

ILLINOIS REGISTER

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

The Department of Financial and Professional Regulation is posting these proposed amendments 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.

These proposed amendments were published in the December 27, 2013 Illinois Register. The 45 day comment period will end February 10, 2014.

Please submit written comments to Craig Cellini 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: Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004
- 2) Code Citation: 68 Ill. Adm. Code 1240
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
1240.10	Amend
1240.100	Amend
1240.200	Amend
1240.300	Amend
1240.400	Amend
1240.515	Amend
1240.520	Amend
1240.530	Amend
1240.535	Amend
1240.555	Repeal
- 4) Statutory Authority: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Sections 2105-15(7) and 2105-100(b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].
- 5) A Complete Description of the Subjects and Issues Involved: These proposed amendments will implement the recent changes made to the Act by PA-98-0253,

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effective August 9, 2013. They will also add clarifying language due to passage of the Firearm Concealed Carry Act, PA 98-0063, effective July 9, 2013; and will add language requested by the Illinois State Police to clarify that drivers' licenses or Secretary of State issued State identification cards relied upon by fingerprint vendors must be valid at the time of presentment; and make certain other technical or clean-up changes.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3rd Floor  
Springfield, IL 62786

Phone: 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: Private detectives, security contractors, alarm contractors, locksmiths,

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fingerprint vendors, canine handlers/trainers and agencies and employees regulated under the Act will be affected.

- B) Reporting, bookkeeping or other procedures required for compliance: Please see the new and revised requirements that follow in the proposed amendments to this Part.
  - C) Types of professional skills necessary for compliance: Training and/or experience in various security or other related areas are necessary for licensure.
- 14) Regulatory Agenda on which this rulemaking was summarized: July 2013

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

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1240  
PRIVATE DETECTIVE, PRIVATE ALARM,  
PRIVATE SECURITY, FINGERPRINT VENDOR, AND LOCKSMITH ACT OF 2004

SUBPART A: PRIVATE DETECTIVE

Section	
1240.10	Application for Examination and Licensure – Private Detective
1240.20	Application for Licensure– Private Detective Agency

SUBPART B: PRIVATE ALARM

Section	
1240.100	Application for Examination and Licensure – Private Alarm Contractor
1240.110	Application for Licensure – Private Alarm Contractor Agency

SUBPART C: PRIVATE SECURITY

Section	
1240.200	Application for Examination and Licensure – Private Security Contractor
1240.210	Application for Licensure– Private Security Contractor Agency

SUBPART D: LOCKSMITH

Section	
1240.300	Application for Examination and Licensure – Locksmith
1240.310	20-Hour Basic Training Course – Locksmith
1240.320	Recordkeeping Requirements – Locksmith (Repealed)
1240.330	Application for Licensure– Locksmith Agency

SUBPART E: PROPRIETARY SECURITY FORCE

Section	
1240.400	Registration of Proprietary Security Force

SUBPART F: GENERAL

Section	
1240.500	Definitions
1240.501	Licensee-in-charge
1240.502	Application for Branch Office License

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- 1240.505 20-Hour Basic Training Course – Private Detective, Private Alarm Contractor, Private Security Contractor and Proprietary Security Force Employee
- 1240.510 Firearm Training Course
- 1240.515 Approval of Firearm Training Programs and Firearm Instructors
- 1240.520 Permanent Employee Registration Card
- 1240.525 Refusal to Issue Employee Registration Card or Firearm Control Card Due to Criminal History Record Information
- 1240.530 Firearm Control Cards
- 1240.535 Recordkeeping Requirements
- 1240.540 Reporting Requirements
- 1240.550 Renewals
- 1240.555 Endorsement (Repealed)
- 1240.560 Restoration
- 1240.561 Inactive Status
- 1240.565 Requests for Duplicate Certificates
- 1240.570 Fees
- 1240.575 Conduct of Hearings
- 1240.580 Investigation by the Division
- 1240.585 Granting Variances

SUBPART G: FINGERPRINT VENDOR

- 1240.600 Application for Licensure – Fingerprint Vendor
- 1240.610 Licensure – Fingerprint Vendor Agency
- 1240.620 Fingerprint Vendor – Standards, Unethical, Unauthorized, or Unprofessional Conduct
- 1240.630 Fingerprint Vendor – Training

SUBPART H: CANINE HANDLER

- 1240.700 Canine Handler Training Course Requirements
- 1240.710 Canine Handler Authorization Card
- 1240.720 Canine Handler Training Program
- 1240.730 Canine Trainer Authorization Card
- 1240.740 Canine Handler and Canine Training Instructor – Unprofessional Conduct

AUTHORITY: Implementing the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004 [225 ILCS 447] and authorized by Sections 2105-15(7) and 2105-100(b) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7) and 2105-100(b)].

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SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Detective Act, effective October 7, 1975; amended at 4 Ill. Reg. 22, p. 251, effective May 15, 1980; codified at 5 Ill. Reg. 11032; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 6 Ill. Reg. 8208, effective July 15, 1982; emergency amendment at 8 Ill. Reg. 903, effective January 6, 1984, for a maximum of 150 days; Part repealed and new Part adopted at 9 Ill. Reg. 18512, effective November 15, 1985; transferred from Chapter I, 68 Ill. Adm. Code 240 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1240 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2967; amended at 12 Ill. Reg. 20143, effective November 18, 1988; amended at 15 Ill. Reg. 3051, effective February 11, 1991; amended at 17 Ill. Reg. 1579, effective January 26, 1993; amended at 19 Ill. Reg. 954, effective January 17, 1995; amended at 19 Ill. Reg. 11473, effective July 28, 1995; emergency amendment at 19 Ill. Reg. 13460, effective September 8, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3191, effective February 2, 1996; emergency amendment at 20 Ill. Reg. 14924, effective October 31, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3135, effective March 4, 1997; amended at 24 Ill. Reg. 587, effective December 31, 1999; emergency amendment at 27 Ill. Reg. 1307, effective January 13, 2003, for a maximum of 150 days; emergency expired June 11, 2003; amended at 27 Ill. Reg. 9587, effective June 13, 2003; old Part repealed, new Part adopted at 28 Ill. Reg. 16209, effective December 2, 2004; amended at 36 Ill. Reg. 1486, effective February 3, 2012; amended at 36 Ill. Reg. 9938, effective July 13, 2012; amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: PRIVATE DETECTIVE

**Section 1240.10 Application for Examination and Licensure – Private Detective**

- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 15-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
  - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.

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- 2) "Full-time investigator in a law enforcement agency" shall mean a sworn peace officer, as defined in Section 5-10 of the Act, who serves in the capacity of a full-time detective/investigator or above rank.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Department of Financial and Professional Regulation-Division of Professional Regulation (Division) for licensure. The application must be complete and must be accompanied by:
  - 1) One of the following:
    - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
    - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
    - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application in lieu of fingerprints. The verification shall be signed by the applicant's employer;
  - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
  - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:

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- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
  - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
  - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
  - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
  - 5) Has not been dishonorably discharged from the armed forces of the United States;
  - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
  - 7) Has not violated any provision of the Act or this Part.
- g) For applicants utilizing the experience referenced in Section 15-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:
- 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
  - 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: PRIVATE ALARM

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**Section 1240.100 Application for Examination and Licensure – Private Alarm Contractor**

- a) Application for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 20-10(a)(6) of the Act. To determine such fulfillment, the term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
- c) The passing score on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
  - 1) One of the following:
    - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
    - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
    - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
  - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and
  - 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new

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application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.

- f) In addition to any other requirements, an applicant for licensure shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
  - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
  - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
  - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
  - 5) Has not been dishonorably discharged from the armed forces of the United States;
  - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
  - 7) Has not violated any provision of the Act or this Part.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART C: PRIVATE SECURITY

**Section 1240.200 Application for Examination and Licensure – Private Security Contractor**

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- a) Applications for licensure by examination, together with all supporting documentation, including verification of work experience, must be on file at least 60 days prior to the date of the examination.
- b) No candidate shall be admitted to the examination until having fulfilled the experience and/or education requirements specified in Section 25-10(a)(6) of the Act. To determine such fulfillment, the following standards shall be applied:
  - 1) The term "year" shall be 12 months with an average of at least 20 work days per month during which the applicant was engaged in full-time employment equal to 1500 hours or more annually.
  - 2) "Full-time supervisor in a law enforcement agency" shall mean a sworn peace officer serving in a full-time position responsible for the direction and performance of other law enforcement personnel.
- c) The passing grade on the examination is 70 or above.
- d) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application must be complete and must be accompanied by:
  - 1) One of the following:
    - A) Copy of the verification of electronic fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
    - B) Out-of-state residents unable to utilize the ISP fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
    - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
  - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

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- 3) The required fees specified in Section 1240.570.
- e) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- f) In addition to any other requirements, an applicant for licensure shall meet the following:
  - 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
  - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
  - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
  - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
  - 5) Has not been dishonorably discharged from the armed forces of the United States;
  - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
  - 7) Has not violated any provision of the Act or this Part.
- g) For applicants utilizing the experience referenced in Section 25-10(c) where proof of canine odor detection services for hire since January 1, 2005 is required, at least the following shall be included:

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- 1) Certified copies of a minimum of three canine odor detection services contracts prior January 1, 2005.
- 2) A completed VE-DET form to document the work experience in canine odor detection services since January 1, 2005.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: LOCKSMITH

**Section 1240.300 Application for Examination and Licensure – Locksmith**

- a) An individual seeking licensure by examination as a locksmith shall make application to the Division, on forms provided by the Division, at least 60 days prior to the examination. The application form shall include questions necessary for the Division to establish that the applicant meets the qualifications for licensure specified in Section 30-10 of the Act.
- b) The passing score on the examination is 70 or above.
- c) Upon notification of successful completion of the examination, the applicant may apply to the Division for licensure. The application shall include:
  - 1) One of the following:
    - A) Copy of the verification of fingerprint processing from ISP or one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
    - B) Out-of-state residents unable to utilize the ISP fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by the vendor; or
    - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
  - 2) Proof of at least \$1,000,000 of general liability insurance held by the applicant as evidenced by a certificate of insurance from the insurer; and

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- 3) The required fees specified in Section 1240.570.
- d) A successful examination score shall be valid for 36 years. After 36 years the examination score will be void and an applicant will be required to file a new application, meeting the requirements at the time of the new application, and will be required to sit for and pass the examination.
- e) In addition to any other requirements, an applicant for licensure shall meet the following:
  - 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
  - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
  - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
  - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
  - 5) Has not been dishonorably discharged from the armed forces of the United States;
  - 6) Submits his or her fingerprints, in accordance with the provisions of the Act and this Part, including but not limited to the payment of any required fees;
  - 7) Has not violated any provision of the Act or this Part.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: PROPRIETARY SECURITY FORCE

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**Section 1240.400 Registration of Proprietary Security Force**

- a) Pursuant to Section 35-45 of the Act and Section 24-2 of the Criminal Code of 1961 [720 ILCS 5/24-2], all commercial or industrial operations who employ 5 or more persons as armed employees in accordance with Section 24-2(a)(6) and all financial institutions who employ armed employees in accordance with Section 24-2(a)(8) shall register their security forces with the Division, on forms provided by the Division, which include the following:
- 1) Business name and address of the proprietary security force;
  - 2) Any doing business as (d/b/a) names used by the proprietary security force and proof of legal authorization to use that name;
  - 3) The type of business (sole proprietorship, partnership, corporation, etc.).
    - A) If a sole proprietorship, the name and address of the owner;
    - B) If a partnership, a listing of all partners and addresses;
    - C) If a corporation, a copy of Articles of Incorporation, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of all officers and members of the board of directors. If the corporation is a foreign corporation, a copy of the authorization to conduct business in Illinois and a list of all officers and members of the board of directors shall be submitted;
    - D) If a limited liability company, a copy of the Articles of Organization, a Certificate of Good Standing issued by the Secretary of State within the previous 60 days, and a listing of all officers and members of the board of directors;
  - 4) The nature or type of business conducted or to be conducted;
  - 5) The number of armed employees; and
  - 6) The name and title of the security director who will be registering armed employees and who is responsible for the daily activities of the force.

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- b) For the purposes of this Section, "armed employee" means an employee whose primary employment responsibility is one or more of the functions of a private security contractor as defined in Section 5-10 of the Act.
- c) All armed employees of the registered proprietary security force in subsection (a) shall be required to complete a 20-hour basic training course in accordance with Section 1240.505 and a 20-hour firearm training course in accordance with Section 1240.510.
- d) Each proprietary force shall be required to apply to the Division, on forms supplied by the Division, for the issuance of a firearm control card, in accordance with Section 1240.530(b) and (c), for each armed employee of the security force. Each application shall include:
  - 1) One of the following:
    - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;
    - B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
    - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
  - 2) Verification that the employee has completed the training required in subsection (c). If the employee's firearm training was completed more than two years before the request for a firearm control card, the employer shall submit evidence that the employee has requalified on the firing range within the one year preceding the request; and
  - 3) The fee required in Section 1240.570.
- e) The firearm control card shall be retained by the employee for the term of employment. Upon termination of employment, the card shall be returned to the

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Division by the employer. In the event an employee fails to return a firearm control card to the employer, the employer shall notify the Division in writing why the card was not returned.

- f) No employee shall carry a firearm until the requirements of this Section have been satisfied.
- g) If an employee is employed by more than one proprietary security force, that employee must possess a separate firearm control card for each proprietary security force for which he or she uses, carries, or possesses a firearm.
- h) The Division may conduct an inspection to verify the information on the application prior to the proprietary security force being registered or renewed with the Division.
- i) All proprietary security force registrations and renewals shall expire on the date specified in the registration or last renewal. The Division shall renew the registration after payment of the renewal fee and upon proof that:
  - 1) The proprietary security force still meets all requirements for registration under the Act and this Part; and
  - 2) The proprietary security force has either updated or reaffirmed all required information on file with the Division.
- j) All armored car companies registered as proprietary security forces pursuant to this Section shall have all employees who are required to carry a firearm control card complete classroom and range training in weapons on an annual basis and shall maintain a copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors. The armored car company shall make these documents available to the Division upon request.
- k) Individuals currently employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain firearm control cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm control card in accordance with this Section. For active peace officers, the proprietary security force shall maintain on file a copy of the current police identification card and a signed letter from the peace officer's chief of police or his/her designee indicating current status as a peace officer. The

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proprietary security force shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.

- l) Maintaining a security director responsible for the daily activities of the force is a continuing requirement for proprietary security force registration. The Division must be notified within 14 days after any change in name or title of the security director.
- m) When the accuracy, relevance or sufficiency of any submitted documentation or information is questioned by the Division because of lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking registration shall be requested to:
  - 1) Provide information as may be necessary; and/or
  - 2) Appear for an interview before the Board to explain the accuracy, relevance or sufficiency of any submitted documentation or information or lack of information, discrepancies or conflicts in information given.
- n) Commercial or industrial operations that employ fewer than 5 persons as armed employees may register their security forces with the Department on forms provided by the Department. Registration subjects the security force to all of the requirements of this Section. (Section 35-45(a-1) of the Act)

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART F: GENERAL

**Section 1240.515 Approval of Firearm Training Programs and Firearm Instructors**

- a) Any person, business entity, agency, or institution offering the training courses described in Section 1240.505 of this Part shall first apply to and receive approval of the course, based upon compliance with Section 1240.510, from the Division. Application shall be made on forms provided by the Division and accompanied by the required application fee.
- b) Any person teaching the firearms training course described in Section 1240.510 of this Part must be approved by the Division. Application for approval shall be on forms provided by the Division and must be accompanied by the required application fee, a current photograph of the applicant, a photocopy of the

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applicant's valid Firearm Owners Identification Card, which is a continuing requirement of registration, and:

- 1) Proof that the applicant is recognized and approved by the National Rifle Association (NRA) having taken a Law Enforcement Firearms Instructor Course that includes Security Personnel within the course. Proof shall be a copy of the applicant's Certificate from the NRA; or
  - 2) Proof that the applicant is approved and recognized as a range instructor by the Illinois Police Training Board. Proof shall be a copy of the Instructor's Certificate issued by the Law Enforcement Training and Standards Board. Nothing in this subsection (b)(2) shall obligate the Police Training Board to train, recognize or approve range instructors for any purpose other than as specified in the Illinois Police Training Act [50 ILCS 705] and Peace Officers Firearm Training Act [50 ILCS 710]; or
  - 3) Proof of other firearm instructor education or experience that the Division may consider to be substantially equivalent to subsection (b)(1) or (2), such as experience or education received in military service or federal law enforcement service.
- c) Upon application to the Division, any full-time or part-time faculty employed by an institution under the jurisdiction of the Illinois Board of Higher Education and/or the Illinois Community College Board to teach a firearms training course or security training course shall be approved as satisfying the requirements of this Section.
  - d) Any firearm training program approved by the Law Enforcement Training and Standards Board shall be approved as satisfying the requirements of this Section.
  - e) All approvals of firearm instructors shall expire on December 31, 2012 and then every five years thereafter. Failure to apply for and receive renewal of approval by that date shall cause the Division's previously granted approval to expire. The approval may be renewed by the firearm instructor by making application for renewal on forms provided by the Division and accompanied by the required renewal fee and an affirmation by the firearm instructor that the certification or other qualifying basis on which the Division originally granted approval remains current or in effect.

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- f) In addition to any other requirements, an applicant for approval as a firearm instructor shall meet the following:
- 1) Has not been convicted of any felony in any jurisdiction or at least 10 years have lapsed since the time of full discharge from a sentence imposed for a felony conviction;
  - 2) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure, except when the applicant is a registered sex offender;
  - 3) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared the applicant to be competent;
  - 4) Is not suffering from dependence on alcohol or from narcotic addiction or dependence;
  - 5) Has not been dishonorably discharged from the armed forces of the United States;
  - 6) Has not violated any provision of the Act or this Part.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1240.520 Permanent Employee Registration Card**

- a) Any person seeking employee registration under Section 35-30 of the Act shall file an application with the Division, on forms provided by the Division, along with the following:
- 1) One of the following:
    - A) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;

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- B) Out-of-state residents unable to utilize the ISP electronic fingerprint process may submit to ISP one fingerprint card issued by ISP, accompanied by the fee specified by ISP; or
  - C) In lieu of fingerprints, verification, on forms provided by the Division, of proof of retirement as a peace officer, as defined in Section 5-10 of the Act, within 12 months prior to application. The verification shall be signed by the applicant's employer;
- 2) The required registration fee specified in Section 1240.570.
- b) An agency may employ an applicant in a temporary capacity in accordance with Section 35-30(k) of the Act by:
    - 1) submitting the required application in accordance with subsection (a) on behalf of the person or verifying with the Division that an application has been submitted for the individual;
    - 2) verifying on the Division's website ([www.idfpr.com](http://www.idfpr.com)) that the applicant has no criminal conviction pursuant to the ISP criminal history check;
    - 3) maintaining a separate roster of the names of all employees whose applications are pending; and
    - 4) meeting any other requirements set forth in this Part or the Act.
  - c) If no record is found relating to the fingerprints and the applicant is otherwise qualified under the Act, the Division shall issue to the applicant a permanent employee registration card that shall be valid for the period specified on the face of the card and shall be renewable upon the conditions set forth in Section 1240.550 of this Part.
  - d) A valid permanent employee registration card shall serve as proof to an employer that the bearer is eligible for employment.
  - e) Exempt employees are as follows:
    - 1) Private Detective. Persons who have no access to confidential or detective related information and who otherwise do not provide traditional detective related services are exempt from employee registration. Examples of

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exempt employees include reception personnel. Confidential or detective related information is that which pertains to employee files, scheduling, client contracts or technical data.

- 2) Private Alarm Contractor. Persons who have no access to confidential or alarm related information and who otherwise do not provide traditional alarm related services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical alarm data.
- 3) Private Security Contractor. Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ticket takers, cashiers, drivers, ushers and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts or technical security data.
- 4) Locksmith. *Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data. (Section 30-5(10) of the Act)*
- 5) Fingerprint Vendor
  - A) Persons who have no access to confidential or security information and who otherwise do not provide or operate fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of cashiers, ushers and reception personnel. Confidential or security information is that

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which pertains to employee files, scheduling, client contracts or technical security data.

B) *No registered employee of a licensed fingerprint vendor agency may operate live scan fingerprint equipment or other equipment designed to obtain fingerprint images for the purpose of providing fingerprint images and associated demographic data to ISP.*  
(Section 31-20(d) of the Act)

- 6) Individuals currently employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain permanent employee registration cards. If the individual ceases to be employed as a peace officer, then the agency is required to obtain a permanent employee registration card in accordance with this Section.
- 7) All employees of any agency licensed under the Act who reside outside of Illinois and who perform no duties in Illinois.
- 8) Clerical or administrative personnel who do not perform services for clients but prepare or assist in the preparation of reports, memoranda, correspondence or other documents or records that contain confidential information are not exempt from employee registration.

f) A registered employee of a private detective agency shall not hold himself or herself out as a private detective or use the title "private detective" but may use the title "private investigator" provided that he or she reports the name of the private detective agency that employs him or her.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1240.530 Firearm Control Cards**

- a) Each employer shall make a request to the Division, on forms supplied by the Division, for the issuance of a firearm control card for each licensee or employee whose duties include the use, carrying or possession of a firearm. Each employee shall have an active permanent employee registration card issued in accordance with Section 1240.520 prior to applying for a firearm control card unless employed by a proprietary security force in accordance with Section 1240.400.

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- b) Upon verification by the Division that the individual licensees or employees have completed the required firearm training course within the 2 years preceding the request for a firearm control card, and meet all the requirements of the Act for issuance of a firearm control card, the Division shall issue a card to the employer for each licensee or employee. If the licensee's or employee's firearm training was completed more than 2 years before the request for a firearm control card, the employer shall submit evidence that the licensee or employee has requalified on the firing range within one year preceding the request.
- c) The firearm control card shall be retained by the licensee or employee for the term of employment. Upon termination of employment, the card shall be returned to the Division by the employer. In the event a licensee or ~~an~~ employee fails to return a firearm control card to the employer, the employer shall notify the Division in writing of the failure and the reason why the card was not returned.
- d) No licensee or employee may carry a firearm until the requirements of this Section have been satisfied. A licensee or employee who has been issued a license to carry a concealed firearm under the Firearm Concealed Carry Act [430 ILCS 66] is not exempt from compliance with the requirements of this Section. An armed licensee or employee shall be in possession of a valid firearm control card or otherwise be in compliance with this Section at all times that he or she is engaged in employment related duties.
- e) If a licensee or ~~an~~ employee is employed by more than one agency, regardless of whether the agencies are owned or operated by the same person or different persons, that licensee or employee must possess a separate firearm control card for each agency.
- f) Individuals employed as peace officers, as defined in Section 5-10 of the Act, who are in good standing are not required to obtain firearm control cards. If the individual ceases to be employed as a peace officer, then the individual is required to obtain a firearm control card in accordance with this Section.
- g) A person licensed as a fingerprint vendor or any employee of a licensed fingerprint vendor agency may not possess or carry a firearm in the course of providing fingerprinting services. This subsection shall not apply to an active duty sworn peace officer acting within the scope of his or her duties.

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- h) The Division shall not grant or authorize the issuance of a firearm control card to a fingerprint vendor or any employee of a licensed fingerprint vendor agency unless:
- 1) the individual is licensed as a private detective, private alarm contractor or private security contractor; or
  - 2) the individual is employed by a private detective agency, private alarm contractor agency or private security agency licensed under the Act who carries a weapon while engaged in the performance of his or her official duties providing detective, private security contracting or alarm contractor services within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that ~~commuting is accomplished within one hour from departure from home or place of employment and~~ the individual is not providing fingerprinting services while possessing or carrying a firearm; or
  - 3) the person is employed by an armed proprietary security force registered under this Act who carries a weapon while engaged in the performance of his or her official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that ~~commuting is accomplished within one hour from departure from home or place of employment and~~ the individual is not providing fingerprinting services.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1240.535 Recordkeeping Requirements**

- a) Each employer licensed under the Act shall maintain a file on each employee pursuant to Section 35-30 of the Act. The employee file shall be maintained by the agency for 5 years after termination of the employee, shall be accessible to duly authorized representatives of the Division with 24 hours prior notice (72 hours notice for files more than 2 years old), and shall contain the following information:

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- 1) A photograph of the employee taken within 10 days after the date the employee commences employment. The photo shall be replaced every 3 calendar years;
- 2) The employee's statement required in Section 35-30(b) of the Act;
- 3) All correspondence or documents related to the character and integrity of the employee received by the employer from an official source or law enforcement;
- 4) The employee identification card of a terminated employee pursuant to Section 35-30(h);
- 5) A copy of the weapons discharge report, if applicable, during the course of the employee's duties or activities;
- 6) Application for employment;
- 7) Certification of Completion of Basic Training and/or refresher training courses as provided in Section 1240.505 of this Part;
- 8) Certificate of Firearm Training, if applicable (or notarized copy as provided in Section 1240.510 of this Part) verified by the licensee in charge;
- 9) Copy of employee's permanent employee registration card and firearm control card and active Firearm Owner's Identification Card (FOID), if applicable;
- 10) Certification or certified copy of requalification (Section 1240.510);
- 11) Copy of employee's certification of completion of canine handler training, canine handler authorization card and canine trainer authorization card, if applicable;
- 12) Copy of the verification of fingerprint processing from ISP or from one of the ISP live scan vendors whose equipment has been certified by ISP or a fingerprint vendor agency licensed by the Division;

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- 13) A copy of the Division's webpage (www.idfpr.com) showing that an applicant has no criminal conviction pursuant to the ISP criminal history check for individuals employed prior to issuance of the permanent employee registration card; and
  - 14) For active peace officers, the agency employee file shall include a copy of the current police identification card and, within 14 days after employment a signed letter from the peace officer's chief of police or his/her designee (or Division verification of employment form) indicating current status as a peace officer, as well as items set forth in subsections (a)(1), (4), (5) and (6). The agency shall annually re-verify and maintain proof of the employee's qualifications for the peace officer exemption.
- b) Private alarm contractors who provide monitoring services shall maintain a separate roster of the names of all licensed agencies and/or individuals, including license number, from whom they accept monitoring contracts or assignments. The roster shall be made available to the Division upon 24 hours notice. It shall be considered unprofessional conduct, subject to discipline by the Division, for a licensed alarm contractor or agency to accept monitoring contracts or assignments from an unlicensed entity.
- c) Fingerprint Vendors Records
- 1) A fingerprint vendor or fingerprint vendor agency shall document in the form of a work order the date, time and location where each and every fingerprint service is provided;
  - 2) The fingerprint vendor shall require each individual seeking to be fingerprinted to present a Primary, Secondary or Requesting Agency authorized form of identification in order to be fingerprinted by the fingerprint vendor. The work order shall describe the form of identification presented by the individual seeking to be fingerprinted.
    - A) Primary Identification – The work order shall include the name, address, date of birth, aliases, telephone number and driver's license number or Secretary of State issued State identification number from a valid driver's license or Secretary of State issued State identification card of the person requesting to be fingerprinted, the signature of that person, and the Transaction Control Number (TCN) for that fingerprint request.

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- B) Secondary Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). In the absence of a driver's license or State identification number, the work order shall contain verification that the individual seeking to be fingerprinted provided at least two forms of identity verification described within the Identity Verification Program Guide (2006) developed and available from the National Crime Prevention and Privacy Compact Council at the Federal Bureau of Investigation's website (<http://www.fbi.gov/about-us/cjis/cc>), no later amendments or editions apply. A copy of the documentation used to establish identity verification shall be attached as part of the work order.
  - C) Requesting Agency Authorized Identification – The work order shall include all of the information set forth in subsection (c)(2)(A). If the individual is unable to provide a driver's license, Secretary of State issued State identification or any identity verification set forth in subsection (c)(2)(B), the agency requesting the individual to be fingerprinted must authorize an alternative form of identification to be used to verify the identity of the individual seeking to be fingerprinted. The work order must contain documentation confirming that the requesting agency authorized the use of an alternative form of identification in the absence of a Primary or Secondary form of identity verification. A copy of the requesting agency authorized identity verification documentation shall be attached as part of the work order;
- 3) All work orders shall contain the name and license number of the licensed fingerprint vendor who performed the services;
  - 4) If a licensee is employed by more than one fingerprint vendor agency, the employer that the licensed employee is providing fingerprint services for must be identified on the work order by the agency license number;
  - 5) All work orders, including fee applicant submissions, shall be maintained for a minimum of two years from the date of printing. The records may be maintained in an electronic format so long as the records cannot be altered. Corrections may be made but must be noted in the record;

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- 6) Each fee applicant submission shall contain the originating identifier (ORI) number of the agency requesting the fingerprints;
- 7) Beginning January 1, 2014, all work orders, including fee applicant submissions, must contain a photograph of the individual who was fingerprinted. The photos shall be maintained in an electronic format and shall be forwarded to ISP along with any request for criminal history record information or other information;
- 8) A licensed fingerprint vendor must develop a written policy, made available to the public, establishing a retention schedule and guidelines for permanently destroying identifiers and other biometric information when the initial purpose for collecting or obtaining the identifiers or information has been satisfied or after 3 years from the individual's last interaction with the licensed fingerprint vendor, whichever occurs first. Absent a valid warrant or subpoena issued by a court of competent jurisdiction, a private entity in possession of biometric identifiers or biometric information must comply with its established retention schedule and destruction guidelines;
- 9) Work order forms, including fee applicant submissions, required to be kept under this Section shall be available for inspection by the Division or by ISP at the discretion of the Division or ISP, respectively. The Division shall have the right to audit records of a licensed fingerprint vendor to ensure compliance with the Act and this Part;
- 10) A licensed fingerprint vendor shall provide and obtain a signed consent form from the applicant prior to the fingerprinting of any individual fingerprinted for all civil submissions (i.e., passport, adoption and employment related criminal background checks, etc.). The privacy statement within the consent form must be pre-approved by ISP.

(Source: Amended at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1240.555 Endorsement (Repealed)**

- a) ~~An applicant who is licensed under the laws of another jurisdiction shall file an application with the Division, together with:~~
  - 1) ~~A certification from the licensing authority of the jurisdiction stating:~~

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- A) ~~The time during which the applicant was licensed in that jurisdiction;~~
  - B) ~~Whether the file on the applicant contains a record of any disciplinary action taken or pending; and~~
  - C) ~~A brief description of the examination taken and the grades received; and~~
- 2) ~~A completed Education Certification Form, a completed Verification of Qualifying Experience Form or a completed Work History Form detailing the education and/or experience required by Section 15-10, 20-10, 25-10 or 30-10 of the Act, as applicable; and~~
  - 3) ~~The required fee specified in Section 1240.570.~~
- b) ~~The Division shall examine each application to determine whether the requirements at the time of licensure in the state where the applicant was licensed were substantially equivalent to the requirements in force in the State of Illinois at that time and the state has similar rules for licensure by endorsement.~~
  - e) ~~If the Division questions the documentation provided by the applicant because of discrepancies or conflicts in information, or missing information, or if the Division needs further information to determine substantial equivalence of the applicant's qualifications for licensure, the applicant will be requested to submit further information as the Division deems necessary to make such determination.~~

(Source: Repealed at 38 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)