

543E.18 Unlawful practice — complaints and investigations — remedies and penalties.

1. If, as the result of a complaint or otherwise, the administrator believes that a person has engaged, or is about to engage, in an act or practice that constitutes or will constitute a violation of [this chapter](#), the administrator may make application to the district court for an order enjoining such act or practice. Upon a showing by the administrator that such person has engaged, or is about to engage, in any such act or practice, an injunction, restraining order, or other order as may be appropriate shall be granted by the district court.

2. The administrator may investigate a complaint or initiate a complaint against a person who is not registered under [this chapter](#) to determine whether grounds exist to make application to the district court pursuant to [subsection 1](#) or to issue an order pursuant to [subsection 3](#), and in connection with such complaint or investigation may issue subpoenas to compel witnesses to testify or persons to produce evidence consistent with the provisions of [section 272C.6, subsection 3](#), as needed to determine whether probable cause exists to initiate a proceeding under this section or to make application to the district court for an order enjoining a violation of [this chapter](#).

3. In addition to or as an alternative to making application to the district court for an injunction, the administrator may issue an order to a person who is not registered under [this chapter](#) to require compliance with [this chapter](#) and may impose a civil penalty against such person for any violation specified in [subsection 4](#) in an amount up to ten thousand dollars for each violation. All civil penalties collected pursuant to [this section](#) shall be deposited in the housing trust fund created in [section 16.181](#). An order issued pursuant to [this section](#) may prohibit a person from applying for registration under [this chapter](#) or certification or registration under [chapter 543D](#).

4. The administrator may impose a civil penalty against a person who is not registered under [this chapter](#) for any of the following:

- a. A violation of [section 543E.4](#).
- b. A violation of [section 543D.18A, subsection 1](#).
- c. Fraud, deceit, or deception, through act or omission, in connection with an application for registration under [this chapter](#).

5. The administrator, before issuing an order under [this section](#), shall provide the person written notice and the opportunity to request a hearing. The hearing must be requested within thirty days after receipt of the notice and shall be conducted in the same manner as provided for disciplinary proceedings involving a registrant under [this chapter](#).

6. A person aggrieved by the imposition of a civil penalty under [this section](#) may seek judicial review pursuant to [section 17A.19](#).

7. If a person fails to pay a civil penalty within thirty days after entry of an order imposing the civil penalty, or if the order is stayed pending an appeal, within ten days after the court enters a final judgment in favor of the administrator, the administrator shall notify the attorney general. The attorney general may commence an action to recover the amount of the penalty, including reasonable attorney fees and costs.

8. An action to enforce an order under [this section](#) may be joined with an action for an injunction.

[2016 Acts, ch 1124, §18, 32](#)