

**57-11-14 Revocation, suspension, or denial of registration -- Grounds -- Suspension or revocation of license.**

- (1)
  - (a) If the division makes a written finding of fact that a subdivider engages in one or more acts described in Subsection (1)(b), the division may:
    - (i) deny an application for registration;
    - (ii) revoke, suspend, or deny reissuance of a registration; or
    - (iii) impose a civil penalty not to exceed the greater of:
      - (A) \$2,500 for each violation; or
      - (B) the amount of any gain or economic benefit derived from each violation.
  - (b) Subsection (1)(a) applies if the division makes a written finding of fact that a subdivider:
    - (i) fails to comply with the terms of a cease and desist order;
    - (ii) is convicted in a court prior or subsequent to the filing of the application for registration of a crime involving:
      - (A) fraud;
      - (B) deception;
      - (C) false pretenses;
      - (D) misrepresentation;
      - (E) false advertising; or
      - (F) dishonest dealing in real estate transactions;
    - (iii) is subject to an injunction or administrative order restraining a false or misleading promotional plan involving land dispositions;
    - (iv) disposes of, conceals, or diverts funds or assets of any person so as to defeat the rights of subdivision purchasers;
    - (v) fails to perform faithfully a stipulation or agreement made with the division as an inducement to:
      - (A) grant a registration;
      - (B) reinstate a registration;
      - (C) revoke a cease and desist order; or
      - (D) approve any promotional plan or public offering statement;
    - (vi) makes an intentional misrepresentation, or conceals a material fact, in an application for registration;
    - (vii) violates this chapter or the rules adopted under this chapter;
    - (viii) directly or through an agent or employee knowingly engages in false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in subdivided lands;
    - (ix) engages in the offering of subdivided lands that has constituted or that may constitute a fraud upon purchasers or prospective purchasers of the subdivided lands; or
    - (x) engages in a dishonest practice in any industry involving sales to consumers.
  - (c) The division shall accompany with a finding of fact required by this Subsection (1) a concise and explicit statement of the underlying facts supporting the finding.
- (2) As an alternative to revoking the registration of a subdivider, the director may issue a cease and desist order if after notice and a hearing the director finds that the subdivider is guilty of a violation for which revocation may be ordered.
- (3)
  - (a) The division shall suspend or revoke the license of a principal broker, associate broker, or sales agent who violates this chapter for the period of time the director determines to be justified under the circumstances.

(b) A suspension or revocation under this section is in addition to any other penalty that may be imposed under this chapter, subject to Section 61-2f-404.

Amended by Chapter 379, 2010 General Session