

§6-108. Administrative enforcement orders

1. After notice and hearing, the administrator may order any person to cease and desist from engaging in violations of this Act or any lawful regulation issued by the administrator and may further order that the person take appropriate corrective action to reimburse consumers in cases where consumers have been charged amounts in excess of those permitted by this Act. Notice and hearing need not be provided prior to issuance of an order to cease and desist, when, in the opinion of the administrator, immediate action is required to protect the public interest, and:

- A. The creditor has not complied with section 6-202; or [PL 1973, c. 762, §1 (NEW).]
- B. The creditor does not maintain a permanent place of business in this State. [PL 1973, c. 762, §1 (NEW).]

A respondent aggrieved by an order of the administrator may obtain judicial review of the order in the Superior Court. The proceeding for review is initiated and conducted in accordance with Title 5, chapter 375, subchapter VII.

[PL 1983, c. 389 (AMD).]

2.

[PL 1977, c. 694, §155-G (RP).]

3. An objection not urged at the hearing shall not be considered by the court unless the failure to urge the objection is excused for good cause shown. A party may move the court to remand the case to the administrator in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon upon good cause shown for the failure to adduce this evidence before the administrator.

[PL 1973, c. 762, §1 (NEW).]

4. The administrator's copy of the testimony shall be available at reasonable times to all parties for examination without cost.

[PL 1977, c. 694, §155-H (AMD).]

5. If no proceeding is initiated, the administrator, through the Attorney General, may obtain a decree of the Superior Court for enforcement of its order upon showing that the order was issued in compliance with this section, that no proceeding for review was timely initiated and that the respondent is subject to the jurisdiction of the court. The decree of the Superior Court may also provide any relief available in an action brought under section 6-110.

[PL 1977, c. 694, §155-I (AMD).]

6. With respect to unconscionable agreements or fraudulent or unconscionable conduct by the respondent, the administrator may not issue an order pursuant to this section but, through the Attorney General, may bring a civil action for an injunction, section 6-111.

[PL 1973, c. 762, §1 (NEW).]

7. No order may be issued under this section if the creditor establishes by a preponderance of evidence that a violation was unintentional and the result of a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such violation or error except that this subsection does not apply if the violation had previously been brought to the attention of the creditor by way of examination, investigation or formal complaint through the administrator, or if the violation involves the obligation to refund excess charges, as specified in section 5-201, subsections 2 and 3 or section 9-405, subsections 2 and 4.

[PL 1993, c. 496, §3 (AMD).]

SECTION HISTORY

PL 1973, c. 762, §1 (NEW). PL 1977, c. 694, §§155F-155I (AMD). PL 1983, c. 212, §10 (AMD). PL 1983, c. 389 (AMD). PL 1985, c. 763, §A50 (AMD). PL 1993, c. 496, §3 (AMD).

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