

Effective 5/10/2016

57-19-13 Suspension, revocation, or denial of registration -- Fine.

- (1) Subject to Section 57-19-17, if the director finds that an applicant or developer has engaged in an act described in Subsection (2), the director may:
 - (a) deny an application for registration of a development;
 - (b) suspend or revoke an existing registration; or
 - (c) except as provided in Subsection (3), impose a fine of not more than \$5,000.
- (2) Subsection (1) applies if the director finds that:
 - (a) the developer's advertising or sales techniques or trade practices have been or are deceptive, false, or misleading;
 - (b) the developer fails to file a copy of the developer's sales contract forms as required under Section 57-19-8;
 - (c) the developer fails to comply with any provision of this chapter or any rule adopted under this chapter that materially affects or would affect the rights of a purchaser or prospective purchaser of an interest in a development, or that materially affects the administration of this chapter;
 - (d) the developer makes a fraudulent offer of an interest in a development to a purchaser or prospective purchaser of the interest;
 - (e) the developer's application or any amendment to an application is incomplete in any material respect;
 - (f) the developer's application or any amendment to an application contains material misrepresentations or omissions of material fact that are necessary to make the statements contained in the application or amendment not misleading;
 - (g) the developer or any officer or director of the developer has been:
 - (i) convicted of a felony, or any misdemeanor involving theft, fraud, or dishonesty;
 - (ii) enjoined from, assessed a civil penalty for, or found to have engaged in a violation of any law designed to protect consumers; or
 - (iii) engaged in dishonest practices in any industry involving sales to consumers;
 - (h) the developer has represented or is representing to purchasers in connection with the offer or sale of an interest in a development that any accommodations, related facilities, or amenities are planned, without reasonable grounds to believe that they will be completed within a reasonable time;
 - (i) the developer disposes, conceals, or diverts any funds or assets so as to defeat the rights of purchasers;
 - (j) the developer fails to provide to a purchaser a copy of the written disclosure required by Section 57-19-11; or
 - (k) the developer, the developer's successor in interest, or a managing association discloses a purchaser's name, address, or email address to an unaffiliated entity without first obtaining written consent from the purchaser, unless the disclosure is in response to a subpoena or an order of a court or administrative tribunal.
- (3) The authority to impose a fine under this section does not apply to Subsection (2)(e).
- (4) Notwithstanding Subsection (2)(k), a developer shall, upon request by the division, provide the division a list of each purchaser's name, address, and email address.

Amended by Chapter 255, 2016 General Session