

LIVING CARE DISCLOSURE ACT (EXCERPT)
Act 440 of 1976

***** 554.828 THIS SECTION IS REPEALED BY ACT 448 OF 2014 EFFECTIVE APRIL 2, 2015 *****

554.828 Notice of intent to issue cease and desist order; issuance; hearing; order of censure; violation; penalty; separate offenses.

Sec. 28. (1) If, in the opinion of the bureau, a life interest or long-term lease is being or has been offered for sale without complying with this act or an order of the bureau issued pursuant to this act or a rule promulgated under this act, the bureau may issue to the facility or offeror of the interest a notice of intent to issue an order of cease and desist from the further offer or sale of the life interest or long-term lease unless and until the offer is made in compliance with this act. If, after the notice of intent has been made, a written request for a hearing is filed by the person to whom the notice was directed, a hearing shall be held under the procedures prescribed in Act No. 306 of the Public Acts of 1969, as amended. After the hearing, or in the event that respondent fails to appear at the hearing, after notice and personal service, the bureau may issue a cease and desist order with appropriate conditions or may enter an order of censure or find that a violation of the law has not occurred. The date for hearing shall be set within 15 business days after receipt of the request for hearing, and the designated hearing date shall be not more than 45 days after the date of request for hearing unless the person affected consents to a later date.

(2) A facility or agent of a facility who knowingly authorizes, directs, or aids in violation of a final cease and desist order, or who knowingly fails to comply with the terms of a final cease and desist order, and may be fined not more than \$5,000.00. Each violation constitutes a separate offense.

History: 1976, Act 440, Eff. July 1, 1977.

Compiler's note: For transfer of statutory authority, powers, duties, and functions of the corporations, securities and land development bureau to the office of financial and insurance services by type III transfer, see E.R.O. No. 2000-2, compiled at MCL 445.2003 of the Michigan compiled laws.

For transfer of securities division of office of finance and insurance regulation from office of finance and insurance regulation to department of licensing and regulatory affairs, see E.R.O. No. 2012-6, compiled at MCL 445.2034.