

ILLINOIS REGISTER

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED RULE

The Department of Financial and Professional Regulation is posting this proposed rule in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

This proposed rule was published in the September 8, 2006 Illinois Register. The 45 day comment period will end October 23, 2006.

Please submit written comments to Barb Smith as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

- 1) Heading of the Part: Department Rules of Practice in Administrative Hearings
- 2) Code Citation: 68 Ill. Adm. Code 1100
- 3) Section Number: Proposed Action:
1100.560 New Section
- 4) Statutory Authority: Civil Administrative Code [20 ILCS 2105/2105-15]
- 5) A Complete Description of the Subjects and Issues Involved: Public Act 94-0462 allows the Department to deny a license application or renewal to any person who is delinquent in their tax payments, and further provides a means for an individual to pay in full the final assessment of any tax owed or establish a repayment plan with the Department of Revenue; this proposed rulemaking implements this provision.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
None
- 7) Will this proposed rulemaking replace any emergency rulemakings currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No

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- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed amendments pending on this Part? No
- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may submit written comments to:

Department of Financial and Professional Regulation
Attention: Barb Smith
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/557-4451

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 14) Regulatory Agenda on which this rulemaking was summarized: None

The full text of the Proposed Rule begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
SUBCHAPTER a: ADMINISTRATIVE RULES

PART 1100
DEPARTMENT RULES OF PRACTICE IN ADMINISTRATIVE HEARINGS

Section

1100.560 Tax Default; Repayment

AUTHORITY: Implementing Section 5-10(a)(i) of the Illinois Administrative Procedure Act [5 ILCS 100/5-10(a)(i)] and authorized by Section 2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

SOURCE: Adopted at 30 Ill. Reg. _____, effective _____.

Section 1100.560 Tax Default; Repayment

- a) Upon notice from the Illinois Department of Revenue that a person has failed to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, the Division of Professional Regulation (DFPR-DPR) shall:
 - 1) issue an Order refusing to renew the license of the person; or
 - 2) issue an Order denying the application for licensure of the person; or
 - 3) issue an Order suspending the license of the person.
- b) DFPR-DPR may take any of the actions set forth in subsection (a) upon notification from the Illinois Department of Revenue that includes a certification, signed by its Director or designee, attesting to the following:
 - 1) the amount of any unpaid tax liability; and/or
 - 2) the years for which a return was not filed.

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- c) Notification received from the Department of Revenue including items set forth in subsection (b) shall be considered prima facie evidence of a licensee's or applicant's failure to comply with any of the tax laws administered by the Illinois Department of Revenue.
- d) DFPR-DPR, pursuant to 20 ILCS 2105/2105-15(g), shall not be required to hold a hearing prior to or following taking any of the actions set forth in subsection (a).
- e) DFPR-DPR shall forward Notice of any Order entered pursuant to this Section to the licensee or applicant by mailing a copy of its Order via certified and regular mail to the person's last known address as registered with the Division. The Notice shall include the following information:
 - that the suspension shall be stayed for a period of 60 days from the date of the Order and the stay shall not be extended unless the licensee or applicant files a request for a hearing with the Division in accordance with the Department's Rules of Practice in Administrative Hearings (68 Ill. Adm. Code 1110) to dispute the matters contained in the Order.
- f) An Order immediately suspending a license per section 68 Ill. Adm. Code 1110.260 shall be immediately stayed for a period of 60 days. After the expiration of the 60 day period, DFPR-DPR may change the license status to Suspended.
- g) DFPR-DPR shall restore or renew the license of a licensee that was suspended or refused renewal, or issue the license of an applicant that was denied issuance pursuant to this Section if the licensee or applicant has provided proof of a satisfactory repayment record with the Illinois Department of Revenue and if all other requirements of the Act and rules governing the profession for which the license was issued or sought have been met.
- h) "Satisfactory Repayment Record" as used in this Section and in 20 ILCS 2105/2105-15(g) shall mean submission of the following by the Illinois Department of Revenue to DFPR-DPR:
 - 1) documentation from the Illinois Department of Revenue that the applicant or licensee who has been denied license issuance or renewal or whose license has been suspended based upon 20 ILCS 2105/2105-15(g) has paid

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in full the final assessment of any tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue; or

- 2) documentation from the Illinois Department of Revenue that the applicant or licensee who has been denied license issuance or renewal or whose license has been suspended based upon 20 ILCS 2105/2105-15(g) has entered into and is in compliance with a payment plan that has been accepted by the Illinois Department of Revenue.