

2016 Kansas Statutes

9-512. Same; penalties for violations. (a) The commissioner, after notice and an opportunity for hearing, may issue an order to address any violation of this act:

- (1) Assessing a fine against any person who violates this act, or rules and regulations adopted thereto, in an amount not to exceed \$5,000 per violation;
 - (2) assessing the agency's operating costs and expenses for investigating and enforcing this act;
 - (3) requiring the person to pay restitution for any loss arising from the violation or requiring the person to disgorge any profits arising from the violation;
 - (4) barring the person from future application for licensure pursuant to the act; and
 - (5) requiring such affirmative action as in the judgment of the commissioner which will carry out the purposes of this act.
- (b) The commissioner may enter into a consent order at any time with a person to resolve a matter arising under this act, rules and regulations adopted thereto, or an order issued pursuant to this act.
- (c) Any person who knowingly violates any provision of this act shall be guilty of a severity level 9, nonperson felony. Each transaction in violation of this act and each day that a violation continues shall be a separate offense. Whenever a corporation violates any provision of this act, such violation shall be attributed to individual directors, officers and agents who have authorized, ordered or performed any of the acts constituting such violation.
- (d) A corporation and its directors, officers and agents may each be prosecuted separately for violations of this act and the acquittal or conviction of one such director, officer or agent shall not abate the prosecution of the others.
- (e) Whenever it appears that a person has violated, or is likely to violate, this act, rules and regulations adopted thereunder, or an order issued pursuant to this act, then the commissioner may bring an action for injunctive relief to enjoin the violation or enforce compliance, regardless of whether or not criminal proceedings have been instituted. Any person who engages in activities that are regulated and require a license under this act shall be considered to have consented to the jurisdiction of the courts of this state for all actions arising under this act.

History: L. 1967, ch. 73, § 5; L. 2006, ch. 113, § 9; L. 2012, ch. 161, § 8; May 31.