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HOUSE BILL NO. 321

Offered January 10, 2018

Prefiled January 4, 2018

A *BILL to amend and reenact § 54.1-2105.2 of the Code of Virginia, relating to professions and occupations; real estate brokers and salespersons; cease and desist orders for unlicensed activity; civil penalty.*

Patrons—Bourne, Bagby, Delaney, Lindsey, Plum and Simon

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2105.2 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2105.2. Cease and desist orders for unlicensed activity; civil penalty.**

A. Notwithstanding any other provision of law, the Board may issue an order requiring any person to cease and desist from acting as a real estate broker or salesperson when such person is not licensed by the Board in accordance with this chapter. The order shall be effective upon its entry and shall become final unless such person files an appeal with the Board in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) within 21 days of the date of entry of the order.

B. If the person fails to cease and desist the unlicensed activity after entry of an order in accordance with subsection A, the Board may refer the matter for enforcement pursuant to § 54.1-306.

C. ~~Any person engaging in unlicensed activity shall be subject to further proceedings before the Board and the Board may impose a civil penalty not to exceed \$1,000 for any real estate transaction or the compensation received from any such real estate transaction, whichever is greater. The Board shall have the authority to institute proceedings in equity to enjoin any person, partnership, corporation, or any other entity from engaging in unlicensed activity or from engaging in any of the acts enumerated in subdivisions A 1 through 8 of § 54.1-111 and to recover a civil penalty of at least \$200 but not more than \$25,000 per violation, with each unlawful act constituting a separate violation. Such proceedings shall be brought in the name of the Commonwealth by the Board in the circuit court or general district court of the city or county in which the unlawful act occurred or in which the defendant resides. Any penalties collected under this section shall be paid to the Literary Fund after deduction of the administrative costs of the Board in furtherance of this section. Enforcement against any person, partnership, corporation, or any other entity pursuant to this section shall preclude any enforcement proceedings initiated against such persons pursuant to subsection B of § 54.1-111.~~

INTRODUCED

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