

2012 Kansas Statutes

58-3312. Cease and desist orders; hearings. (a) If the commissioner determines after notice and hearing in accordance with the provisions of the Kansas administrative procedure act that a person has:

- (1) Violated any provision of this act;
- (2) directly or through an agent or employee knowingly engaged in any false, deceptive, or misleading advertising, promotional, or sales methods to offer or dispose of an interest in subdivided lands;
- (3) made any substantial change in the plan of disposition and development of the subdivided lands subsequent to the order of registration without obtaining prior written approval from the commissioner;
- (4) disposed of any subdivided lands which have not been registered with the commissioner; or
- (5) violated any lawful order or rule of the commissioner the commissioner may issue an order requiring the person to cease and desist from the unlawful practice and to take such affirmative action as in the judgment of the commissioner will carry out the purposes of this act.

(b) If the commissioner determines that the public interest will be irreparably harmed by delay in issuing an order, the commissioner may issue a temporary cease and desist order in accordance with the provisions for emergency adjudicative proceedings contained in K.S.A. 77-536 and amendments thereto. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held promptly to determine whether or not it becomes permanent.

History: L. 1967, ch. 311, § 12; L. 1976, ch. 241, § 11; L. 1988, ch. 356, § 177; July 1, 1989.