

Division of Real Estate may issue a cease-and-desist order and may also impose civil penalties against the individual or entity who is practicing without a license. Unlicensed practice complaints can, in some instances, be forwarded to the Illinois Attorney General, a county state's attorney for criminal prosecution, or referred to the appropriate law enforcement agency. Criminal violations that may be revealed in complaints include unlicensed practice of various professions, theft, identify theft, forgery, and other related offenses.

Anonymous Complaints

It is especially important to be as detailed as possible when submitting a complaint against a licensee or unlicensed individual if you decide to do so anonymously. While anonymous complaints receive the same amount of consideration as any other complaint, successful investigations and prosecutions are more challenging if a complaint is anonymously submitted since most cases rely upon an identifiable complainant or witness.

Updates of Enforcement Progress

Confidentiality laws prevent the Department from providing updates while the proceeding is pending or from disclosing the outcome if no discipline is taken. You may utilize the [License Look-Up](#) tool to view whether a public discipline has been imposed upon a license.

Professions/Occupations/Entities Regulated

Appraisal Management Companies
Auction
Community Association Management
Home Inspection
Real Estate Appraisal
Real Estate Brokerage

Enforcement, Complaints, and Investigations

555 West Monroe Street - Suite 500
Chicago, Illinois 60661
General Assistance: 1-888-473-4858
FPR.REComplaint@illinois.gov

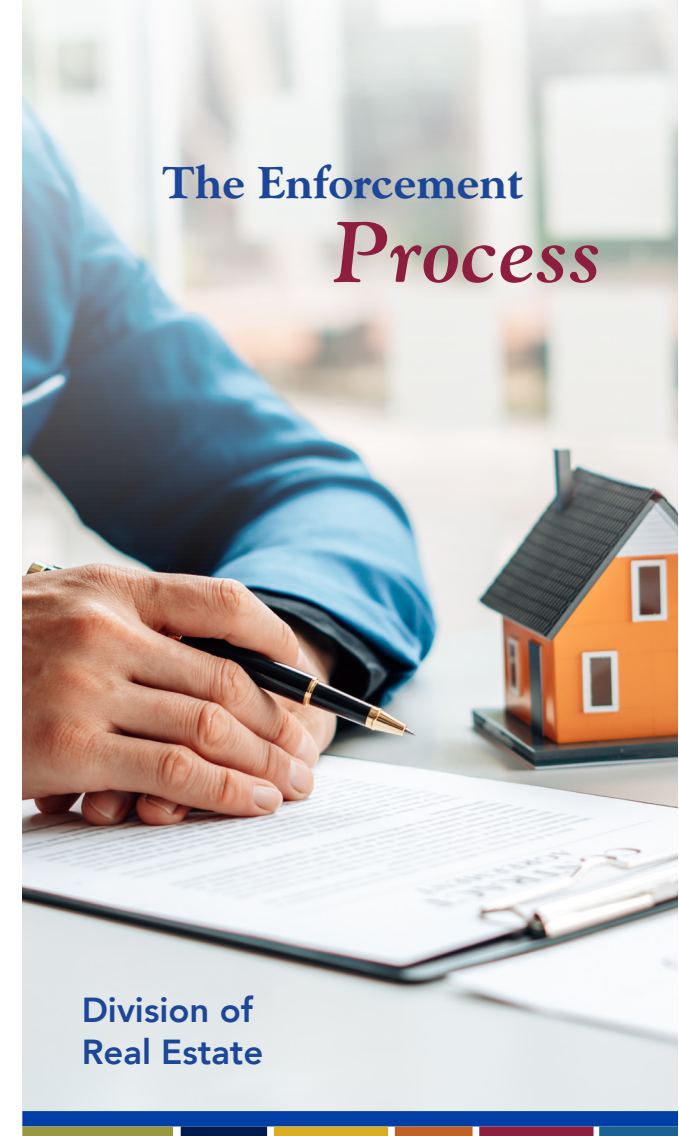
idfpr.illinois.gov

TTY Line: 1-866-325-4949

Disclaimer: This document is for informational purposes only and is not legal advice. This document does not change any requirement of state or federal law. Please consult with your own attorney for legal advice.



State of Illinois
Illinois Department of Financial
and Professional Regulation



IDFPR

Illinois Department of
Financial and Professional Regulation

The Enforcement Process

Responsibility for the enforcement of any alleged violation of any regulatory statutes under the Division's jurisdiction lies with the Investigations and Prosecutions Units. The Investigations Unit compiles facts of the allegation and the Prosecutions Unit seeks to prove the validity of the complaint.

Investigations Unit

When a complaint is received from the public, it is reviewed by the Complaint Intake Unit (learn more by going here: <https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/forms/dre/dre-filing-a-complaint-brochure.pdf>). For certain professions the complaint may be reviewed by members of that profession's board. Complaints that satisfy preliminary review are then promptly assigned to a Division Investigator. The investigator is responsible for determining whether there has been a potential violation of a licensing statute, or related Administrative Rules. After reviewing and analyzing the facts in a complaint, and where there appears to be a violation, the investigator refers the complaint to one of the Division's prosecuting attorneys. If there is insufficient evidence to support a conclusion that a particular licensing statute or rule has been violated, the file will be closed.

Prosecutions Unit

Complaints referred to a prosecuting

attorney may be more fully analyzed with a focus toward filing formal administrative charges against the licensee citing specific violations. If the prosecutor concludes that the matter has been thoroughly investigated and there is sufficient evidence supporting the complaint, an enforcement action is filed. Depending upon the circumstances, the Division and the licensee may enter into a negotiated agreement regarding the nature and level of discipline to be imposed upon the licensee or unlicensed individual or entity. The agreement may also need to be approved by a member of the respective professional board. The agreement would then be presented to the Director of the Division for consideration and approval.

In instances where an agreement cannot be reached, an informal conference may be held. An informal conference is a tool for resolving an enforcement action short of going through the process of a formal hearing. An informal conference is a non-binding meeting that may involve the licensee or unlicensed person, attorney representative, if applicable, board members of the relevant profession and the prosecutor with the purpose of discussing a case to see whether it may be settled.

If settlement cannot be reached through an agreement or informal conference, a formal disciplinary hearing is necessary. The hearing is held before an Administrative Law Judge (ALJ) and may have at least one member of the respective professional

board. The hearing is an administrative law proceeding conducted pursuant to the Illinois Administrative Procedure Act, 5 ILCS 100, and other relevant statutes and rules. After the hearing, the ALJ submits a report to the appropriate board or committee detailing the ALJ's findings of fact, conclusions of law and recommendations. The board will then issue its findings of fact, conclusions of law and recommendations to the Director for a final decision and a copy will be given to the respondent. A respondent may submit a written motion for rehearing within 20 days. If the Director denies the motion a final administrative order of the Department is issued. Disciplinary action may include revocation, suspension, probation, or reprimand of a license. The license may also be ordered to remain in good standing. In addition, Illinois law also allows for the imposition of fines or civil penalties for any of the professions regulated by the Division. Following a final decision by the Director, the licensee has 35 days to file an action for administrative review in circuit court under the Illinois Administrative Review Law, 735 ILCS 5/Art. III. Formal disciplinary action against a licensee may be viewed on the Department's License Lookup [webpage](#).

Unlicensed Practice and Criminal Violations

Complaints of unlicensed practice are investigated to the same extent as any other complaint. The Director of the