

(I) THE RESTITUTION OF MONEY, PROPERTY, OR OTHER ASSETS TO A PERSON AGGRIEVED BY THE VIOLATION;

(II) THE RESTORATION TO THE PLAN OF PROFITS REALIZED BY THE ADMINISTRATOR THAT HAVE BEEN MADE THROUGH USE OF ASSETS OF THE PLAN BY THE ADMINISTRATOR; AND

(III) THE REMOVAL OF THE ADMINISTRATOR THAT COMMITTED THE VIOLATION.

(B) PETITION FOR ENFORCEMENT OF ORDER.

(1) THE COMMISSIONER MAY FILE A PETITION IN THE CIRCUIT COURT OF ANY COUNTY TO ENFORCE AN ORDER ISSUED UNDER THIS SECTION.

(2) IN AN ACTION BROUGHT BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY RECOVER FOR THE USE OF THE STATE REASONABLE ATTORNEY'S FEES AND THE COSTS OF THE ACTION.

(C) CIVIL PENALTIES.

(1) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$10,000 FOR EACH VIOLATION OF THIS SUBTITLE.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN \$1,000 PER DAY FOR EACH DAY THAT A PERSON IS IN VIOLATION OF § 8-303(A) OF THIS SUBTITLE.

(3) IN DETERMINING THE AMOUNT OF THE CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION, THE COMMISSIONER SHALL CONSIDER:

(I) THE SERIOUSNESS OF THE VIOLATION;

(II) THE GOOD FAITH OF THE VIOLATOR;

(III) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;

(IV) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE PLAN AND ITS PARTICIPANTS AND BENEFICIARIES;

(V) THE ASSETS OF THE VIOLATOR; AND

(VI) ANY OTHER FACTORS THAT RELATE TO THE DETERMINATION OF A FINANCIAL PENALTY.

(D) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT LIMIT ANY REGULATORY POWER OF THE COMMISSIONER UNDER TITLE 2 OF THIS ARTICLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 692(b) through (e).