

13-34-111 Referral of suspected violations -- Penalty.

- (1) The division may report any information concerning a possible violation of this chapter or of rules made under this chapter to the attorney general, the county attorney, or district attorney of any county or prosecution district in which the activity is occurring or has occurred.
- (2) The attorney described in Subsection (1) shall investigate the complaint and immediately prosecute or bring suit to enjoin an act determined to be a violation of the chapter or rules.
- (3)
 - (a) In addition to other penalties and remedies in this chapter, and in addition to its other enforcement powers under Section 13-2-6, the division director may:
 - (i) issue a cease and desist order; and
 - (ii) impose an administrative fine of up to:
 - (A) \$100 per day that a proprietary school operates without an effective certificate of registration if the violation is not an intentional violation;
 - (B) \$1,000 for each violation of this chapter that is not:
 - (I) described in Subsection (3)(a)(ii)(A); or
 - (II) an intentional violation; or
 - (C) \$5,000 for each intentional violation of this chapter.
 - (b) All money received through administrative fines imposed under Subsection (3)(a) shall be deposited in the Consumer Protection Education and Training Fund created by Section 13-2-8.
- (4) An intentional violation of this chapter is a class B misdemeanor, except as otherwise provided in Subsection 13-34-201(2).
- (5) A person intentionally violates this chapter if:
 - (a) the violation occurs after one of the following notifies the person by certified mail that the person is in violation of the chapter:
 - (i) the division;
 - (ii) the attorney general; or
 - (iii) a district or county attorney; and
 - (b) the violation is the same as the violation for which the person received the notification described in Subsection (5)(a).

Amended by Chapter 242, 2005 General Session