



Illinois Alcohol and Other Drug Abuse Professional Certification Association, Inc.

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Illinois Certification Board (ICB) Code of Procedure For ICB Credentialed Professionals

SECTION1 – NAME PURPOSE AND APPLICABILITY.

1.01: Name: This Code shall be known and may be cited as the Illinois Certification Board (ICB) "Code of Procedure", described as the "Procedure Code" in Section 2.29 below, and it shall supersede any and all prior enacted procedure codes.

1.02: Purpose: The Procedure Code provides an orderly and fair procedure for the administration of any alleged violations of the ICB Code of Ethics (as defined in Section 2.09, below) and any Complaints filed there under.

1.03: ICB Code of Ethics: The intent of this Procedure Code is to supplement the ICB Code of Ethics ("Code of Ethics"). In the event of any direct conflict between the terms of the Code of Ethics with any provisions of this Procedure Code, the provisions of the Code of Ethics shall control.

1.04: Credentials: This Procedure Code shall, in addition to all Certificates (as defined in Section 2.07 below), shall apply to any and all Credentials (as defined in Section 2.14 below).

SECTION 2 – DEFINITIONS. In this Procedure Code, unless the context otherwise requires:

2.01: "Address of Record" means the designated address in an ICB Credentialed Professional's, Managing ICB Credentialed Professional's or Applicant's file as maintained by the Director's office. It is the duty of an ICB Credentialed Professional, Managing ICB Credentialed Professional or Applicant to inform the Director of any change of address, and those changes must be made either through the Director's website or by contacting the Director's office.

2.02: "Administrative Termination" means termination of a Certificate or Credential by reason of failure to complete any requirements established by the ICB for the renewal thereof, including but not limited to failure to pay requisite maintenance fees, failure to document requisite continuing education units (CEUs) without any request for an Extension or Inactive Status, or failure to comply with the conditions of an Extension by any expiration date.

2.03: "Applicant" means a Person who, after delivering a completed Application to the ICB, has that Application pending approval and otherwise has not yet been approved by the ICB. Applicant also means any individual Person working in internships, clinical supervision, undergoing testing or who has otherwise delivered anything to the ICB with the intent to become an ICB Credentialed Professional.

2.04: "Application" means a written application on a form approved by the ICB, for submission by an individual Person to request certification or any other credentialing by the ICB as an ICB Credentialed Professional or Credentialed Professional and/or otherwise for the authorization to perform Certified ICB Professional Services.

2.05: "Case Number" means the case number assigned to the Disciplinary Matter by the ICB.

2.06: "Certified ICB Professional Services" includes all services performed by ICB Professionals pursuant to ICB standards, by law, or by designation or order of a court, administrative agency or other governmental entity, whether pursuant to a Certificate, Credential, endorsement or otherwise, or as is found on the ICB website under "Credentialing".

2.07: "Certificate" means the document issued by the Director certifying that the person named thereon has fulfilled all requirements prerequisite to certification for the performance of Certified ICB Professional Services as promulgated by the ICB Board and that permits that person to perform Certified ICB Professional Services for the Public, including, but not limited to, the following: CADC CRADC CSADC and CAADC.

2.08: "Client" means a person who is receiving (or has received) Certified ICB Professional Services from an ICB Credentialaled Professional.

2.09: "Code of Ethics" means the ICB Code of Ethics for ICB Credentialaled Professionals, as may be amended from time-to-time.

2.10: "Committee" means the Executive Committee of the ICB.

2.11: "Complaint" means a written charge of violations of this Procedure Code in the manner set forth in Section 3 of this Procedure Code.

2.12: "Complainant" means any Person (or the Director) filing a Complaint against an ICB Credentialaled Professional alleging violations of the Code of Ethics.

2.13: "Counseling Relationship" means the period of time when an ICB Credentialaled Professional is actually providing Certified ICB Professional Services to a Client.

2.14: "Credential" means any accreditation other than a Certificate (e.g., an endorsement), whether originated by the ICB or any third party, which is administered by the ICB and/or is subject to the Code of Ethics and/or this Procedure Code, including but not limited to the following: ATE, CAAP, CCJP, CFPP, MAATP, CODP (1-2), NCPS, CSP/CSPS, PCGC and NCPG, CPRS, CRSS, CRSS-E, RDDP, CVSS, GCE or as is found on the ICB website under "Credentialing".

2.15: "Director" means the ICB Director or a person authorized by the Director to act in the Director's stead.

2.16: "Disciplinary Matter" means any matter brought pursuant to this Procedure Code for an alleged violation of the Code of Ethics.

2.17: "Extension" means extension of time for an ICB Credentialaled Professional to comply with all requirements for the recertification of a Certification or Credential after the filing of a written petition for same on a form provided by the Director's office and fulfilment of the conditions set forth in any grant thereof.

2.18: "Hearing" means the adjudicatory proceeding used to establish evidence for final disposition of a Disciplinary Matter.

2.19: "Hearing Officer" means the administrative judge appointed or retained by the ICB to preside over a Hearing.

2.20: "ICB Credentialaled Professional" means any person who has been issued and holding a valid Certificate or Credential or who is otherwise subject to the provisions of this Procedure Code and/or Code of Ethics.

2.21: "ICB Copyright" means accreditation titles of which the ICB has a copyright interest therein as set forth in Section 4.03.03 of Procedure Code and as may be amended from time-to-time.

2.22: "Inactive Status" means an ICB Credentialed Professional's voluntary, temporary suspension of his or her ability to practice Certified ICB Professional Services, pursuant to the provisions of Section 4.11.04 of this Procedure Code.

2.23: "Managing ICB Credentialed Professional" means an ICB Credentialed Professional who has any supervisory responsibilities for any other ICB Credentialed Professionals, or who has been appointed as such by another Managing ICB Credentialed Professional.

2.24: "Model" means the documents for the formation, governing and credentialing requirements for obtaining and maintaining a Certificate or Credential, including but not necessarily limited to the following: Counselor Model (CADC); Model for International Certification of AOD Counselors; Prevention Model; PCGC Model; CCJP Model; CAAP Model; CRSS Model; CPRS Model; CFPP Model; CVSS Model; CODP Model; MAATP Model; RDDP Model; ATE Model; GCE Model; CRSS-E Model; and, CRSS Young Adult Endorsement Model.

2.25: "Office" means any place where the Public is invited to receive Certified ICB Professional Services, where records may be maintained and Certificates displayed, whether or not it is the ICB Credentialed Professional's principal place of business.

2.26: "Order" means any order entered by the ICB in any Disciplinary Matter.

2.27: "Party" means the Complainant, the Respondent, the Director (as defined in Section 2.16 above) or any other Person (as defined in Section 2.29 below) who has an interest in the Disciplinary Matter.

2.28: "Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, general partnerships, foreign or domestic, and/or state agencies, except that when the context otherwise requires, the term may refer to a single individual, other described entity or state agency.

2.29: "Procedure Code" means the ICB Procedure Code.

2.30: "Proof of Service" means evidence submitted specifying the date, method, and person who served a document on another Party. Any Proof of Service must be signed by the server.

2.31: "Public", means individual persons who in fact do, have previously or may at some time, receive Certified ICB Professional Services.

2.32: "Respondent" means the ICB Credentialed Professional who has a Complaint filed against him or her alleging violations of the Code of Ethics.

2.33: "Scope" means the boundaries of Certified ICB Professional Services as defined or otherwise set forth within any specific Model, Certificate or Credential.

2.34: "SUPR" means the Division of Substance Use Prevention and Recovery (SUPR) of the Illinois Department of Human Services or any successor agency.

SECTION 3 – COMPLAINTS

3.01: Form Required. For Disciplinary Matters alleging any violation of the Code of Ethics by an ICB Credentialed Professional, the ICB requires a written Complaint on forms promulgated and provided by the Director.

3.02: Form of Complaint. The Complaint forms shall, at a minimum:

3.02.01: Identify the Respondent and his or her last known mailing address.

3.02.02: Identify the Complainant and his or her mailing address.

3.02.03: Provide for the Complainant's summary of the nature of the alleged violation and the relevant section(s) of the Code of Ethics that allegedly support the Complaint and,

3.02.04: Include a provision for the Complainant to attest that the allegation therein made is true. The statement shall be in the following form:

"The pursuant to Section 3.03 of the ICB Procedure Code, I declare under penalty of perjury that I am the Complainant named in this Complaint, that I have read the Complaint and that to the best of my knowledge, information and belief formed after a reasonable inquiry, that the allegations made in the Complaint are true and accurate, and that the Complaint is not brought for any improper purpose, such as to harass or to cause unnecessary delay or needless expenditure of costs." I further authorize the ICB to make further inquiries to verify this statement. I also understand that the contents of this Complaint may be forwarded to the person the Complaint is directed against and I authorize the ICB Credentialled Professional to disclose any information in my file to the ICB."

3.03: Verification: The signature of a Complainant on a Complaint form constitutes a certificate that the Complainant has read the Complaint; that to the best of his or her knowledge, information and belief formed after reasonable inquiry, the allegations made in the Complaint are well grounded in fact and that the Complaint is not brought for any improper purpose, such as to harass or to cause unnecessary delay or needless expenditure of costs.

3.04: Improper Purpose/Sanctions: If a Complaint is signed in violation of Section 3.03 by an ICB Credentialled Professional, the Committee, upon a written request or upon its own initiative or that of the Director, may impose upon the ICB Credentialled Professional who signed it, a representative of such ICB Credentialled Professional, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the Complaint, including a reasonable attorneys' fee and the refusal to comply with such order shall itself be deemed an automatic material violation of Procedure Code, the Code of Ethics and/or may result in referral to any other entity having jurisdiction over a party or a party's representative (e.g., ARDC).

3.05: Rejection: The ICB and/or the Director may reject any Complaint that does not comply with this Section. The ICB shall state the basis upon which any Complaint is rejected and shall grant the party twenty (20) days to amend the Complaint.

3.06: Director as Complainant: The Director may in her or her discretion, may at any time file a Complaint and be a named Complainant therein.

SECTION 4 – DISCIPLINARY PROCEDURE

4.01: Investigations.

4.01.01: The Director on behalf of the Committee may investigate the allegations of any Complaint and any Person relevant thereto, including but not limited to any Party, any ICB Credentialled Professional or Managing ICB Credentialled Professional.

4.01.02: Except as provided for in Section 4.05 below (Summary Dismissal), upon receipt of a signed Complaint form, the Director shall furnish a copy of the Complaint to the accused ICB Credentialled Professional to his or her Address of Record.

4.01.03: The Director has the power to subpoena documents, books, records, or other materials from any Office or other place and to bring before it any person and to take testimony either orally or by deposition, or both, with the same fees and mileage and in the same manner as may be prescribed in civil cases in the courts of this State. The Director, the Hearing Officer and every member of the Committee has the power to administer oaths to witnesses at any Hearing that the Director is authorized to conduct.

4.01.04: Any ICB Credentialed Professional, any Managing ICB Credentialed Professional and/or any Office shall at all times in good faith using his, her or its best efforts, shall cooperate and affirmatively assist the Director in any investigation and failure to do so shall be deemed a material violation of the provisions of this Procedure Code and/or the Code of Ethics that could result in a separate and independent Disciplinary Matter. For any violation alleged pursuant to this Section, the Director must file a Complaint and the matter shall thereafter proceed as any other Disciplinary Matter.

4.01.05: All notices required to be sent by any Party under this Procedure Code shall be sent by Certified or Registered US Mail, return, receipt requested, and Regular US Mail to the last known address of a Party or a Party's representative, or, in the case of an ICB Credentialed Professional, Managing ICB Credentialed Professional or Applicant not represented by a proper representative, to his or her Address of Record. It shall be the duty of all ICB Credentialed Professional, Managing ICB Credentialed Professional or Applicants to keep an accurate and current mailing address on file with the Director in the manner prescribed by the Director's office. Date of service of all notices shall be the date of mailing and shall be effective even if such correspondence is returned, whether "unclaimed", "refused", "moved no forwarding" or any other reason.

4.01.06: Subject to Section 4.01.06.02, below, prior to the imposition of disciplinary action by the Committee, the Director is authorized to extend to a Respondent a stipulated sentence in lieu of a decision by the Committee.

4.01.06.01: The stipulated sentence may consist of one or more of the following, which may include remedial ethics or other professional training:

4.01.06.01.01: Twelve (12) hours of ethics training (in addition to biennial continuing education certification requirements), at the ICB Credentialed Professional's, Managing ICB Credentialed Professional's or Applicant's cost, as is prescribed by the Director.

4.01.06.01.02: Twelve (12) months of documented supervision by ICB-approved supervisor, at the ICB Credentialed Professional's, Managing ICB Credentialed Professional's or Applicant's cost, with documentation to be submitted as prescribed by the Director.

4.01.06.01.03: Any other conditions determined by the Director in his or her reasonable discretion that is necessary and proper in addressing the violation(s).

4.01.06.01.04: Twelve (12) months conditional suspension (i.e., not enforced), pending timely completion of all of the above requirements.

4.01.06.02: Notwithstanding any of the foregoing, the stipulated sentence is not available for any matters involving any matter arising under Section 4.04 (Summary Suspension).

4.02: Disciplinary Action. Except as provided for in Section 4.04 of this Procedure Code (Summary Suspension), the Director shall, at least thirty (30) days before the revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action by the Committee under this Procedure Code:

4.02.01: Notify the Respondent in writing that charges have been made; and,

4.02.02: Advise the Respondent of the nature of the charges by providing a copy of the Complaint pursuant to Section 4.01.02; and,

4.02.03: Direct the Respondent to file a written answer to the charges with the Committee under oath within 30 days after the service on him or her of the notice in the manner prescribed by the Director in said written notification, and said manner may be prescribed by electronic means; and,

4.02.04: Inform the Respondent that if he or she fails to answer, default will be taken against him or her or that his or her Certificate may be suspended, revoked, placed on probationary status or other disciplinary action taken with regard to the Certificate, including limiting the scope, nature, or extent of his or her performance if Certified ICB Professional Services, as the Committee may consider proper.

4.03: Grounds for Discipline/Scope.

4.03.01: The Committee, in acting on a Complaint or otherwise in any Disciplinary Matter, may do any of the following: deny an Application, refuse to issue (or renew) a Certificate, suspend or revoke any Certificate, enter any reprimand or censure, place on probation, or take any other disciplinary or non-disciplinary action as the Committee may deem proper under this Procedure Code against any ICB Credentialled Professional, Managing ICB Credentialled Professional or Applicant for any one or any combination of the following causes:

4.03.01.01: Finding of one or more violations of any provisions of this Procedure Code, the Code of Ethics, and/or any other rule or order issued and published by the ICB, after notice to a Respondent of the filing of a Complaint and opportunity to respond to same.

4.03.01.02: Evidence of any conduct or circumstance identified in Section 4.04 of this Code (Summary Suspension), along with the right to a hearing as provided for by that Section.

4.03.02: As an Applicant, any Evidence of the making of any misrepresentation in any Application (or otherwise any falsification of same), any violation of any testing procedure (including cheating of any kind on any exam), holding oneself out or otherwise representing oneself as an ICB Credentialled Professional or Managing ICB Credentialled Professional without being issued (or currently having) a valid existing Certificate or Credential by the ICB or any other conduct that is in violation of the Code of Ethics. Notwithstanding any other provision in the Code of Ethics or this Code of Procedure to the contrary, any violation of any provision of the Code of Ethics and/or this Code of Procedure by any Applicant, shall result in the automatic denial and termination of the present (and any future) Application made by such Applicant, unless otherwise ordered by the ICB Executive Committee, in its sole discretion. Section 4.07 of this Procedure Code (Appeal) shall be applicable to any decision rendered under this Procedure Code.

4.03.03: If any person violates the provisions of this Procedure Code and/or the Code of Ethics, provides Certified ICB Professional Services or holds himself or herself out as an ICB Credentialled Professional, or Managing ICB Credentialled Professional, without being issued (or currently having) a valid existing Certificate by the ICB, the Director may in the name of the ICB through its legal counsel petition for an order enjoining the violation or for an order enforcing compliance with this Procedure Code and/or the Code of Ethics and/or defense of any ICB Copyright. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or condition, and may preliminarily and permanently enjoin the violation and award the ICB its court costs and fees incurred. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Procedure Code and/or the Code of Ethics.

4.03.04: Whenever in the opinion of the Director a person violates a provision of this Procedure Code the Director, on the Director's own initiative, may issue a rule to show cause as to why an order to cease and desist (or an order to comply) should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Director and shall allow at least seven (7) days from the date of the rule to file an answer or effect compliance to the satisfaction of the Director. Failure to answer or make compliance to the satisfaction of the Director shall cause an order to cease and desist (or to comply) to be issued immediately and/or a Complaint filed by the Director referring the matter to the Committee for disciplinary action and proceedings under this Section shall be in addition to, and not in lieu of, the filing of a separate Complaint.

4.04: Summary Suspension:

4.04.01: The Director may summarily suspend the Certificate of an ICB Credentialled Professional (or in the case of any Applicant, to or refuse to issue a Certificate) without a hearing or other opportunity to respond, simultaneously with the institution of proceedings for reconsideration and/or a hearing provided for in Section 4.06 of this Procedure Code if the Director finds:

4.04.01.01: Evidence indicating that the continuation of practice by the ICB Credentialled Professional would constitute an imminent danger to the Public; or,

4.04.01.02: The Complainant is SUPR; or,

4.04.01.03: Commission of perjury or the making of any other false statement, misrepresentation or omission to any court, tribunal, administrative or governmental agency (including SUPR or the ICB) in relation to anything pertaining to or arising from Certified ICB Professional Services.

4.04.01.04: When an Applicant has made a false statement of material fact on his or her application, the false statement may in itself be sufficient grounds to revoke or refuse to issue a Certificate.

4.04.01.05: Fraud or misrepresentation in applying for, or procuring, a Certificate from the ICB or in connection with applying for renewal of a Certificate.

4.04.02: In the event that the Director summarily suspends the Certificate of an ICB Credentialled Professional without a Hearing, a Hearing must be commenced within thirty (30) days after the suspension has occurred and shall be concluded as expeditiously as possible. Notwithstanding the

foregoing, however, the Director, upon the Director's own motion, or upon the motion of any party for good cause shown may, in the Director's sole discretion, extend the thirty (30) day period to conduct the hearing and make any other order relative thereto that the Director deems proper and just for the circumstances of the particular case.

4.04.03: The Director shall, before refusing to issue or renew a Certificate or disciplining an ICB Credentialled Professional under Section 4.04 of this Procedure Code, at least thirty (30) days prior to the date set for the hearing:

4.04.03.01: notify the Respondent in writing to his or her Address of Record, of the charges made and the time and place for the hearing on the charges; and,

4.04.03.02: direct him or her to file a written answer to the charges with the Director under oath within twenty (20) days after the service of the notice; and,

4.04.03.03: inform the Respondent that failure to file an answer shall result in default being taken against the Respondent.

4.04.04: At the time and place fixed in the notice, the Director shall proceed to a Hearing to hear the charges, and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Director may continue the hearing from time to time. In case the person, after receiving the notice, fails to answer, his or her Certificate, may, in the discretion of the Director, be revoked, suspended, placed on probationary status, or the Director may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a Hearing, if the act or acts charged constitute sufficient grounds for that action under the Code of Ethics or this Procedure Code. The written notice and any notice in the subsequent proceeding may be served by as provided for in Section 4.01.05 of this Procedure Code.

4.05: Summary Dismissal:

4.05.01: The Director may summarily dismiss without further investigation any Complaint the Director determines has been filed for any improper purpose as determined by the Director in the Director's sole discretion. Notwithstanding the foregoing, the following types of matters shall be automatically, subject to summary dismissal:

4.05.01.01: Labor disputes, which include but are not limited to matters in violation of Illinois and/or federal labor laws, state criminal statutes and/or collective bargaining agreements (e.g., wage payment claims, thefts, employee relations, etc.); or,

4.05.01.02: Discriminatory claims that are in violation of the Illinois Human Rights Code or equivalent federal law; or,

4.05.01.03: Settlement of professional and/or personal disputes between persons; or

4.05.01.04: Any other demand, claim, cause of action or any other matter that can be adjudicated in a civil action in a court of law, or in a local, county, state or federal administrative proceeding.

4.05.02: In the event of summary dismissal, the Director shall provide to the Respondent written

notice to his or her Address of Record that a Complaint was filed, that same was summarily dismissed and that no action is required of the Respondent. The notice to the Respondent shall not enclose a copy of the Complaint, shall not name the Complainant, and a copy thereof shall be sent to the Complainant to his or her last known address.

4.05.03: In the event of a summary dismissal, such dismissal by itself, shall not be deemed as an automatic violation of Section 3.03 of this Procedure Code, but instead, shall be determined by the Director in the Director's sole discretion taking into account additional mitigating or aggravating circumstances.

4.06: Hearings.

4.06.01: The provisions in this Section shall apply to all Hearings conducted by the ICB as provided for in this Procedure Code and for any other Hearings that are not otherwise specifically provided for under any other Section of this Procedure Code or the ICB Code of Ethics.

4.06.02: The imposition of any Order affecting any Certificate in any Disciplinary Matter, including but not limited to any Order of Summary Suspension as provided for in this Procedure Code, is reviewable in a Hearing.

4.06.03: The following may not be reviewed in a Hearing, unless otherwise permitted by the Code of Ethics or this Procedure Code:

4.06.03.01: Instances in which a party has waived his or her right to a Hearing;

4.06.03.02: Any matter that is not germane to the distinctive purpose of the Disciplinary Matter.

4.06.04: Computation of any period of time prescribed by this Section shall begin with the first calendar day following the day on which the act, event, or development initiating such period of time occurs, and shall run until the end of the last day or the next following calendar day, if the last day is a Saturday, Sunday, or legal holiday.

4.06.05: Notice requirements shall be construed to mean notice received. However, proof that notice was dispatched by means provided for in this Procedure Code shall be *prima facie* proof that notice was timely filed. Complaints, evidence, motions, notices, and all other correspondence sent by the manner set forth in this Procedure Code will be considered as filed with the ICB on the date postmarked.

4.06.06:

4.06.06.01: All documents submitted for a Hearing shall be typewritten, on eight and one-half (8 ½) by eleven (11) inch white paper. The first page of each document shall set forth a caption with the names of the Complainant and Respondent, and the Case Number assigned to the case by the ICB.

4.06.06.02: All documents submitted to the ICB that require verification shall be signed by the Party filing them. All other documents submitted by the Party shall be signed by the Party or his or her representative and such signature constitutes a representation by the Party or his or her representative that the Party or representative has read the

documents and that, to the best of the Party's or representative's knowledge, information, and belief, the statements made in the documents are true, and are not made for purposes of delay or harassment.

4.06.06.03: All documents submitted to the ICB shall be submitted with a Proof of Service.

4.06.06.04: Any Party submitting or filing any document in any Disciplinary Matter must also simultaneously send a copy to the opposing Party and the Hearing Officer at either their Address of Record (as defined in Section 2.01 of the Procedure Code) or other designated address.

4.06.07:

4.06.07.01: Service of all documents shall be made as required by Section 4.01.05 of this Procedure Code, unless otherwise required in this Section. A Proof of Service must be attached to the original of any document served. The Parties may agree to service by facsimile, however in such case, such Proof of Service must contain a confirmation of receipt attached to the document faxed.

4.06.07.02: Service on the ICB is made by serving the Office of its legal counsel at 1119 South 6th Street, Springfield, Illinois 62703, unless otherwise designated by the ICB.

4.06.07.03: Service on a Party shall be at its Address of Record if applicable or its last known address unless otherwise designated by the Party.

4.06.08: Prior to hearing, an unopposed motion to voluntarily dismiss or withdraw a Complaint shall be granted, and the Hearing Officer shall issue an order dismissing the Complaint, and its underlying cause with prejudice. However, the Hearing Officer, within his or her discretion, may hear and decide a motion that has been filed prior to a motion to voluntarily dismiss or withdraw when that prior filed motion could result in a final disposition of the cause. After a hearing begins or where a motion to voluntarily dismiss or withdraw is challenged, the Hearing Officer shall exercise his or her discretion in allowing the motion when the voluntary dismissal or withdrawal would serve the interests of justice.

4.06.09: Any issues that are not specifically, directly or implicitly addressed in the Complaint will be irrevocably waived in any Hearing conducted by the ICB.

4.06.10: Upon motion, any document that is submitted and subsequently determined by the Hearing Officer to be without basis, untrue, or made for the purpose of delay or harassment shall subject the Party submitting it to sanctions, including, but not limited to, the following:

4.06.10.01: Dismissal of a Complaint with prejudice or striking of a response to a Complaint; and

4.06.10.02: Denial of a Party's motion

Notwithstanding the foregoing, the provisions of this Section 4.06.10 shall not preclude the filing of a Complaint against any ICB Credentialled Professional determined by Hearing Officer to have violated this Section.

4.06.11:

4.06.11.01: Except in the cases of Summary Dismissal, upon receipt by the ICB of a properly submitted Complaint, a notice of complaint and request for response shall be served ("Disciplinary Matter Notice"), by either personal delivery or by certified or registered mail, return receipt requested, upon the Respondent at his or her Address of Record, and shall include the following:

4.06.11.01.01: In the case of a Summary Suspension, a statement of the date, time, place, and nature of any Hearing;

4.06.11.01.02: A statement notifying the Respondent that he or she must file a written response, and the time limits in which to file that response;

4.06.11.01.03: A reference to the particular Sections of the substantive and procedural portions of the Code of Ethics and Procedure Code involved;

4.06.11.01.04: A copy of the Complaint;

4.06.11.01.05: The names and mailing addresses of the Hearing Officer and ICB legal counsel.

4.06.11.02: Any contention that an improper Disciplinary Matter Notice was given or improperly served will be deemed waived unless it is raised by a Party by motion prior to Hearing.

4.06.12:

4.06.12.01: In all Disciplinary Matters the Respondent must file his or her response within twenty (20) days after the date on which the Disciplinary Matter Notice was served. The response must be on forms as prescribed by the Director, signed by the Respondent and shall contain a specific response to the allegations. The response shall either admit or deny the allegations, or shall state that the Respondent has insufficient information to either admit or deny the allegations.

4.06.12.02: Upon motion of a Respondent physically present at a Hearing, the Hearing Officer may, for very good cause shown, issue a notice to plead or be held in default to a Respondent who has failed to answer. If, within twenty (20) days after issuance of such notice, the Respondent does not answer or otherwise file a responsive pleading, he or she will be held in default and a default Order will be entered granting the other Party relief without further hearing or notice.

4.06.12.03: In the interest of efficient disposition of the Hearing and upon motion of any Party or on his or her own motion, the Hearing Officer may consolidate or sever any parties or cases. A Party may contest the Hearing Officer's decision by filing a motion, as provided in this Section, setting forth specific reasons why the Party will be unduly prejudiced by the consolidation or severance.

4.06.13: In any Hearing, the ICB shall appoint and/or retain an impartial or independent person as a Hearing Officer to conduct the Hearing. The Hearing Officer shall meet the following

standards and qualifications:

- 4.06.13.01: Be of high integrity, good personal repute, and impartial;
- 4.06.13.02: Be a member in good standing of the Bar of Illinois;
- 4.06.13.03: Be familiar with the rules of evidence applied in civil cases in the circuit courts of Illinois and with the Procedure Code and rules promulgated under the Procedure Code;
- 4.06.13.04: The ICB may not select any ICB employee to act as the hearing officer.
- 4.06.13.05: Mere familiarity with the facts or any Party shall not, by itself, disqualify an otherwise qualified person from action as the Hearing Officer.

4.06.14: The Hearing Officer shall:

- 4.06.14.01: Conduct a fair and impartial Hearing; and
- 4.06.14.02: Take all necessary action to avoid delay, maintain order, and insure development of a clear and complete record.

4.06.15: The Hearing Officer shall have all powers necessary to conduct the Hearing as provided in this Section, including but not limited to the power to:

- 4.06.15.01: Administer oaths and affirmations;
- 4.06.15.02: Regulate the course of the Hearing; set the time and place for continued hearings; fix the time for submitting documents; provide for the taking of testimony by deposition, if necessary; and generally conduct the proceedings according to generally recognized principles of administrative law and this Section;
- 4.06.15.03: Dispose of procedural requests or similar matters;
- 4.06.15.04: Examine witnesses and direct witnesses to testify; limit the number of times any witness may testify, limit repetitious or cumulative testimony; and set reasonable limits on the amount of time each witness may testify;
- 4.06.15.05: Rule upon offers of proof, receive relevant evidence and determine what evidence is admissible, including but not limited to permitting witness testimony by telephone or any other electronic means;
- 4.06.15.06: Direct parties to appear and confer for the settlement or simplification of issues and to otherwise conduct prehearing conferences;
- 4.06.15.07: Make rulings on motions and objections;
- 4.06.15.08: Consider all relevant facts and circumstances;
- 4.06.15.09: Enter any order that further carries out the purpose of this Section;

4.06.15.10: Issue subpoenas and otherwise compel the presence and testimony of witnesses;

4.06.15.11: Submit findings of fact, conclusions and recommendations to the Committee for its consideration prior to its entry of a Final Order.

4.06.16:

4.06.16.01: Any Party may file a timely and sufficient motion, supported by affidavit, requesting that the Hearing Officer recuse himself from hearing the case. The affidavit shall set forth allegations of personal bias or prejudice of the Hearing Officer. If a Hearing Officer recuses himself, the ICB shall appoint and/or retain another Hearing Officer.

4.06.16.02: An adverse ruling from the Hearing Officer against a Party, whether present, prior or otherwise, in and of itself shall not constitute a bias or conflict of interest.

4.06.16.03: The Hearing Officer may at any time voluntarily disqualify himself upon written notice to the ICB.

4.06.17:

4.06.17.01: Once retained and appointed, the Hearing Officer shall not communicate directly or indirectly with any Party or any person interested in the outcome of the proceeding, with respect to the merits of any case not concluded, except upon notice and opportunity for all parties to participate.

4.06.17.02: The Hearing Officer may impose and enforce sanctions against a Party who violates this Section.

4.06.18:

4.06.18.01: Any Party may be represented by an attorney, provided that the attorney is licensed to practice law in Illinois or by an attorney who is permitted to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Effective January 1, 1967). Attorneys who appear in a representative capacity must file a written notice of appearance setting forth the following:

4.06.18.02: The name, address, telephone number, and Attorney Registration and Disciplinary Commission (ARDC) number of the attorney upon whom service of papers may be made;

4.06.18.03: The name of the Party represented; and

4.06.18.04: An affirmative statement indicating that the attorney is licensed to practice law in Illinois.

4.06.18.05: A natural person, who is a Party, may appear and be heard on his or her own behalf. Otherwise, only attorneys licensed to practice law in Illinois, as set forth in Section 4.06.18.01, shall represent any other individuals or entities in a Hearing. Notwithstanding the foregoing, however, a Party may use an interpreter if necessary at his or her own cost,

unless payment of the cost is otherwise prescribed by law (e.g., ADA).

4.06.18.06: All attorneys appearing in Hearing proceedings before the Hearing Officer shall conform their conduct to the Illinois Rules of Professional Conduct (Article VIII of the Illinois Supreme Court Rules). In the event that an attorney's behavior substantially impairs the administration of the Hearing, the Hearing Officer may take the following actions in a progressive manner: substitution of written argument for oral argument, exclusion of the attorney from the Hearing; suspension or revocation of the attorney's right to appear before the Hearing Officer in that Disciplinary Matter. If the Hearing Officer takes any of the foregoing actions, it shall be done as a matter of record, and the Hearing Officer shall state for the record the specific reasons for the action.

4.06.18.07: Non-attorneys appearing in proceedings before the ICB shall be courteous and dignified, and shall maintain the decorum of the tribunal.

4.06.18.08: An attorney may withdraw his appearance and/or representation only upon motion and appropriate ruling by the Hearing Officer. However, substitution of attorneys is permitted without motion, provided notice is given to all parties and to the Hearing Officer, as long as the substitution will not delay the proceedings, and a statement to that effect is contained in the notice.

4.06.19:

4.06.19.01: In any Disciplinary Matter, SUPR may become a Party by filing an intervening petition setting forth that it has an interest in the adjudication of the Complaint and the subject matter thereof. The Hearing Officer may grant the person leave to intervene if SUPR demonstrates standing based upon one of the following:

4.06.19.01.01: An interest in the proceeding that may not be adequately represented by the parties to the proceeding; or

4.06.19.01.02: SUPR may be affected by the Final Decision; or

4.06.19.01.03: There is a public interest that may be affected by the Disciplinary Matter.

4.06.19.02: SUPR shall have all of the rights of an original Party, except that the Hearing Officer may, in his order allowing intervention, provide that SUPR shall be bound by orders previously entered, or by evidence previously received, that SUPR shall not raise issues that might more properly have been raised at an earlier stage of the proceeding, unless SUPR can show good cause for delay in intervening or as justice requires.

4.06.19.03: The decision of the Hearing Officer granting or denying the Complaint for Intervention shall be considered a final decision for purposes of reconsideration or appeal.

4.06.20:

4.06.20.01: Motions, both procedural and/or substantive may, in the case of the Respondent, be made in the Response to the Complaint, and in the case of any other

Party at any time prior to the Hearing.

4.06.20.02: Motion must be in writing, must specify the relief and/or Order sought, and shall be served on the Hearing Officer, all other parties and filed with the ICB.

4.06.20.03: All pending motions shall be heard at the commencement of the Hearing.

4.06.21:

4.06.21.01: No discovery may be conducted without leave of the Hearing Officer.

4.06.21.02: Any motion for leave for discovery must be in writing, in the same form as any other motion and may be heard prior to Hearing by conference call or other electronic means at a time set by the Hearing Officer.

4.06.21.03: The Hearing Officer may grant discovery to any Party on terms the Hearing Officer deems reasonable in his or her sole discretion, including but not limited to, extension of any Hearing date. In the event of a Respondent seeking discovery, the Respondent voluntarily waives any right to a Hearing within the 30 day period provided for by Section 4.04.02.

4.06.22: Upon motion by the Hearing Officer or any Party, the Hearing Officer may direct the parties to attend a Prehearing Conference by telephone call or other electronic means prior to Hearing at a date and time set by the Hearing Officer or at the commencement of the Hearing, in the Hearing Officer's sole discretion for the purposes of: simplifying the issues, limiting the issues, amending the Complaint (or response to the Complaint), if necessary, stipulating to facts and/or admissions, limiting the number of witnesses or evidence, mutually exchanging prepared testimony and exhibits, and any other matters that aid in the simplification of the Hearing. Any agreements, understandings, or conclusions made at a Prehearing Conference shall be in the form of a Prehearing Order, signed by the Hearing Officer and all parties or representatives involved in the Hearing, and shall become a part of the administrative record.

4.06.23: Any Disciplinary Matter may be disposed of by stipulation, agreed settlement, consent order, or default. Any settlement must be signed by the Hearing Officer and all parties involved. The settlement agreement shall be memorialized by a report and the Hearing Officer shall enter an Order dismissing the Disciplinary Matter with prejudice.

4.06.24: All hearings shall be conducted by the ICB at its main offices at 401 East Sangamon Avenue, Springfield, Illinois 62702 or at any other location as determined by the ICB, unless otherwise agreed to by the parties (including the ICB) and the Hearing Officer.

4.06.25: The sequence to be followed for all hearings is as follows:

4.06.25.01: Prehearing Conference - The purposes of the Conference are set out in Section 4.06.22.

4.06.25.02: Preliminary Matters - Motions; attempts to narrow issues or limit evidence.

4.06.25.03: Opening Statements - The Party bearing the burden of proof proceeds first.

4.06.25.04: Case in Chief - Evidence and witnesses are presented by the Party bearing the burden of proof. After a witness' testimony is completed, he or she is subject to cross-examination.

4.06.25.05: Evidence and witnesses may be presented by the opposing Party.

4.06.25.06: Closing Statements - The Party bearing the burden of proof proceeds first, then the opposing Party, then a final reply by the Party bearing the burden of proof.

4.06.26: Upon motion by a Party or the Hearing Officer, a hearing may be postponed or continued for just cause. Written notice of any postponement or continuance shall be given to all parties within a reasonable time in advance of the previously scheduled Hearing date. All parties shall attempt to avoid unnecessary and repetitive postponements or continuances so that the Disciplinary Matter may be resolved expeditiously.

4.06.27: Until the conclusion of all Hearings, including those involving reconsideration or appeal, the then current status of the Respondent's Certification during the Disciplinary Matter (e.g., active, suspended, revoked, etc.), shall remain in full force and effect.

4.06.28: Any Party failing to appear at a hearing shall waive its right to present evidence. If the Hearing Officer determines that proper notice was given, he shall grant affirmative relief to the Party appearing.

4.06.29: The burden of proof, which includes both the burden of production and the burden of persuasion, rests with the Complainant.

4.06.30: Unless otherwise provided by law, the standard of proof for a Hearing under this Section shall be the preponderance of the evidence.

4.06.31: The Hearing Officer shall exclude immaterial, irrelevant, and repetitious evidence.

4.06.32: The Hearing Officer shall use his or her discretion in admitting or denying the admission of any evidence.

4.06.33: Any Party seeking to admit documents other than the originals may do so, provided the Party certifies that the copy is a true and correct copy of the original. The Party need not show that the original is unavailable.

4.06.34: The Hearing Officer may examine any witness.

4.06.35: Any Party or witness may be called as an adverse witness. Examination of the adverse witness shall be allowed as if under cross-examination. A witness called in good faith whose testimony surprises the Party who called the witness may examine that Party as if under cross-examination, and the testimony of the witness may be impeached by prior statements.

4.06.36: An official court reporter shall be engaged by the ICB to make and transcribe a stenographic record of the Hearing. The ICB will not provide copies of the transcript to the parties, but the parties may obtain copies from the official reporter upon payment of the appropriate costs. The ICB shall deliver or cause delivery of a copy of the transcript to the Hearing Officer at the ICB's cost as soon as possible after conclusion of a Hearing.

4.06.37: A full and complete record shall be kept of all proceedings in a Disciplinary Matter. The record shall consist of the following:

4.06.37.01: All pleadings (including, but not limited to, the Complaint and any Answers);

4.06.37.02: Motions, briefs, arguments, affidavits, exhibits, documents, and records;

4.06.37.03: All evidence received;

4.06.37.04: All discovery responses;

4.06.37.05: A transcript of the hearing as well as any transcript of any proceeding applicable for appeal or for administrative review;

4.06.37.06: A statement of matters officially noticed;

4.06.37.07: Offers of proof, objections, and rulings;

4.06.37.08: Any proposed findings and exceptions;

4.06.37.09: Any order, decision, opinion, or report by the Hearing Officer;

4.06.37.10: All staff memoranda or data submitted to the Hearing Officer of the case;

4.06.38: Findings of Fact shall be based exclusively on the evidence and on matters officially noticed.

4.06.39: The Director shall be the official custodian of the administrative record of all Hearings.

4.06.40: Hearing Officer's Report and Recommendation

At the conclusion of a Hearing, the Hearing Officer within ten (10) days after receipt of the Hearing transcript pursuant to Section 4.06.36, prepare a summary report of the Hearing proceedings, along with the Hearing Officer's conclusion and recommendations for final decision by the Committee.

4.06.41: The Final Decision in a Disciplinary Matter shall be made by the Committee after review of the findings and recommendations of the Hearing Officer and the full and complete record of the Hearing. The Final Decision shall be rendered by a simple majority vote and may disregard part or all of the Hearing Officer's recommendations. Such Final Decision shall be in writing and served upon all parties and should be made within thirty (30) days of the date the Hearing Officer's Report and Recommendation was delivered to the Committee and otherwise shall be issued as soon as practicable after conclusion of the Hearing. The Final Decision may require any Party to the proceeding to pay part or all of the costs of the Hearing, including but not limited to: witness fees, court reporter fees, Hearing Officer's fees and costs (e.g., a transcript).

4.07: Reconsideration/Appeal:

4.07.01: Except as provided for in Section 4.04 (Summary Suspension), all disciplinary action taken by the Committee pursuant to this Procedure Code shall be by written order and a copy thereof shall be served upon the ICB Credentialed Professional by the Director, either personally or as provided in this Procedure Code for the service of a notice of hearing.

4.07.02: The effective date of such disciplinary action shall be set forth in the written order and the disciplinary action provided for therein shall not be tolled, but shall instead continue in full force and effect during any reconsideration/appeal process set forth in this Procedure Code.

4.07.03: Within thirty (30) days after service of the written order of disciplinary action, a Respondent may present to the Committee a motion in writing for reconsideration, which shall specify the particular grounds for rehearing, whereupon, the Director shall within thirty (30) days after the motion set the matter for hearing and provide a copy to the Committee and to the Respondent at his or her Address of Record. Such hearing date shall be set (and concluded) as expeditiously as possible.

4.07.04: At the time and place fixed in the notice, the Committee shall at a Hearing proceed to hear the reconsideration and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Committee may continue the Hearing from time to time upon good cause shown by any Party. In case any Party, after receiving the notice of the Hearing, fails to appear, the request to reconsider shall be denied by default and may only be re-opened upon written request filed with the Committee within thirty (30) days, stating good cause. All decisions of the Committee acting on a request to reconsider shall be provided to the Respondent by the Director in writing.

4.08: Status of Certificate

4.08.01: Upon the revocation or suspension of a Certificate, the ICB Credentialed Professional shall immediately surrender his or her Certificate to the Director. If the ICB Credentialed Professional fails to do so, the Director has the right to seize the Certificate and file court action in the County in which the ICB main office is located.

4.08.02: At any time after the successful completion of a term of suspension or revocation of a Certificate, the Director may restore it to the ICB Credentialed Professional, upon the written recommendation of the Committee, unless after an investigation and a hearing the Committee determines that restoration is not in the Public's interest.

4.09: Self-Reporting:

4.09.01: Notwithstanding anything in the Procedure Code, Code of Ethics or otherwise, an ICB Credentialed Professional may self-report any violation by notifying the Director in writing stating the date(s) of the violation(s) and the nature of the violation(s).

4.09.02: While self-reporting a violation as described in Section 4.09.01 above will not act as a bar to finding of a violation of the Code of Ethics or disciplinary procedures set forth in this Procedure Code, such self-reporting may be taken by the Director, Hearing Officer and/or Committee as a mitigating circumstance for purposes of the imposition of discipline, if any, including but not limited to, a lighter stipulated sentence.

4.10: Voluntary Surrender/Reinstatement:

4.10:01: Surrender: Notwithstanding anything in the Procedure Code, Code of Ethics or otherwise, an ICB Credentialled Professional may surrender his or her Certificate at any time. In the event voluntary surrender is made during the pendency of a Disciplinary Matter, the Director may dismiss any Disciplinary Matter without the making of a factual record or may proceed with the Disciplinary Matter for the making of a factual record, at the Director's sole discretion.

4.10:02: Applicability: for purposes of this Section, the term "Surrender" or "Voluntary Surrender" includes any revocation of any "Certificate" as defined in Section 2:07 of this Code and/or any "Credential" as defined in Section 2:14 by consent of the holder thereof, as well as any suspension of any such Certificate or Credential until further authorization of the ICB by consent of such holder.

4:10:03: Not Applicable: No petition may be filed, accepted or processed on any revocation or suspension of any Certificate or Credential imposed by the ICB that was made without the consent of such holder, including but not limited to summary suspension.

4:10:04: Order of Reinstatement: Reinstatement of a Certificate or Credential, if any, shall be given at the discretion of the Committee and all associated procedures pertaining to administration and/or enforcement thereof, shall be conducted by the Director's Office. Any reinstatement granted under this Section shall be in writing, prepared by the Director's office, signed by the ICB President and attested to by the ICB Secretary ("Reinstatement Order - Following Surrender"). The Reinstatement Order - Following Surrender may contain any additional stipulations and/or conditions as the Committee may deem proper, including but not limited to restitution for the cost of any underlying ethics proceedings which led to the Surrender. Reinstatement shall be effective as of the date contained in such Reinstatement Order - Following Surrender.

4:10:05: Petition for Reinstatement: All requests for reinstatement of any Certificate or Credential shall be made pursuant to a written petition filed with the Director, on a form or forms promulgated by the Director's Office. The party making such a petition shall be referred to in this Section as the "Petitioner".

4:10:06: Minimum Time Limit: No petition may be filed, accepted or processed at any time less than five (5) years after the Surrender of any Certificate or Credential.

4:10:07: Burden of Proof: The burden of proof for the granting of any petition shall be on the Petitioner.

4:10:08: Standard of Evidence: To receive reinstatement the Petitioner must show such reinstatement is proper by clear and convincing evidence.

4:10:09: Supporting Information: The following must accompany the filing of any petition:

4:10:09:01: The date on which the Surrender was made and if there was an ethics complaint pending, the case number.

4:10:09:02: The age, residence address and telephone number of the Petitioner.

4:10:09:03: The name, age and address of all dependents of the Petitioner.

4:10:09:04: During the period of surrender, the address of each residence of the Petitioner, including temporary and part time residences, and the dates of each residence.

4:10:09:05: During the period of surrender, the name and address of each employer; the dates of each employment; the positions occupied and titles held; the name and address of any immediate supervisor; and the reason for leaving the employment, association or partnership.

4:10:09:06: A statement including the case caption, general nature, dates and disposition of every civil, criminal or administrative action or proceeding that was filed, pended or disposed of during the period of Surrender to which Petitioner was either a party or claimed an interest.

4:10:09:07: A statement of the monthly earnings and other income of the Petitioner and the sources from which all earnings and income were derived during the period of Surrender.

4:10:09:08: A statement of assets and financial obligations of the Petitioner during the period of Surrender, the dates when acquired or incurred, the names and address of all creditors.

4:10:09:09: During the period of Surrender, whether the Petitioner sought or obtained assistance, consultation or treatment for a mental or emotional disorder or for addiction to drugs or alcohol, and the name and address of each provider of services, and the services rendered, their duration and purpose.

4:10:09:10: During the period of Surrender, whether the Petitioner was admitted to any institution, as an in-patient or out-patient, for a mental or emotional disorder or for addiction to drugs or alcohol, and the name and address of each institution, the date of Petitioner's admission and discharge, the purpose of the admission, the diagnosis reached and the treatment rendered.

4:10:09:11: A copy of Petitioner's written authorization and consent to the Director to secure copies of all reports and records relating to the services referred to in subparagraphs (9) and (10) above.

4:10:09:12: During the period of Surrender whether the Petitioner applied for admission or reinstatement to performance either Certified ICB Professional Services (as defined in Section 2:06 of the ICB Procedure Code) or any acts that would constitute such Certified ICB services, with any state or jurisdiction other than Illinois, along with the details of the application or petition and if written, a copy of such application or petition.

4:10:09:13: Whether the Petitioner has ever applied for a license, certificate or other related credential relating to any business or occupation, including but not limited to that administered by the Illinois Department of Professional Regulation or SUPR.

4:10:09:14: During the period of Surrender, whether the Petitioner's name appeared together with the designation "CADC", any other "Certificate" (as defined in Section 2:07 of the Procedure Code) or "Credential" (as defined in Section 2:14 of the Procedure Code) or any other similar description on any door or window, or any building, legal or telephone directory, any internet site, any social media site and/or any other place that same could be viewed by the public, and all facts relating to the listing or listing, including its/their location, the place(s) and duration(s).

4:10:09:15: All material facts upon which the Petitioner relies to establish fitness and character to resume the performance of Certified ICB Professional Services or any acts that would constitute such Certified ICB Services to the public.

4:10:09:16: The address and telephone number for each location where Petitioner maintained an office, business or engaged in the performance of Certified ICB Professional Services or any acts that would constitute such Certified ICB Services to the public from the date of the Petitioner's original date Petitioner was issued a Certificate or Credential to the date the petition is filed with the Director's Office.

4:10:09:17: Copies of Petitioner's federal and state income tax returns for each of the five (5) years immediately preceding the date the petition is filed and for each year, or part of a year during the period of Surrender and also in an appropriate form the Petitioner's written consent to the Director to secure copies of the original returns.

4:10:09:18: Copies of other tax returns, individual, partnership, corporate or fiduciary, of any business in which Petitioner is a proprietor, partner, shareholder, director, officer, member, manager, consultant or principal, Revenue Code and appropriate state laws or regulations and, in an appropriate form, Petitioner's written consent to the Director to secure copies of the original returns.

4:10:09:20: A copy of Petitioner's written consent to the Director to examine and secure copies of any records relating to any criminal, civil and/or administrative investigation of Petitioner, including but not limited to police reports, probation and parole records.

4:10:09:21: A sworn statement from Petitioner's that the representation made in the petition and all documents submitted in support thereof, are true and accurate.

Notwithstanding the foregoing, the petition shall provide any other documentation as may be reasonably requested by the Committee and/or the Director's office and Petitioner shall be under a further god-faith duty to supplement any submitted information as applicable.

4:10:10: Fees: A non-refundable processing fee of One-Thousand and No/100 (\$1,000.00) or other amount as may be published by the ICB from time-to-time, must be submitted with any petition filed pursuant to this Section, in certified funds payable to the order of the "Illinois Certification Board". The foregoing fee shall pertain only to the processing of the petition and nothing in this Section shall be construed to preclude a Petitioner's restitution for the cost of any underlying ethics proceedings which led to the Surrender, as may be set forth in a Reinstatement Order - Following Surrender.

4:10:11: Factors: The ICB Committee may consider the following factors in its determination of granting or denying a petition, none of which shall be necessarily dispositive or otherwise limiting the discretion of the Committee:

4:10:11:01: Petitioner's maturity and experience at the time of Surrender.

4:10:11:02: Petitioner's recognition of the nature and seriousness of the conduct under which the petition made Surrender of his or her Certificate or Credential.

4:10:11:03: The actual nature and seriousness of the conduct resulting in Surrender, including but not limited to the specific violations of the Ethics Code, actual impact upon past individual victims and the public in general, potential impact upon any future victims and the general public in general, the potential for reoccurrence of past conduct and/or the potential for any future violation of any provision of the Ethics Code.

4:10:11:04: Petitioner's conduct and actions taken toward rehabilitation since Surrender, including but not limited to rehabilitation of any issues involving any addiction, including but not limited to addictions involving drugs and/or alcohol.

4:10:11:05: Financial restitution, if applicable.

4:10:11:06: Petitioner's current candor in presenting the petition and the veracity of any facts or evidence submitted in support thereof.

4:10:11:07: Any other factors as the Committee deems proper and just.

4:10:12: Hearing: The ICB Committee, in its discretion, may grant a hearing on a petition or may proceed on a petition and submitted evidence without hearing. Nothing in this Section shall be construed to limit the power of the Director's office to issue subpoenas pursuant to this Procedure Code or to conduct any other investigation on the petition as may be directed by the Committee.

4:10:13: Petitioners' Duties: As to all provisions of this Section, including but not limited to the filing of petitions and any Reinstatement Order - Following Surrender, all petitioners shall be under a general duty of good-faith, cooperation and assistance, including but not limited to the following, petitioners:

4:10:13:01: Represent that all statements and other content set forth in petitions are true and accurate and agree to immediately notify the ICB of any representations or other content that subsequently becomes untrue or inaccurate.

4:10:13:02: Authorize the ICB to make inquiries and/or conduct any other investigation of the representations and other contents of petitions and agree to promptly execute any and all authorizations, disclosures, releases or similar documents, that allows third parties to disclose, transmit or otherwise deliver to the ICB any and all information deemed by the ICB to be necessary and/or proper in processing and/or making a decision on a petition.

4:10:13:03: Authorize the ICB to provide a copy of a petition and/or parts of the contents thereof, to any third party the ICB deems necessary and/or proper in processing and/or making a decision on a petition.

4:10:13:04: Will upon request, promptly provide the ICB with any documentation or other information the ICB deems necessary and/or proper in processing and/or making a decision on a petition and agrees he or she is under a general to supplement any such records, documentation and/or other information.

4:10:13:05: Agree that any false or misleading statements and/or omissions shall result in the dismissal of the petition, with possible prohibition from filing any future petition.

4:10:13:06: As to any reinstatements granted under this Section, to fully and faithfully comply with any terms and conditions set forth in any orders of reinstatement.

4:10:14: Finality: The decision of the Committee on the grant or denial of any petition shall be final.

4.11: Administrative Termination/Inactivation/Reinstatement/Extension

4.11.01: Applicability: The provisions of this Section, and any relief subject to the filing of a petition herein, are separate and apart from the provisions set forth in Section 4.10 of this Procedure Code pertaining to a voluntary surrender of a Certificate.

4.11.02: Administrative Termination: Subject to any Reinstatement or Inactive Status as provided for in this Section, Administrative Termination of Certificates will occur for any of the following:

4.11.02.01: Failure to pay requisite renewal/maintenance fees in the amounts and within the time limits as established and published by the ICB from time to time.

4.11.02.02: Failure to properly document continuing education units ("CEUs") over the period subject to recertification with no request for an Extension.

4.11.02.03: Failure to comply with the conditions of an Extension by the expiration date of same.

4.11.02.04: Ethics violations that are found to be valid and to which the sanction for same is revocation.

In the event of an Administrative Termination of any Certificate, an affected ICB Credentialled Professional must immediately surrender any physical certificate to the ICB and also may not perform or hold themselves out to the public as being able to perform any Certified ICB Professional Services until such time as they have applied for and received a reinstatement as set forth in this Section.

4.11.03: Reinstatement of a Certificate: Following the Termination of a Certificate, an ICB Credentialled Professional may petition the ICB for reinstatement of same for extenuating circumstances and with good cause shown ("Reinstatement"). A petition for Reinstatement shall be made on forms provided by the Director's office and shall be made as decided by the Committee. The following minimum requirements shall govern Reinstatement of a Certificate:

4.11.03.01: Petitions must be filed within two (2) years of the date of Termination.

4.11.03.02: Reinstatement shall only be available and/or granted only one (1) time.

4.11.03.03: Petitions must contain clear and concise facts setting forth extenuating circumstances and good cause justifying Reinstatement.

4.11.03.04: Petitioners must complete all required CEUs.

4.11.03.05: Petitioners must pay all requisite renewal/maintenance fees in the amounts and within the time limits as established and published by the ICB from time to time.

4.11.03.06: Petitioners must pay a reinstatement fee in the amount established by the ICB from time to time.

4.11.03.07: Notwithstanding anything to the contrary, any petitioners currently working in the AOD profession, otherwise engaged in the field (e.g., active volunteering) or holding an advanced degree, with at least twenty (20) years of experience, may be excused by decision of the Committee from having to retest (or may receive a lower standard for passage) upon extenuating circumstances or other good cause shown.

4.11.03.08: Any grant or denial by the Committee shall be in writing and shall be final. In the event of a reinstatement of an Application, the written order shall set forth the terms and conditions pertaining thereto, and the Applicant shall be bound by the same.

4.11.04: Inactivation of a Certificate (Inactive Status): An ICB Credentialled Professional may advise

the Director in writing, on forms provided by the Director, that he or she desires inactive status and, thereafter, register that with the ICB and shall pay an annual registration fee in the amount set by the Director. Upon such registration, the ICB Credentialled Professional shall be placed upon inactive status and may not engage in Certified ICB Professional Services or hold himself or herself out as being authorized to practice any Certified ICB Professional Services. An ICB Credentialled Professional who has inactive status may advise the Director in writing that he or she desires to resume the practice of Certified ICB Professional Services and may be removed from inactive status payment of all registration fees then due and submission to the Director that he or she has complied with all CEU requirements then due.

4.11.05: Extensions: ICB Credentialled Professionals who are unable to meet the continuing education or other requirements for any recertification period may petition the ICB for an extension to comply with same for extenuating circumstances and with good cause shown ("Extension"). A petition for an Extension shall be made on forms provided by the ICB and shall be made as decided by the ICB. ICB Credentialled Professionals receiving an Extension shall pay all fees in the amounts and within the time limits as are established and published by the ICB from time to time. Extensions will not be granted for any period beyond six (6) months and in the event that requirements for recertification are not made at the end of an Extension shall result in Termination of a Certificate.

4.11.06: Conflicts: In the event of any direct conflict between the terms of any Model or any other ICB document, with the terms of this Section, the terms of this Section shall control.

4.12: Advisory Letters:

4.12.01: ICB Credentialled Professionals or their representatives may seek an advisory letter from the Director as to matters arising under the Code of Ethics or the rules promulgated pursuant to this Procedure Code.

4.12.02: The Director shall promulgate rules as to the process of seeking and obtaining an advisory letter and topics and areas on which advisory rules will be issued by the Director.

4.12.03: An ICB Credentialled Professional is entitled to rely upon an advisory letter from the Director and will not be disciplined by the Director for actions taken in reliance on the advisory letter.