

(ii) After the hearing, the Commission determines that the institution did not correct the deficiencies within the period set by the Commission.

(2) The order takes effect 15 days after it is issued.] IF A HEARING IS NOT REQUESTED WITHIN THE SPECIFIED TIME PERIOD, OR IF THE NOTICE OF DEFICIENCIES IS UPHOLD IN WHOLE OR IN PART AFTER A HEARING, THE COMMISSION MAY REPRIMAND THE INSTITUTION OR SUSPEND OR REVOKE THE INSTITUTION'S CERTIFICATE OF APPROVAL OR ANY OTHER APPROVAL ISSUED BY THE COMMISSION OR SECRETARY.

(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A PRIVATE CAREER SCHOOL, OR SUSPENDING OR REVOKING ANY APPROVAL ISSUED TO A PRIVATE CAREER SCHOOL, THE COMMISSION MAY IMPOSE A PENALTY OF UP TO \$5,000 FOR EACH VIOLATION AS SPECIFIED IN REGULATIONS ADOPTED BY THE COMMISSION.

(II) IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE COMMISSION SHALL DEPOSIT ANY PENALTY ASSESSED AGAINST A PRIVATE CAREER SCHOOL INTO THE GUARANTY FUND FOR PRIVATE CAREER SCHOOLS IF SUCH A FUND EXISTS. OTHERWISE, ALL PENALTIES SHALL BE DEPOSITED INTO THE STATE GENERAL FUND.

(D) IN IMPOSING ANY SANCTIONS UNDER THIS SECTION, THE COMMISSION SHALL CONSIDER:

- (1) THE SERIOUSNESS OF THE DEFICIENCY;
- (2) THE HARM CAUSED BY THE DEFICIENCY;
- (3) THE GOOD FAITH OF THE INSTITUTION AND ANY CORRECTIVE ACTIONS TAKEN;
- (4) ANY HISTORY OF PREVIOUS DEFICIENCIES; AND
- (5) OTHER PERTINENT CIRCUMSTANCES.

[(d)](E) (1) An institution that is aggrieved by an order of the Commission has the right to judicial review provided by Title 10, Subtitle 2 of the State Government Article.

(2) The decision of the Commission shall be presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

(F) (1) THE SECRETARY MAY AT ANY TIME FOLLOWING WRITTEN NOTICE OF THE DEFICIENCIES AND PRIOR TO THE COMMISSION'S FINAL DECISION SEEK AN INJUNCTION OR OTHER JUDICIAL REMEDY IN ACCORDANCE WITH § 11-107 OF THIS TITLE, IF THE SECRETARY DETERMINES THAT THE PUBLIC INTEREST REQUIRES ENFORCEMENT OF THE PROVISIONS OF THIS ARTICLE OR ANY APPLICABLE REGULATIONS.