

13-42-133 Administrative remedies.

- (1) The administrator may enforce this chapter and rules adopted under this chapter by taking one or more of the following actions:
 - (a) ordering a provider, lead generator, person administering an account pursuant to Subsection 13-42-122(2), or director, employee, or other agent of a provider to cease and desist from any violations;
 - (b) ordering a provider, lead generator, person administering an account pursuant to Subsection 13-42-122(2), or person that has caused a violation to correct the violation, including making restitution of money or property to a person aggrieved by a violation;
 - (c) subject to adjustment of the dollar amount pursuant to Subsection 13-42-132(6), imposing on a provider, lead generator, person administering an account pursuant to Subsection 13-42-122(2), or other person that violates or causes a violation an administrative fine not exceeding \$10,000 for each violation;
 - (d) prosecuting a civil action to:
 - (i) enforce an order; or
 - (ii) obtain restitution or equitable relief, or both; or
 - (e) intervening in an action brought under Section 13-42-135.
- (2) Subject to adjustment of the dollar amount pursuant to Subsection 13-42-132(6), if a person violates or knowingly authorizes, directs, or aids in the violation of a final order issued under Subsection (1)(a) or (b), the administrator may impose an administrative fine not exceeding \$20,000 for each violation.
- (3) The administrator may maintain an action to enforce this chapter in any county.
- (4) The administrator may recover the reasonable costs of enforcing the chapter under Subsections (1) through (3), including attorney fees based on the hours reasonably expended and the hourly rates for attorneys of comparable experience in the community.
- (5) In determining the amount of an administrative fine to impose under Subsection (1) or (2), the administrator shall consider the seriousness of the violation, the good faith of the violator, any previous violations by the violator, the deleterious effect of the violation on the public, the net worth of the violator, and any other factor the administrator considers relevant to the determination of the administrative fine.
- (6) All money received through administrative fines imposed under this chapter shall be deposited in the Consumer Protection Education and Training Fund created by Section 13-2-8.

Amended by Chapter 152, 2012 General Session