

Sec. 31-272-9. Penalties

(a) A failure to comply with an obligation or prohibition imposed by these rules of conduct or an order by the Board is a basis for invoking the disciplinary process set forth in these regulations.

(b) If, in its final decision, the Board concludes that an authorized agent has committed misconduct, the Board may order the agent to comply with all applicable statutory and regulatory requirements and may impose a penalty. The Board may, upon finding mitigating circumstances or that corrective action has been taken, dismiss the complaint. An authorized agent who is determined to have violated the rules of conduct or otherwise committed misconduct within the meaning of section 31-272-8 may be subjected to one or more of the following:

- (1) a letter of reprimand;
- (2) an order to comply with applicable law;
- (3) suspension of registration with the Appeals Division;
- (4) revocation of registration with the Appeals Division;
- (5) civil fines not to exceed one thousand dollars per violation.

(c) In assessing civil penalties, the Board shall distinguish between serious violations which potentially undermine the integrity of the appeals process and lesser violations. Penalties shall be assessed based on the gravity of the violation, the experience of the authorized agent, the authorized agent's history of previous violations or complaints filed of a similar or different nature, the number of violations identified, whether the authorized agent was in violation of an order previously issued by the Board, and the existence of mitigating circumstances. If the Board finds repeated violations, a serious violation, or a failure to comply with the Board's enforcement orders, the maximum penalty of revocation of registration and a civil fine of \$1,000 per violation may be imposed. For less serious violations or first offenses, a lesser penalty will be imposed.

(Effective July 1, 1992)