

## **Part 4 Prohibited Acts and Penalties**

### **13-49-401 Unlawful acts.**

- (1) It is unlawful for an immigration consultant to:
  - (a) make a false or misleading statement to a client while providing services to that client;
  - (b) make a guarantee or promise to a client, unless the guarantee or promise is in writing and the immigration consultant has some basis in fact for making the guarantee or promise;
  - (c) make a statement that the immigration consultant can or will obtain a special favor from or has special influence with the United States Citizenship and Immigration Services, or any other governmental agency, employee, or official, that may have a bearing on a client's immigration matter; or
  - (d) charge a client a fee for referral of the client to another person for services that the immigration consultant cannot or will not provide to the client.
- (2) A sign describing the prohibition described in Subsection (1)(d) shall be conspicuously displayed in the office of an immigration consultant.

Enacted by Chapter 375, 2012 General Session

### **13-49-402 Violations -- Actions by division.**

- (1) The division may make an investigation the division considers necessary to determine whether a person is violating, has violated, or is about to violate this chapter or any rule made or order issued under this chapter. As part of the investigation, the division may:
  - (a) require a person to file a statement in writing;
  - (b) administer oaths, subpoena witnesses and compel their attendance, take evidence, and examine under oath any person in connection with an investigation; and
  - (c) require the production of any books, papers, documents, merchandise, or other material relevant to the investigation.
- (2) A person who violates this chapter is subject to:
  - (a) a cease and desist order; and
  - (b) an administrative fine of not less than \$1,000 or more than \$5,000 for each separate violation.
- (3) An administrative fine shall be deposited in the Consumer Protection Education and Training Fund created in Section 13-2-8.
- (4)
  - (a) A person who intentionally violates this chapter:
    - (i) is guilty of a class A misdemeanor; and
    - (ii) may be fined up to \$10,000.
  - (b) A person intentionally violates this part if the violation occurs after the division, attorney general, or a district or county attorney notifies the person by certified mail that the person is in violation of this chapter.

Amended by Chapter 236, 2015 General Session

### **13-49-403 Action by attorney general or district or county attorney.**

- (1) Upon referral from the division, the attorney general or any district or county attorney may:
  - (a) bring an action for temporary or permanent injunctive or other relief in any court of competent jurisdiction for any violation of this part;

- (b) bring an action in any court of competent jurisdiction for the collection of penalties authorized under Subsection 13-49-402(2); or
  - (c) bring an action under Subsection 13-49-402(4).
- (2) A court may, upon entry of final judgment, award restitution when appropriate to any person suffering loss because of a violation of this part if proof of loss is submitted to the satisfaction of the court.

Enacted by Chapter 375, 2012 General Session

**13-49-404 Recovery of losses.**

In addition to any other remedies, a person suffering pecuniary loss because of a violation by another person of this chapter may bring an action in any court of competent jurisdiction and may recover:

- (1) the greater of \$500 or twice the amount of the pecuniary loss; and
- (2) court costs and reasonable attorney fees as determined by the court.

Enacted by Chapter 375, 2012 General Session