

(C) (1) IN ADDITION TO ANY OTHER ENFORCEMENT ACTION TAKEN BY THE COMMISSIONER UNDER THIS SECTION, THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY OF NO 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 UP TO \$1,000 PER DAY FOR EACH DAY THAT A PERSON IS IN VIOLATION OF § 662 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 THE PLAN'S PARTICIPANTS AND BENEFICIARIES;
- (V) THE ASSETS OF THE VIOLATOR; AND
- (VI) ANY OTHER FACTORS RELATED TO THE DETERMINATION OF A FINANCIAL PENALTY.

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

(2) IN ANY ACTION BROUGHT BY THE COMMISSIONER UNDER THE PROVISIONS OF THIS SECTION, THE COMMISSIONER IS ENTITLED TO RECOVER REASONABLE ATTORNEY'S FEES AND THE COSTS OF THE ACTION FOR THE USE OF THE STATE.

(E) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT ANY REGULATORY POWER VESTED IN THE COMMISSIONER UNDER SUBTITLE 2 OF THIS ARTICLE.

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ANY PERSON WHO INTENTIONALLY VIOLATES THIS SUBTITLE OR ANY REGULATION ADOPTED UNDER IT IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.