

**§13-116. Prohibited acts and practices**

It is a violation of this Article for an individual or a person subject to this Article to: [PL 2009, c. 362, Pt. B, §1 (NEW).]

**1. Defraud; mislead.** Directly or indirectly employ any scheme, device or artifice to defraud or mislead borrowers or lenders or to defraud a person;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**2. Unfair or deceptive practice.** Engage in any unfair or deceptive practice toward a person;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**3. Fraud; misrepresentation.** Obtain property by fraud or misrepresentation;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**4. Fee despite absence of loan obtained.** Solicit or enter into a contract with a borrower that provides in substance that the person or individual subject to this Article may earn a fee or commission through best efforts to obtain a loan even though a loan is not actually obtained for the borrower;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**5. Terms available.** Solicit, advertise or enter into a contract for specific interest rates, points or other financing terms unless the terms are actually available at the time of soliciting, advertising or contracting;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**6. Valid license.** Conduct any business covered by this Article without holding a valid license as required under this Article or assist or aide and abet any person in the conduct of business under this Article without a valid license required under this Article;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**7. Disclosures.** Fail to make disclosures required by this Article and any other applicable state laws or rules or federal laws or regulations;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**8. Compliance.** Fail to comply with this Article or rules adopted under this Article or fail to comply with any other state or federal law, including the rules and regulations applicable to any business authorized or conducted under this Article;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**9. False or deceptive statement.** Make any false or deceptive statement or representation, including with regard to the rates, points or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**10. False statement; material omission.** Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a government agency or the nationwide mortgage licensing system and registry or in connection with any investigation conducted by the administrator or another government agency;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**11. Improper influence.** Make any payment, threat or promise directly or indirectly to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or make any payment threat or promise directly or indirectly to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**12. Prohibited fee.** Collect, charge, attempt to collect or charge or use or propose any agreement purporting to collect or charge any fee prohibited by this Article;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**13. Excessive insurance.** Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer;  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**14. Account.** Fail to truthfully account for money belonging to a party to a residential mortgage loan transaction; or  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

**15. Good faith and fair dealing.** Fail to comply with the duties of good faith and fair dealing as required in section 10-303-A.  
[PL 2009, c. 362, Pt. B, §1 (NEW).]

#### SECTION HISTORY

PL 2009, c. 362, Pt. B, §1 (NEW).

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