

Superseded 5/10/2016

61-2e-401 Division authority -- Immunity.

- (1)
 - (a) In addition to a power or duty expressly provided in this chapter, the division may:
 - (i) receive and act on a complaint including:
 - (A) taking action designed to obtain voluntary compliance with this chapter, including the issuance of a cease and desist order if the person against whom the order is issued is given the right to petition the board for review of the order; or
 - (B) commencing an administrative or judicial proceeding on the division's own initiative;
 - (ii) investigate an entity required to be registered under this chapter, regardless of whether the entity is located in Utah; and
 - (iii) employ one or more investigators, clerks, or other employees or agents if:
 - (A) approved by the executive director; and
 - (B) within the budget of the division.
 - (b) A failure to respond to a request by the division in an investigation under this chapter is considered to be a separate violation of this chapter, including:
 - (i) failing to respond to a subpoena;
 - (ii) withholding evidence; or
 - (iii) failing to produce a document or record.
- (2)
 - (a) If a person is found to have violated this chapter or a rule made under this chapter, the person shall pay the costs incurred by the division to copy a book, paper, contract, document, or record required under this chapter, including the costs incurred to copy an electronic book, paper, contract, document, or record in a universally readable format.
 - (b) If a person fails to pay the costs described in Subsection (2)(a) when due, the person's registration is automatically suspended:
 - (i) beginning the day on which the payment of costs is due; and
 - (ii) ending the day on which the costs are paid.
- (3) The division is immune from a civil action or criminal prosecution for initiating or assisting in a lawful investigation of an act or participating in a disciplinary proceeding under this chapter if the division takes the action:
 - (a) without malicious intent; and
 - (b) in the reasonable belief that the action is taken pursuant to the powers and duties vested in the division under this chapter.