

**Effective 5/13/2014**

**Part 3  
Enforcement**

**13-34a-301 Title.**

This part is known as "Enforcement."

Enacted by Chapter 360, 2014 General Session

**13-34a-302 Denial, suspension, or revocation of certificate of postsecondary state authorization.**

- (1) In accordance with Chapter 2, Division of Consumer Protection, and Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, or revoke a certificate of postsecondary state authorization if:
- (a) for a certificate of postsecondary state authorization issued under Section 13-34a-203, the postsecondary school:
    - (i) fails to comply with a requirement described in Section 13-34a-203;
    - (ii) omits a material fact from the postsecondary school's completed registration form; or
    - (iii) includes a material fact in the postsecondary school's completed registration form that is incomplete, false, inaccurate, or misleading; or
  - (b) for a certificate of postsecondary state authorization issued under Section 13-34a-204:
    - (i) the denial, suspension, or revocation is in the public interest; and
    - (ii) the postsecondary school:
      - (A) fails to meet a requirement described in Section 13-34a-204;
      - (B) submits a registration form or any supporting documentation that is incomplete, false, inaccurate, or misleading;
      - (C) grants an educational credential to an individual that the individual did not earn;
      - (D) violates a provision of this chapter or a rule made under this chapter;
      - (E) is the subject of an order issued by a court or an administrative agency that includes a finding or admission of fraud, breach of fiduciary duty, or misrepresentation, or behavior that lacked moral integrity, truthfulness, or mental competence;
      - (F) has been convicted of a crime of moral turpitude;
      - (G) fails to give the division information that the division requests in connection with a certificate of postsecondary state authorization; or
      - (H) fails to timely pay a fine imposed under this chapter.
- (2) For a postsecondary school that obtains a certificate of postsecondary state authorization under Section 13-34a-204, the division may place reasonable requirements on the postsecondary school if:
- (a) the requirement protects student interests; and
  - (b) the postsecondary school engaged in any of the behavior described in Subsection (1)(b)(ii).

Enacted by Chapter 360, 2014 General Session

**13-34a-303 Right to rescind.**

If a postsecondary school's certificate of postsecondary state authorization is revoked under Subsection 13-34a-302(2), a student who enrolled in the postsecondary school in reliance upon the postsecondary school's possession of a valid certificate of postsecondary state authorization

may rescind any enrollment agreement and obtain a full refund from the postsecondary school for any tuition, fees, or other charges that the student paid to the postsecondary school.

Enacted by Chapter 360, 2014 General Session

**13-34a-304 Violations.**

A postsecondary school violates this chapter if:

- (1) the postsecondary school fails to comply with a provision of this chapter or a rule made under this chapter; or
- (2) for a postsecondary school that submits a registration form under Section 13-34a-204, the postsecondary school:
  - (a) intentionally omits a material fact from the postsecondary school's registration form; or
  - (b) includes a material fact in the postsecondary school's registration form that the postsecondary school knows or should have known is false, deceptive, inaccurate, or misleading.

Enacted by Chapter 360, 2014 General Session

**13-34a-305 Enforcement.**

- (1) The division may, in accordance with Chapter 2, Division of Consumer Protection, and Title 63G, Chapter 4, Administrative Procedures Act:
  - (a) investigate a postsecondary school, in response to a complaint or on the division's own initiative, to verify compliance with the provisions of this chapter; or
  - (b) initiate an adjudicative proceeding to enforce compliance with the provisions of this chapter.
- (2)
  - (a) The division may refer an alleged violation of a provision of this chapter to the attorney general, a county attorney, or a district attorney.
  - (b) The attorney general, county attorney, or district attorney shall investigate the alleged violation, and, following the investigation, may file a civil or criminal action in district court to:
    - (i) enjoin the defendant from further violation of the chapter; and
    - (ii) impose the applicable penalties described in Section 13-34a-306.
- (3) Nothing in this chapter prevents a postsecondary school from performing an internal investigation.

Enacted by Chapter 360, 2014 General Session

**13-34a-306 Penalties.**

- (1) In an adjudicative proceeding under Subsection 13-34a-305(1) or in a district court action under Subsection 13-34a-305(2), the division or the district court may impose a fine of up to:
  - (a) \$1,000 for each violation of this chapter that is not an intentional violation; and
  - (b) \$5,000 for each intentional violation.
- (2) The division shall deposit any money the division receives under Subsection (1) into the Consumer Protection Education and Training Fund, created in Section 13-2-8.
- (3) A violation of a provision of this chapter is a violation of Section 13-11-4.
- (4) An intentional violation is a class B misdemeanor.

Enacted by Chapter 360, 2014 General Session