

(A) DIVISION TO SEEK CONCILIATION.

(1) IF THE DIVISION DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION HAS OCCURRED, IT SHALL ATTEMPT TO CONCILIATE THE MATTER BY METHODS OF CONFERENCE AND PERSUASION WITH ALL INTERESTED PARTIES AND ANY REPRESENTATIVES WHICH THEY MAY CHOOSE TO ASSIST THEM.

(2) THE TERMS OF ANY CONCILIATION AGREED TO BY THE PARTIES MAY BE MADE PART OF A WRITTEN ASSURANCE OF DISCONTINUANCE OR SETTLEMENT AGREEMENT TO BE SIGNED BY THE DIVISION AND EACH PARTY. THE ASSURANCE OR AGREEMENT IS FOR CONCILIATION PURPOSES ONLY AND DOES NOT CONSTITUTE AN ADMISSION BY ANY PARTY THAT THE LAW HAS BEEN VIOLATED.

(B) ASSURANCE, AGREEMENT, OR ORDER MAY INCLUDE CERTAIN STIPULATIONS OR CONDITIONS.

(1) A WRITTEN ASSURANCE OF DISCONTINUANCE, SETTLEMENT AGREEMENT, OR ANY CEASE AND DESIST ORDER PROVIDED FOR BY THIS SUBTITLE MAY INCLUDE A STIPULATION OR CONDITION FOR:

(i) THE PAYMENT BY THE VIOLATOR OR ALLEGED VIOLATOR OF THE COSTS OF INVESTIGATION BY THE DIVISION; AND

(ii) THE RESTITUTION BY THE VIOLATOR OR ALLEGED VIOLATOR TO THE CONSUMER OF MONEY, PROPERTY, OR ANY OTHER THING RECEIVED FROM THE CONSUMER IN CONNECTION WITH A VIOLATION OR ALLEGED VIOLATION OF THIS TITLE.

(2) THESE STIPULATIONS AND CONDITIONS DO NOT PRECLUDE THE DIVISION FROM USING ANY OTHER STIPULATION, CONDITION, OR REMEDY NECESSARY TO CORRECT A VIOLATION OF THIS TITLE.

(C) VIOLATION OF ASSURANCE OR AGREEMENT.

(1) IT IS A VIOLATION OF THIS TITLE TO FAIL TO ADHERE TO ANY PROVISION CONTAINED IN A WRITTEN ASSURANCE OF DISCONTINUANCE OR SETTLEMENT AGREEMENT.

(2) A FAILURE BY THE DIVISION TO ENFORCE A VIOLATION OF ANY PROVISION OF THE ASSURANCE OR AGREEMENT DOES NOT CONSTITUTE A WAIVER OF ANY OTHER PROVISION OR OF ANY RIGHT OF THE DIVISION.

REVISOR'S NOTE: This section presently appears as Art. 83, §20F, except for the provisions of that section which relate to consumers' complaints and investigations, now contained in §13-401.