

(e) To determine the amount of the penalty imposed under this subsection, the Director shall consider:

- (1) the seriousness of the violation;
- (2) the harm caused by the violation;
- (3) the good faith efforts of the [registrant or permit holder] PERSON;

and

(4) any history of previous violations by the [registrant or permit holder] PERSON.

(f) Any civil penalties collected under this section shall be paid into the General Fund of the State.

(g) The Director shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a registration or permit or the reprimand of a registrant or permit holder when an applicant, registrant, or permit holder, or an agent, employee, officer, director, or partner of an applicant, registrant, or permit holder is convicted of a felony or misdemeanor described in subsection (a)(3) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by [the registration or permit] THIS TITLE;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualifications of the applicant, registrant, or permit holder, or agent, employee, officer, director, or partner to operate a cemetery or provide burial goods;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant, registrant, or permit holder, or any agent, employee, officer, director, or partner before and after the conviction.

5-311.

(c) (1) The Director shall review each complaint and shall attempt to negotiate a settlement of the complaint between the complainant and the registrant [or], permit holder, OR ANY OTHER PERSON SUBJECT TO THE REGISTRATION OR PERMIT PROVISIONS OF THIS TITLE.

(g) Once a complaint has been referred for binding arbitration, the registrant [or], permit holder, OR ANY OTHER PERSON SUBJECT TO THE REGISTRATION OR PERMIT PROVISIONS OF THIS TITLE shall comply with the terms of the settlement.

5-602.

(a) In this section, "developed land area" means land in a cemetery:

- (1) that is available for burial;