

1. TO CEASE AND DESIST FROM THE VIOLATION AND ANY FURTHER SIMILAR VIOLATIONS; AND

2. 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 OR AGREEMENT UNDER THIS SUBSECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY 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 CORRECTIVE ACTION.

(D) THE COMMISSIONER MAY FILE A PETITION IN THE CIRCUIT COURT FOR A COUNTY SEEKING ENFORCEMENT OF AN ORDER ISSUED UNDER THIS SECTION.

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

- (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 HOLDERS OF CREDIT UNION SHARE OR DEPOSIT ACCOUNTS;
- (5) THE ASSETS OF THE VIOLATOR; AND
- (6) ANY OTHER FACTORS RELEVANT TO THE DETERMINATION OF THE FINANCIAL PENALTY.

(F) (1) BEFORE THE COMMISSIONER TAKES ANY ACTION UNDER SUBSECTION (A) OR (C) OF THIS SECTION, THE COMMISSIONER SHALL GIVE THE CREDIT UNION SHARE GUARANTY CORPORATION AN OPPORTUNITY FOR A HEARING.

(2) A HEARING UNDER THIS SUBTITLE SHALL BE HELD IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(3) THE HEARING NOTICE SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE CREDIT UNION SHARE GUARANTY CORPORATION TO THE PRINCIPAL PLACE OF BUSINESS OF THE CREDIT UNION SHARE GUARANTY CORPORATION AT LEAST 30 DAYS BEFORE THE HEARING.

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(A) (1) THE COMMISSIONER:

(I) SHALL EXAMINE THE BUSINESS OF EACH CREDIT UNION SHARE GUARANTY CORPORATION AT LEAST ONCE EVERY 24 MONTHS; AND