

**Effective 5/10/2016**

**57-29-304 Enforcement.**

- (1)
  - (a) If the director believes that a person has been or is engaging in conduct that violates this chapter, the director:
    - (i) shall issue and serve upon the person a cease and desist order; and
    - (ii) may order the person to take any action necessary to carry out the purposes of this chapter.
  - (b)
    - (i) A person served with an order under Subsection (1)(a) may request a hearing within 10 days after the day on which the person is served.
    - (ii)
      - (A) If a person requests a hearing in accordance with Subsection (1)(b)(i), the director shall schedule a hearing to take place no more than 30 days after the day on which the director receives the request.
      - (B) The cease and desist order remains in effect pending the hearing.
    - (iii) If the director fails to schedule a hearing in accordance with Subsection (1)(b)(ii)(A), the cease and desist order is vacated.
  - (c) The division shall conduct a hearing described in Subsection (1)(b) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (2) After a hearing described in Subsection (1)(b):
  - (a) if the director finds that the person violated this chapter, the director may issue a final order making the cease and desist order permanent; or
  - (b) if the director finds that the person did not violate this chapter, the director shall vacate the cease and desist order.
- (3) If a person served with an order under Subsection (1)(a) does not request a hearing and the person fails to comply with the director's order, the director may file suit in district court in the name of the Department of Commerce and the Division of Real Estate to enjoin the person from violating this chapter.
- (4) The remedies and action provided in this section are not exclusive but are in addition to any other remedies or actions available under Section 57-29-305.

Enacted by Chapter 381, 2016 General Session