

[(b)](C) (1) The Commissioner may enforce the provisions of this subtitle, regulations adopted under § 11-503 OF THIS SUBTITLE, and the applicable provisions of Title 12 of the [Maryland] Commercial Law Article by [issuing an order]:

(I) ISSUING AN ORDER:

[(i)] 1. To cease and desist from the violation and any further similar violations; and

[(ii)] 2. Requiring the violator to take affirmative action to correct the violation including the restitution of money or property to any person aggrieved by the violation; AND

(II) IMPOSING A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH VIOLATION.

(2) If a violator fails to comply with an order issued under [paragraph (1)] PARAGRAPH (1)(I) of this subsection, the Commissioner may impose a civil penalty [of up to] NOT EXCEEDING \$1,000 for each violation from which the violator failed to cease and desist or for which the violator failed to take affirmative action to correct.

[(c)](D) The Commissioner may file a petition in the circuit court for any county seeking enforcement of an order issued under this section.

[(d)](E) In determining the amount of financial penalty to be imposed under subsection [(b)] (C) 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 and mortgage industry;
- (5) The assets of the violator; and
- (6) Any other factors relevant to the determination of the financial penalty.

11-523.

(a) Any person who willfully violates any provision of this subtitle or any rule or regulation adopted under it is guilty of a [misdemeanor] FELONY and on conviction is subject to a fine not exceeding [ \$5,000 ] \$50,000 or imprisonment not exceeding [ 1 year ] 10 YEARS or both.

(b) Any unlicensed person who is not exempt from licensing under this subtitle who makes or assists a borrower in obtaining a mortgage loan in violation of this subtitle may collect only the principal amount of the loan and may not collect any interest, costs, finder's fees, broker fees, or other charges with respect to the loan.