



Illinois Department of Financial and Professional Regulation

Office of the Secretary

PAT QUINN
Governor

BRENT E. ADAMS
Secretary

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To whom it may concern:

The following is the report mandated by 20 ILCS 5000/15, for the Illinois Department of Financial and Professional Regulation.

The Illinois Department of Financial and Professional Regulation (DFPR) is comprised of three Divisions, The Division of Professional Regulation (DPR), The Division of Financial Institutions (DFI), and The Division of Banking (DOB). Each Division holds a unique role in serving the citizens of The State of Illinois, but all three are unified in that they exist to administer and promulgate public acts in the licensing and regulation of professionals and businesses. The Department employs approximately 500 individuals in a multitude of different job positions.

The Division of Professional Regulation is responsible for administering 61 professional licensure acts. Administration of the licensure acts entails two key elements: 1) eligibility determination of applicants for licensure resulting in license issuance or denial, and 2) the enforcement of the licensure acts including investigating complaints received and prosecuting cases resulting in the imposition of discipline. There are 235 different professional licensure categories within the 61 professional licensure acts, 18 of these professions have a direct and critical impact upon the health, safety, and welfare of the citizens of Illinois.

The Division of Financial Institutions regulates various state-licensed financial institutions to ensure their safety and soundness and works to protect consumers in their interactions with these entities. The division licenses, examines, and regulates all state-chartered credit unions, currency exchanges, consumer installment lenders, sales finance companies, title insurance companies, money transmitters, payday lenders, debt settlement companies, and debt management companies. The division also administers and enforces 11 statutes in the Illinois Financial Institutions Code and its attending rules and regulations.

The Division of Banking protects and educates the public and promotes confidence in the regulated industries through administration of statutory responsibilities. The Division oversees the regulation and licensure of State chartered banks, trust companies, ATMs not owned by financial institutions, check printers, pawnbrokers, savings banks and savings and loan associations, and mortgage bankers and brokers.

If you have any questions about this report, please contact John Lagattuta, IDFP Labor Relations Director, at (312)814-1692 or John.Lagattuta@Illinois.gov.

20 ILCS 5000/15(c) – November 1, 2011, FPR Report for the Task Force

(1) There are no restrictions for employment within the agency. There are 160 licenses and professions that the agency regulates that have some level of restriction based on criminal history. (See Attachment 1 Column A)

(2) (See Attachment 1 Column C)

(3) (See Attachment 1 Columns D – J)

(A) (See Attachment 1 Columns D – F)

(B) (See Attachment 1 Columns D, G – J)

(4) (See Attachment 1 Columns K-L)

(5, 6, & 7) (See Attachment 1 Columns M & N for details of each profession) For each license and profession the department regulates, there are standards for qualification. These standards include education, training, experience requirements, and other metrics pertinent to each individual license. These standards are declared in the more than 100 public acts that the agency promulgates. The agency also, by authority of public act, enforces the prevention of unlicensed practice in the State. The agency directly and intentionally impacts employment opportunities through restriction of rights to practice and become licensed in the State. Each of the restrictions placed on licensing, that affect an individual's possibility of employment, are intended to protect and promote public safety and the common good.

Some restrictions apply universally across all licenses and professions, while some restrictions are license, profession, or industry specific. In every act, there is a provision allowing the Department to refuse to issue or renew a license or grant a registration if an applicant has been convicted of any crime that is (i) a felony; or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession. There is also a provision for refusal of issuance for engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public. These provisions apply to every professional the department regulates. In a minority of examples, there are crimes that may act as an absolute bar to licensing, but for most every profession, the Department evaluates each case on an individual basis. The process (See Appendix 0) requires that applicants disclose their criminal history upon application. The circumstances of the history are evaluated and the Department renders a decision on whether or not the information provided disqualifies the individual from licensure, registration, or practice, as the case may be.

The subjective nature of the disqualification process is intentional and necessary. The Department is charged with the task of determining who is qualified to operate and represent themselves as professionals. The citizens of Illinois place their trust in the department, to ensure that, if a professional is licensed in Illinois, they are competent and fit for duty. The simple fact of knowing that a professional is licensed by the State, and seeing the indicia of said licensure, tells an Illinois consumer that they can trust that, to the extent of the requirements of the Illinois licensing acts, the professional is qualified and capable in their field, and that the professional warrants the public trust.

The Department evaluates all qualifications for licensure. Each profession has individual qualifications for licensure directly related to the skill of the profession. There are also qualifications common to some or all of the professions that relate to the professional's character and conduct. One commonality, among all professions, is that the citizens of Illinois, rightfully, expect professionals to be of good moral character, ethical in the practice of their professions, and worthy of the trust of the public and the clientele they serve. If any information about an applicant suggests that, if licensed in his or her desired profession, the applicant may be a danger to Illinois consumers, that information must be carefully analyzed and evaluated. A criminal history will always be pertinent to evaluating an applicant's qualifications, but, excepting a small number of specific situations (See Attachment 1 – PERC, Massage Therapist, and All Healthcare Workers), a criminal history does not act as an absolute bar to licensure.

The Department is acutely aware of and a direct proponent of the possibility of rehabilitation of a convicted criminal. The commission or conviction of a crime is only one part of the story for every individual. The Department does not speculate on the reasons or causes of an applicant's criminal history. The focus is on the nature of the offense and the applicant's progress and rehabilitation from the time of the offense to now. In evaluating the nature of an offense, subjectivity is essential. An applicant may carry a serious conviction as a result of a careless or youthful error, and another applicant may carry a lesser conviction as a result of a more serious and deliberate offense. Time having elapsed from the date of a conviction is rarely enough, on its own, to prove rehabilitation. However, an offense committed a long time ago, with no indication of continued criminal activity, would not have the same impact a more recent offense might. In many cases, the fact that an applicant is pursuing licensure or certification in a profession, speaks to the applicant's rehabilitation. Very few things demonstrate rehabilitation as matter-of-factly as pursuing change and stability in one's life. If an applicant carries a criminal conviction for a crime that operating in the profession sought would not encourage or facilitate, issuing the applicant a license, despite a criminal history, may in fact protect and promote the lives of Illinois consumers by allowing the applicant to transition away from a life of crime, toward employment as a professional.

Past practice can be a sound indicator of future action. If there is nothing that suggests an applicant has been rehabilitated, or worse, indication that the applicant may be pursuing licensure with criminal intent or motives, the Department must have the authority, legal basis, and a procedure to investigate the history and actions of the applicant. In the interest of protecting the consumer, the Department must decide, with due process and consideration for the applicant, if the applicant is qualified and fit for licensure. In the event that the applicant is not qualified or does not warrant the trust of the Illinois consumer, the Department must have the capability to refuse licensure and enforce the laws governing unlicensed practice.

(8) None directly established.

(9) (A, B, C, & D) See Appendices