

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

PART 1445
COMMUNITY ASSOCIATION MANAGER LICENSING AND DISCIPLINARY ACT

Section

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Section 1445.10 Definitions

"Act" means the Community Association Manager Licensing and Disciplinary Act [225 ILCS 427].

"Board" means the Illinois Community Association Manager Licensing and Disciplinary Board. [225 ILCS 427/10]

"Department" means the Department of Financial and Professional Regulation.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation with the authority delegated by the Secretary.

"Licensee" means a person who holds a license to act as a community association manager under the Act or other authority to practice issued under the Act.

"Pre-licensing Hours" means participation in an actual classroom setting, or its equivalent, or via an interactive delivery method, which may include, but is not limited to, live instruction and real time discussion via satellite, video, online via webcam or similar communication that occurs between the instructor and students in community association management courses.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Unit" means a condominium, cooperative, townhouse, villa, or other residential unit in a community association as defined in the Act.

Section 1445.20 Requirements for Licensure Under Section 40(c) of the Act (Grandfather)

- a) Until April 1, 2012, the Division may issue a license to an individual who, in addition to meeting the requirements set forth in Section 40(c) of the Act, provides evidence satisfactory to the Division of the following:
- 1) that the person has practiced as a community association manager for a period of 5 of the last 10 years; or
 - 2) has achieved and received a designation or certification of:
 - A) Community Associations Institute (CAI) Association Management Specialist (AMS); or
 - B) CAI Professional Community Association Manager (PCAM); or
 - C) Institute of Real Estate Management (IREM) Certified Property Manager (CPM); or
 - D) IREM Accredited Resident Manager (ARM); or
 - E) National Board of Certification for Community Association Managers (NBC-CAM) Certified Manager of Community Associations (CMCA).
- b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or need for clarification, the applicant seeking licensure shall:
- 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Division and/or the Board, at the discretion of the Division, to explain the relevance or sufficiency, clarify information or address any discrepancies or conflicts in information.

Section 1445.30 Application for Licensure as a Community Association Manager by Examination

- a) An applicant for a license as a Community Association Manager shall file an application, on forms supplied by the Division, that includes the following:
 - 1) verification that the applicant is at least 21 years of age;
 - 2) satisfactory evidence of having completed at least 20 hours in community association management courses as set forth in Section 1445.40;
 - 3) successful completion of the examination in Section 1445.50;
 - 4) the fee required by Section 1445.100;
- b) The education requirement set forth in subsection (a)(2) shall not apply to persons holding a real estate salesperson, broker or managing broker's license in good standing issued under the Real Estate License Act of 2000 [225 ILCS 454].
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division or the Board because of lack of information, discrepancies or conflicts in information given, or need for clarification, the applicant seeking licensure shall:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Division and/or the Board, at the discretion of the Division, to explain the relevance or sufficiency, clarify information or address any discrepancies or conflicts in information.
- d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied and the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 1445.40 Pre-license Education

An applicant for a license as a Community Association Manager shall provide evidence of successful completion of a minimum of 20 hours in community association management coursework as follows:

- a) All community association manager applicants must satisfactorily complete a minimum of 20 pre-licensing hours of instruction within 12 months prior to the date of examination. No applicant shall be allowed to take the licensure examination unless the applicant provides documentation of completion of the requisite education. Each hour shall consist of at least 50 minutes of instruction.
- b) The 20 hours of education shall be comprised of courses in the following areas:
 - 1) State and federal laws relating to the operation of all types of community associations, governing documents, and State laws relating to corporations and nonprofit corporations;
 - 2) Preparation of community association budgets and community association finances;
 - 3) Management, personnel, customer service and ethics;
 - 4) Maintenance operations;
 - 5) Insurance matters relating to community associations; and
 - 6) Procedures for noticing and conducting community association meetings.
- c) Applicants who have passed and hold certification under Section 1445.50 will be deemed to have met the requirements of this Section.

Section 1445.50 Acceptable Licensure Examinations

Pursuant to Section 1445.30(a)(3), a community association manager applicant shall successfully complete and pass at least one of the following examinations:

- a) National Board of Certification for Community Association Managers (NBC-CAM) Certified Manager of Community Associations (CMCA) examination; or
- b) Institute of Real Estate Management (IREM) Common Interest Developments: Managing Condominium Association Properties (CID201).

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Section 1445.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another state or territory of the United States and who wishes to be licensed in Illinois as a Community Association Manager shall file an application with the Division, on forms provided by the Division, that includes:
 - 1) The Division shall examine each endorsement application to determine whether the requirements and examination in the jurisdiction at the date of licensing were substantially equivalent to the requirements and examination of this Part or the applicant possesses individual qualifications at the time of application that were substantially equivalent to the requirements then in force in this State.
 - 2) Certification from the state or territory of the United States or the foreign country in which the applicant was originally licensed/registered and is currently licensed/registered, stating:
 - A) The time during which the applicant was licensed/registered;
 - B) Whether the file of the applicant contains any record of disciplinary actions taken or pending; and
 - C) Examinations taken and examination scores received;
 - D) Any pre-license education requirements.
 - 3) The required fee set forth in Section 1445.100(a)(2).
- b) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

Section 1445.70 Renewal

- a) The first renewal period for licensure issued under the Act shall be August 31, 2013. Thereafter, every registration issued under the Act shall expire August 31 of odd-numbered years. The holder of a license may renew that license during the month preceding the expiration date by completing the renewal form, paying the required fee and meeting any other requirements established for renewal.
- b) It is the responsibility of each licensee to notify the Division of any change of address. Failure to receive a renewal form from the Division shall not constitute an excuse for failure to pay the renewal fee or to renew one's license. Practice on a non-renewed license shall be considered unlicensed practice and shall be subject to the disciplinary provisions of the Act.

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Section 1445.80 Inactive Status

- a) Licensed Community Association Managers who notify the Division, on forms provided by the Division, may place their licenses on inactive status and shall be excused from paying renewal fees until they notify the Division in writing of the intention to resume active practice.
- b) Any licensed Community Association Manager seeking restoration from inactive status shall do so in accordance with Section 1445.90.
- c) Any Community Association Manager whose license is on inactive status shall not use the title "licensed Community Association Manager" in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

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Section 1445.90 Restoration

- a) Any Community Association Manager whose license has expired or has been placed on inactive status for 5 years or less may have the license restored upon payment of \$50 plus all lapsed renewal fees as set forth in Section 1445.100.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division, together with the fee required by Section 1445.100 and proof of one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. The evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 60(c) of the Act; or
 - 3) Proof of passage of the examination during the period the registration was lapsed or on inactive status; or
 - 4) Proof of re-certification within the past 5 years by any of the certification groups referenced in Section 1445.20(a)(2).
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Division because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the licensee seeking restoration shall:
 - 1) Provide information as may be necessary; and/or
 - 2) Appear for an interview before the Division and/or Board, at the discretion of the Division, to explain the relevance or sufficiency, clarify information or address any discrepancies or conflicts in information.

Section 1445.100 Fees

The following fees shall be paid to the Department and are not refundable:

- a) Application Fees
 - 1) The application fee for a license as a Community Association Manager is \$300. In addition, applicants for an examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the application for examination has been received and acknowledged by the Division or the designated testing service, shall result in the forfeiture of the examination fee.
 - 2) The application fee for a license as a Community Association Manager certified or licensed under the laws of another jurisdiction is \$300.
- b) Licensure fee of \$300 required pursuant to the grandfather provisions of Section 1445.20.
- c) Renewal fees for the renewal of a Community Association Manager license shall be calculated at the rate of \$150 per year.
- d) General Fees
 - 1) The fee for the restoration of a license other than from inactive status that has been expired for 5 years or less is \$50 plus payment of all lapsed renewal fees.
 - 2) The fee for the restoration of a license that has been expired for more than 5 years is \$900.
 - 3) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license that has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Division records when no duplicate license is issued.
 - 4) The fee for a certification of a licensee's record for any purpose is \$20.
 - 5) The fee for a wall certificate showing licensure shall be the actual cost of producing the certificate.

- 6) The fee for a roster of persons licensed as Community Association Managers in this State shall be the actual cost of producing the roster.

FINAL ADOPTION

Section 1445.110 Unprofessional Conduct

The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of dishonorable, unethical or unprofessional conduct (see Section 85 of the Act). Dishonorable, unethical or unprofessional conduct may include, but is not limited to, the following acts or practices:

- a) Failing to be knowledgeable about and comply with the applicable governing documents, policies and procedures of the client association.
- b) Knowingly misrepresenting material facts, making inaccurate statements, or acting in any fraudulent manner while representing client associations.
- c) Providing legal advice to client associations, or any of their members, or otherwise engaging in the unlicensed practice of law.
- d) Failing to promptly disclose to client associations any actual or potential conflicts of interest.
- e) Failing to act in a manner consistent with the licensee's fiduciary duty.
- f) Failing to conduct oneself in a professional manner at all times when acting in the scope of employment in accordance with the terms and conditions of the contractual agreement and in accordance with all local, State and federal laws.
- g) Failing to maintain a duty of confidentiality to all current and former clients.
- h) Failing to insure that homeowners receive timely notice as required by State statutes or legal documents.

Section 1445.130 Granting Variances

- a) The Director may grant variances from this Part in individual cases when he or she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of the variance and the reasons for granting the variance at the next meeting of the Board.

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