

Superseded 7/1/2024

61-2c-403 Cease and desist orders.

- (1)
 - (a) The director may issue and serve by certified mail, or by personal service, on a person an order to cease and desist from an act if:
 - (i) the director has reason to believe that the person has been engaged, is engaging in, or is about to engage in the act constituting a violation of this chapter; and
 - (ii) it appears to the director that it would be in the public interest to stop the act.
 - (b) Within 10 days after service of the order, the party named in the order may request a hearing to be held in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
 - (c) Pending a hearing requested under Subsection (1)(b), a cease and desist order shall remain in effect.
- (2)
 - (a) After the hearing described in Subsection (1), if the director finds that an act of the person violates this chapter, the director:
 - (i) shall issue an order making the cease and desist order permanent; and
 - (ii) may impose another disciplinary action under Section 61-2c-402.
 - (b)
 - (i) The director may file suit in the name of the division to enjoin and restrain a person on whom an order is served under this section from violating this chapter if:
 - (A)
 - (I) the person does not request a hearing under Subsection (1); or
 - (II) a permanent cease and desist order is issued against the person following a hearing or stipulation; and
 - (B)
 - (I) the person fails to cease the act; or
 - (II) after discontinuing the act, the person again commences the act.
 - (ii) The suit described in Subsection (2)(b)(i) shall be filed in the district court in the county:
 - (A) in which the act occurs;
 - (B) where the individual resides; or
 - (C) where the individual or entity carries on business.
- (3) The cease and desist order issued under this section may not interfere with or prevent the prosecution of a remedy or action enforcement under this chapter.
- (4) An individual who violates a cease and desist order issued under this section is guilty of a class A misdemeanor.