action for refusal to issue or renew a registration,
19 for discipline of a registrant, for sanctions, for
20 unregistered practice, for restoration of a registration, or
21 for any other action for which findings of fact, conclusions
22 of law, and recommendations are required pursuant to Section
23 21 of this Act. The hearing officer shall have full authority
24 to conduct the hearing and shall issue his or her findings of
25 fact and recommendations to the Director pursuant to Section
26 21 of this Act.

27 Section 28. Enforcement; petition to court.

28 (a) If any person violates the provisions of this Act,
29 the Director, through the Attorney General or the State's
30 Attorney of any county in which a violation is alleged to
31 exist, may, in the name of the People of the State of
32 Illinois, petition for an order enjoining the violation or

1 for an order enforcing compliance with this Act. Upon the
2 filing of a verified petition in court, the court may issue a
3 temporary restraining order without notice or bond and may
4 preliminarily and permanently enjoin the violation. If it is
5 established that the person has violated or is violating the
6 injunction, the court may punish the offender for contempt of
7 court.

8 (b) If any person practices as a registered athlete
9 agent or holds himself or herself out as a registrant without
10 being registered under the provisions of this Act, then any
11 person registered under this Act, any interested party, or
12 any person injured thereby, in addition to those officers
13 identified in subsection (a) of this Section, may petition
14 for relief as provided in subsection (a).

15 (c) Whenever the Department has reason to believe that a
16 person has violated the registration requirements of this Act
17 by practicing, offering to practice, attempting to practice,
18 or holding himself or herself out to practice as a registered
19 athlete agent without being registered under this Act, the
20 Department may issue a rule to show cause why an order to
21 cease and desist should not be entered against that person.
22 The rule shall clearly set forth the grounds relied upon by
23 the Department and shall provide a period of 7 days from the
24 date of the rule to file an answer to the satisfaction of the
25 Department. Failure to answer to the satisfaction of the
26 Department shall cause an order to cease and desist to be
27 issued immediately.

28 (d) Proceedings under this Section shall be in addition
29 to, and not in lieu of, all other remedies and penalties that
30 may be provided by law.

31 Section 29. Unregistered practice; violation; civil
32 penalty.

33 (a) Any person who practices, offers to practice,

1 attempts to practice, or holds himself or herself out to
2 practice without being registered under this Act shall, in
3 addition to any other penalty provided by law, pay a civil
4 penalty to the Department in an amount not to exceed \$5,000
5 for each offense as determined by the Department. The civil
6 penalty shall be assessed by the Department after a hearing
7 is held in accordance with the provisions set forth in this
8 Act regarding the provision of a hearing for the discipline
9 of a registrant.

10 (b) The Department has the authority and power to
11 investigate any and all registered activity.

12 (c) A civil penalty imposed pursuant to this Section
13 shall be paid within 60 days after the effective date of the
14 order imposing the civil penalty. The order shall constitute
15 a judgment and may be filed and execution had thereon in the
16 same manner as any judgment from any court of record.

17 Section 30. Electronic Signatures in Global and National
18 Commerce Act. The provisions of this Act governing the legal
19 effect, validity, or enforceability of electronic records or
20 signatures, and of contracts formed or performed with the use
21 of such records or signatures conform to the requirements of
22 Section 102 of the Electronic Signatures in Global and
23 National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464
24 (2000), and supersede, modify, and limit the Electronic
25 Signatures in Global and National Commerce Act.

26 Section 31. Severability. If any provision of this Act
27 or its application to any person or circumstance is held
28 invalid, the invalidity does not affect other provisions or
29 applications of this Act which can be given effect without
30 the invalid provision or application, and to this end the
31 provisions of this Act are severable."