

(3) (I) IF A COMPLAINING PARTY PROVIDES A WRITTEN ELECTION AND WAIVER AS DESCRIBED IN PARAGRAPH (2)(II) OF THIS SUBSECTION, THE COMPLAINING PARTY SHALL BE PRECLUDED FROM RAISING OR ASSERTING AGAINST THE CREDIT GRANTOR IN ANY SUBSEQUENT FORUM ANY CLAIM, DEFENSE, SETOFF, RECOUPMENT, PENALTY FOR VIOLATION, OR RIGHT OF ANY KIND BASED ON THE MATTERS ADDRESSED IN THE COMPLAINT OR THE HEARING.

(II) THE PRECLUSION IN SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO AN APPEAL FROM THE ORDER OF THE COMMISSIONER RESULTING FROM THE HEARING.

(4) IF A COMPLAINING PARTY FAILS TO PROVIDE A WRITTEN ELECTION AND WAIVER AS DESCRIBED IN PARAGRAPH (2) (II) OF THIS SUBSECTION, THE COMMISSIONER SHALL NOT SCHEDULE A HEARING ON THE COMPLAINT.

(c) (1) If, after the hearing, the Commissioner finds that the credit grantor has engaged or is engaging in any act or practice prohibited by this subtitle, the Commissioner shall order the [person] CREDIT GRANTOR to cease and desist from the act or practice.

(2) (I) IF THE COMMISSIONER FINDS THAT THE ACT OR PRACTICE DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION RESULTED IN THE CREDIT GRANTOR COLLECTING AN AMOUNT FROM THE COMPLAINING PARTY NOT PERMITTED UNDER THIS SUBTITLE, THE COMMISSIONER MAY DIRECT THE CREDIT GRANTOR TO MAKE A REFUND TO THE COMPLAINING PARTY.

(II) THE COMMISSIONER MAY DIRECT A REFUND ONLY UP TO THE AMOUNT COLLECTED BY THE CREDIT GRANTOR FROM THE COMPLAINING PARTY THAT:

1. EXCEEDS THE AMOUNT EXPRESSLY PERMITTED UNDER THIS SUBTITLE; OR
2. THE CREDIT GRANTOR IS EXPRESSLY NOT PERMITTED TO COLLECT.

(3) (I) IF AN ORDER ISSUED UNDER THIS SECTION DIRECTS THE CREDIT GRANTOR TO MAKE A REFUND AS AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION, THE CREDIT GRANTOR MAY MAKE THE REFUND BEFORE THE ORDER BECOMES FINAL.

(II) IF A CREDIT GRANTOR MAKES THE REFUND DIRECTED BY THE COMMISSIONER'S ORDER, THE ORDER FOR THE REFUND SHALL NOT BECOME FINAL AND SHALL BE WITHDRAWN BY THE COMMISSIONER.

(III) ANY ORDER WITHDRAWN BY THE COMMISSIONER MAY NOT BE CONSIDERED EVIDENCE OF THE COMMISSIONER'S INTERPRETATION OF THIS SUBTITLE.

[(2)](4) The order of the Commissioner shall comply with the Administrative Procedure Act of the Code.