

by reason of any solicitation activity, drive, campaign, or event, including reimbursement for expenses incurred.

(2) For purposes of this section, the total moneys, funds, pledges, or other property raised or received shall be computed by first deducting therefrom the actual cost to the charitable organization or professional solicitor of goods sold or services provided to the public in connection with the soliciting of contributions, and the actual costs of the preparation of financial reports.]

3-212.

(F) IN CONNECTION WITH A CHARITABLE SOLICITATION, A PERSON CHARITABLE ORGANIZATION, FUND-RAISING COUNSEL, PROFESSIONAL SOLICITOR, OR SOLICITOR MAY NOT USE ANY DECEPTIVE ACT OR PRACTICE. A DECEPTIVE ACT OR PRACTICE IS ONE WHICH:

(1) HAS A TENDENCY OR CAPACITY TO MISLEAD WHETHER BY AFFIRMATIVE REPRESENTATION OR OMISSION; NEITHER INTENTION TO DECEIVE, ACTUAL DECEPTION OR ACTUAL DAMAGE IS AN ELEMENT OF TENDENCY OR CAPACITY TO MISLEAD; AND

(2) IS MISLEADING IN A MATERIAL RESPECT IN THAT IT CONCERNS INFORMATION THAT IS IMPORTANT TO A PERSON'S DECISION TO MAKE A CONTRIBUTION OR CONCERNS INFORMATION THAT IS LIKELY TO AFFECT A PERSON'S DECISION TO MAKE A CONTRIBUTION. NEITHER RELIANCE NOR INJURY IS AN ELEMENT OF MATERIALITY.

(G) ANY PRACTICE PROHIBITED BY THIS SECTION IS A VIOLATION OF THIS SECTION, WHETHER OR NOT ANY PERSON IN FACT HAS BEEN MISLED, DECEIVED, OR DAMAGED AS A RESULT OF THAT PRACTICE.

3-214.

(b) The Secretary of State is authorized to investigate alleged violations of this subtitle. If a finding is made that a charitable organization, fund-raising counsel, professional solicitor, or solicitor has violated a provision of this subtitle, the Secretary of State may take 1 or more of the following actions:

(1) Cancel and annul the registration of the violator;

(2) SUMMARILY ISSUE A CEASE AND DESIST ORDER TO THE VIOLATOR IF THE SECRETARY OF STATE:

(I) DETERMINES THAT THE PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES EMERGENCY ACTION; AND

(II) NOTIFIES THE VIOLATOR IN WRITING OF THE ORDER, THE REASONS FOR THE ORDER, AND THE VIOLATOR'S RIGHT TO