



# IDFPR

Illinois Department of  
Financial and Professional Regulation

Division of Professional Regulation

## **FAQs for Administrative Hearings**

### **1. I received a formal complaint, what do I do?**

The formal complaint will provide information about when you must appear before the Department and when you must file an answer. Failing to timely respond may result in a default judgment against you, so you are strongly encouraged to cooperate with the Department. You have the right to be represented by an attorney and are strongly advised to seek representation.

### **2. What is an informal conference?**

The purpose of an informal conference is for the parties to informally negotiate and discuss a case to determine if a resolution can be made prior to a formal administrative hearing. You have the right to be represented by an attorney at an informal conference and are strongly advised to seek representation.

### **3. What is a preliminary hearing?**

The purpose of a preliminary hearing is to set a date on which all parties expect to be prepared for rulings by the Administrative Law Judge on any preliminary motions. This may be eliminated by agreement of the parties or the Administrative Law Judge.

### **4. What is an administrative hearing?**

An administrative hearing is a formal hearing before an Administrative Law Judge during which each party makes opening and closing statements, the Department presents a case in chief, and the Respondent presents their defense. The Administrative Law Judge may rule on the case immediately following the hearing or at a later date.

### **5. A default judgment was entered against me, what do I do?**

You should contact the Department attorney assigned to your case for more information. If you do not know who the Department attorney is, you can [email the Department](#) for further information.

### **6. What is a 20 Day Notice?**

A 20 Day Notice is a written notification sent following an Administrative Law Judge's 'Report & Recommendation' and/or Board or Committee's 'Findings of Fact, Conclusions of Law, & Recommendations.' You have 20 days from the date the notice is mailed to file a motion for rehearing.

## **7. Is a Director's Order final?**

Yes, a Director's Order is a final administrative decision of the Department, in which he or she may adopt all or part of an Administrative Law Judge's 'Report & Recommendation' and/or Board or Committee's 'Findings of Fact, Conclusions of Law, & Recommendations.'

## **8. Can I appeal the Director's order?**

If the Director's order is subject to [administrative review law](#), you have 35 days from the date it was mailed to file for administrative review in the Circuit Court of the county in which the party applying for review resides or if the party is not a resident of Illinois, the venue shall be Sangamon County.

## **9. Are there standards for conduct in hearings before the Department?**

Yes. The standards of conduct apply to all attorneys, participants, and observers of hearings before the Department. Everyone is expected to act with courtesy. The Administrative Law Judges can enforce the standards of conduct under [68 IAC 1110.170\(a\)](#). Attorneys must abide by the [Illinois Supreme Court Rules of Professional Conduct](#). The [Public Notice](#) reminds attorneys and informs participants and observers of the Administrative Law Judges' expectations.

## **10. What aggravating and mitigating factors can the Department consider when taking action?**

The Department may consider, but is not limited to, the factors set forth in 68 IAC1130.300. For example, this includes, but is not limited to, the seriousness of the offense, the impact of the offense on any injured party, or a lack of cooperation with the Department.

## **11. What disciplinary actions can the Department take?**

The Department may take any of the following disciplinary actions. This list is not exclusive.

- **Reprimand:** A reprimand is an official public record of discipline but does not restrict the licensee's ability to practice. If monitoring is required, the licensee may have to fulfill additional requirements or conditions.
- **Probation:** Licensees placed on probation are permitted to practice subject to certain terms and conditions which vary depending on case circumstances. During the probation term, a licensee may be monitored by the Department's Probation Compliance Unit. The probation term may be for a definite period (i.e. automatically expires at the end of a stated term) or indefinite (i.e. a licensee must file a Petition for Restoration after a stated term has passed and prove that probation should be terminated). A licensee's failure to comply with probation terms and conditions may result in further disciplinary action.

- **Suspension:** Suspended licensees are prohibited from practice during the suspension term and may be subject to certain terms and conditions. The suspension term may be for a definite period (i.e. automatically expires at the end of a stated term) or indefinite (i.e. a licensee must file a Petition for Restoration after a stated term has passed and prove that suspension should be terminated). The term of suspension may be followed by probation.
- **Summary or Temporary Suspension:** When a licensee's continuation in practice poses an imminent danger to the public, the Department may take immediate action by summarily or temporarily suspending a license. The license remains suspended pending a hearing on the case within a required statutory time frame. Summarily or temporarily suspended licensees are prohibited from practice immediately upon being served by the Department.
- **Revocation:** Licensees are prohibited from practice while revoked. If no term is stated, a licensee must wait a minimum of three (3) years to be eligible to file a Petition for Restoration. In limited instances, a license may be permanently revoked and is ineligible for restoration.
- **Refuse to Renew:** Licensees who are refused renewal are ineligible to renew their license and are prohibited from practice after the expiration of the date of their license. A licensee who has been refused renewal may file a Petition for Restoration.
- **Relinquished, Surrendered, or Permanent Inactive:** These terms may or may not be considered discipline; however, a licensee in one of these statuses is not currently authorized to practice in Illinois. License lookup will indicate whether or not the status is disciplinary.
- **Fines:** Fines are disciplinary actions and may be issued in conjunction with one of the above disciplines.
- **Order to Cease & Desist:** An order to cease and desist is issued to an unlicensed individual or entity that is practicing without a license. An order to cease and desist may require the individual or entity to pay a monetary civil penalty. In some cases, the unlicensed activity may be referred to law enforcement for further action.

## 12. What non-disciplinary actions can the Department take?

The Department may take any of the following non-disciplinary actions. This list is not exclusive.

- **Administrative Warning Letter/Letter of Concern:** An administrative warning letter (AWL) or letter of concern (LOC) may be issued to an individual or entity to bring attention to a specific issue which may or may not be a violation of law.

- **Agreement for Care, Counseling & Treatment:** An Agreement for Care, Counseling, & Treatment (CCT) is a confidential agreement between a licensee and the Department wherein the licensee seeks recommended treatment. A licensee may continue to practice so long as they abide by the terms of the agreement. The agreement remains confidential unless a licensee violates its terms.
- **Non-Disciplinary Order:** A non-disciplinary order is not available to the public but imposes certain terms and conditions on the licensee. Failure to comply with the terms of the non-disciplinary order may result in a public discipline.
- **Non-Disciplinary Fee or Administrative Fee:** This fee is a non-disciplinary, non-public action and may be issued in conjunction with a non-disciplinary order.

***DISCLAIMER:** The above questions and answers are provided for general information only and may not be completely accurate in every circumstance, do not purport to be legal advice, and are not intended to be legally binding on the Department in a particular case. Questions involving interpretation of the law and your legal rights and obligations should be addressed to your lawyer.*