

31A-40-402 Disciplinary action.

- (1) Notwithstanding Section 31A-2-308, in accordance with this section the commissioner may take action against a person if the commissioner finds that the person:
- (a) is violating or has violated Section 31A-40-401; or
 - (b)
 - (i) is a:
 - (A) professional employer organization licensed under this chapter; or
 - (B) controlling person of a professional employer organization licensed under this chapter;and
 - (ii) is convicted of a crime that relates to:
 - (A) the operation of a professional employer organization;
 - (B) fraud or deceit; or
 - (C) the ability of the professional employer organization or a controlling person of the professional employer organization to operate a professional employer organization.
- (2) After notice and an opportunity for a hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, if the commissioner makes a finding described in Subsection (1), the commissioner may:
- (a) deny an application for a license;
 - (b) revoke, restrict, or refuse to renew a license;
 - (c) place a licensee on probation for the period and subject to conditions specified by the commissioner;
 - (d) impose an administrative penalty in an amount not to exceed \$2,500 for each violation; or
 - (e) issue a cease and desist order.

Enacted by Chapter 318, 2008 General Session