

(5) THE BEHAVIOR AND ACTIVITIES OF THE LICENSEE SINCE THE CONVICTION.

12-123.

(A) BEFORE THE COMMISSIONER TAKES ANY ACTION UNDER § 12-121, § 12-122, OR § ~~12-124~~ 12-126 OF THIS SUBTITLE, THE COMMISSIONER SHALL GIVE THE LICENSEE AN OPPORTUNITY FOR A HEARING BEFORE THE COMMISSIONER.

(B) NOTICE OF THE HEARING SHALL BE GIVEN AND THE HEARING SHALL BE HELD IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

12-124.

THE COMMISSIONER SHALL REPORT TO THE APPROPRIATE STATE'S ATTORNEY OR THE ATTORNEY GENERAL ANY ALLEGED CRIMINAL VIOLATION OF THIS SUBTITLE.

12-125.

A PERSON WHO KNOWINGLY VIOLATES THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 3 YEARS OR BOTH.

12-126.

(A) THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY AGAINST A PERSON WHO VIOLATES THIS SUBTITLE IN AN AMOUNT NOT EXCEEDING:

- (1) \$1,000 FOR A FIRST OFFENSE; AND
- (2) \$5,000 FOR EACH SUBSEQUENT OFFENSE.

(B) IN DETERMINING THE AMOUNT OF CIVIL PENALTY TO BE IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSIONER SHALL CONSIDER THE FOLLOWING:

- (1) THE SERIOUSNESS OF THE VIOLATION;
- (2) THE GOOD FAITH OF THE VIOLATOR;
- (3) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;
- (4) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE PUBLIC;
- (5) THE ASSETS OF THE VIOLATOR; AND
- (6) ANY OTHER FACTOR RELEVANT TO THE DETERMINATION OF THE CIVIL PENALTY.

12-127.

(A) A PERSON WHO IS INJURED BY A VIOLATION OF THIS SUBTITLE MAY FILE AN ACTION TO RECOVER DAMAGES ~~FROM~~ OR FOR INJUNCTIVE RELIEF.