

**4-8-6 Procedure for enforcement -- Notice of agency action -- Cease and desist order -- Enforcement -- Judicial review.**

- (1)
  - (a) Whenever the department has reason to believe that a person has, or is engaged in, the violation of this chapter, it shall issue a notice of agency action.
  - (b) If the commissioner, or a hearing officer designated by the commissioner, determines by a preponderance of the evidence that any person named in the complaint has engaged, or is engaging, in an act that violates this chapter, the officer shall:
    - (i) prepare written findings of fact; and
    - (ii) issue an order requiring the person to cease and desist from the illegal activity.
- (2) The department may petition any court of competent jurisdiction for enforcement of its cease and desist order.
- (3) Any person who is subject to a cease and desist order may obtain judicial review.
- (4) The attorney general's office shall represent the department in any original action or appeal begun under this section.

Amended by Chapter 161, 1987 General Session