

PUBLIC INTEREST, THE COMMISSIONER MAY IN THE COMMISSIONER'S DISCRETION ISSUE, WITHOUT A PRIOR HEARING, A SUMMARY ORDER DIRECTING THE PERSON TO CEASE AND DESIST FROM ENGAGING IN THE ACTIVITY, PROVIDED THAT THE SUMMARY CEASE AND DESIST ORDER GIVES THE PERSON:

(1) NOTICE OF THE OPPORTUNITY FOR A HEARING BEFORE THE COMMISSIONER TO DETERMINE WHETHER THE SUMMARY CEASE AND DESIST ORDER SHOULD BE VACATED, MODIFIED, OR ENTERED AS FINAL; AND

(2) NOTICE THAT THE SUMMARY CEASE AND DESIST ORDER WILL BE ENTERED AS FINAL IF THE PERSON DOES NOT REQUEST A HEARING WITHIN 15 DAYS OF RECEIPT OF THE SUMMARY CEASE AND DESIST ORDER

(B) WHEN THE COMMISSIONER DETERMINES AFTER NOTICE AND A HEARING ~~IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT~~, UNLESS THE RIGHT TO NOTICE AND A HEARING IS WAIVED, THAT A PERSON HAS ENGAGED IN AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF A LAW, REGULATION, RULE OR ORDER OVER WHICH THE COMMISSIONER HAS JURISDICTION, THE COMMISSIONER MAY IN THE COMMISSIONER'S DISCRETION AND IN ADDITION TO TAKING ANY OTHER ACTION AUTHORIZED BY LAW:

(1) ISSUE A FINAL CEASE AND DESIST ORDER AGAINST THE PERSON;

(2) SUSPEND OR REVOKE THE LICENSE OF THE PERSON;

(3) ISSUE A PENALTY ORDER AGAINST THE PERSON IMPOSING A CIVIL PENALTY UP TO THE MAXIMUM AMOUNT OF \$1,000 FOR A FIRST VIOLATION AND A MAXIMUM AMOUNT OF \$5,000 FOR A EACH SUBSEQUENT VIOLATION; OR

(4) TAKE ANY COMBINATION OF THE ACTIONS SPECIFIED IN THIS SUBSECTION.

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

(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 AND THE INDUSTRY INVOLVED;

(5) THE ASSETS OF THE VIOLATOR; AND

(6) ANY OTHER FACTORS RELEVANT TO THE DETERMINATION OF THE FINANCIAL PENALTY.

(D) NOTICE OF ANY HEARING UNDER THIS SECTION SHALL BE GIVEN AND THE HEARING SHALL BE HELD IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.