

Superseded 5/10/2016

57-19-13 Suspension, revocation, or denial of registration -- Fine.

- (1) Subject to Section 57-19-17, an application for registration of a project may be denied, an existing registration may be suspended or revoked, or a fine of not more than \$500 may be imposed by the director, if the director finds that:
 - (a) the developer's advertising or sales techniques or trade practices have been or are deceptive, false, or misleading;
 - (b) the developer has failed to file copies of its sales contract forms as required by Section 57-19-8;
 - (c) the developer has failed to comply with any provision of this chapter or the rules adopted under this chapter that materially affect or would affect the rights of purchasers or prospective purchasers of an interest in a project, or that materially affect the administration of this chapter;
 - (d) the developer's offering of an interest in a project has worked or would work a fraud upon purchasers or prospective purchasers of such an interest;
 - (e) the developer's application or any amendment to an application is incomplete in any material respect;
 - (f) the developer's application or any amendment to an application contains material misrepresentations or omissions of material fact which are necessary to make the statements contained in the application or amendment not misleading;
 - (g) the developer or any officer or director of the developer has been:
 - (i) convicted of a felony, or any misdemeanor involving theft, fraud, or dishonesty;
 - (ii) enjoined from, assessed a civil penalty for, or found to have engaged in the violation of any law designed to protect consumers; or
 - (iii) engaged in dishonest practices in any industry involving sales to consumers;
 - (h) the developer has represented or is representing to purchasers in connection with the offer or sale of an interest in a project that any accommodations, related facilities, or amenities are planned, without reasonable grounds to believe that they will be completed within a reasonable time;
 - (i) the developer has disposed of, concealed, or diverted any funds or assets so as to defeat the rights of purchasers;
 - (j) the developer has failed to provide to purchasers copies of the written disclosure required by Section 57-19-11; or
 - (k) the developer, the developer's successor in interest, or a managing association discloses a purchaser's name, address, or email address to an unaffiliated entity without first obtaining written consent from the purchaser, unless the disclosure is in response to a subpoena or an order of a court or administrative tribunal.
- (2) The authority to impose fines as provided in this section does not apply to Subsection (1)(e).
- (3) Notwithstanding Subsection (1)(k), a developer shall, upon request by the division, provide the division a list of all purchasers' names, addresses, and email addresses.