

### **292.470 Remedies.**

Whenever it appears to the commissioner that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this chapter or any rule or order under this chapter, the commissioner may in his or her discretion bring any or all of the following remedies:

- (1) Issue a cease and desist order, with or without a prior hearing, appealable to Franklin Circuit Court, against the person or persons engaged in the prohibited activities directing that person or persons to cease and desist from illegal activity. In order to issue an order without a prior hearing, the commissioner must find that the delay in issuing a final cease and desist order will cause harm to the public;
- (2) An action in the Franklin Circuit Court or any other court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this chapter or any rule or order under this chapter. Upon a proper showing a permanent or temporary injunction, restraining order, or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. Upon a proper showing by the commissioner, the court may enter an order of rescission, restitution, or disgorgement directed to any person who has engaged in any act constituting a violation of this chapter or any rule or order under this chapter. The commissioner may not be required to post a bond; or
- (3) Issue a final order, after notice and an opportunity for a hearing, containing findings of fact and conclusions of law, directing any person or persons found to have engaged in, or about to be engaged in, activity that constitutes a violation of this chapter or any rule or order under this chapter:
  - (a) To cease and desist from the activity;
  - (b) To perform any other reasonable mandates directed by the commissioner pursuant to an appropriate remedy fashioned by the commissioner and reasonably calculated to carry out the provisions of this chapter; or
  - (c) To pay fines assessed under KRS 292.500(14) and costs assessed under KRS 292.500(15).

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 876, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 157, sec. 15, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 20, sec. 19, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 165, sec. 19, effective July 15, 1994. -- Created 1960 Ky. Acts ch. 110, sec. 16, effective January 1, 1961.