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§11–204.

(a) If the Commission believes that an institution of postsecondary education does not meet the conditions or standards on which its certificate of approval, registration, or any other approval issued by the Commission or Secretary, was based, the Commission shall give the institution written notice specifying the deficiencies believed to exist.

(b) (1) The notice shall specify the alleged deficiencies, and direct the institution to correct them within a period of not less than 30 days.

(2) If the institution requests a hearing, the Commission shall hold a hearing on the matter within 60 days of receipt of the request, subject to the requirement that any request for a hearing must be received by the Commission within 20 days of the institution's receipt of the notice of deficiencies.

(3) Subject to subsection (f) of this section, action on the notice of deficiencies shall be stayed until a determination is made after the hearing.

(4) Notwithstanding § 11–206(b)(3) of this subtitle, at the discretion of the Secretary, action on any approval request by an institution issued a notice of deficiencies may be stayed until a determination is made after the hearing.

(c) (1) If a hearing is not requested within the specified time period, or if the notice of deficiencies is upheld in whole or in part after a hearing, the Commission may reprimand the institution or suspend or revoke the institution's certificate of approval or any other approval issued by the Commission or Secretary.

(2) (i) Instead of or in addition to reprimanding a for–profit institution of higher education, institution of higher education required to register under § 11–202.2 of this subtitle, or private career school, or suspending or revoking any approval issued to a for–profit institution of higher education or private career school or registration issued to an institution of higher education under § 11–202.2 of this subtitle, the Commission may impose a penalty of up to $5,000 for each violation as specified in regulations adopted by the Commission.

(ii) In accordance with the provisions of this section, the Commission shall deposit any penalty assessed against a for–profit institution of higher education, institution of higher education required to register under § 11–202.2 of this subtitle, or private career school into the respective guaranty fund if such funds exist. Otherwise, all penalties shall be deposited into the General Fund of the State.

(d) (1) In addition to any other sanction imposed under this section, an institution of higher education that is required to register under § 11–202.2 of this

subtitle that willfully and knowingly violates the provisions of this subtitle shall be:

(i) Subject to revocation of registration; and

(ii) Prohibited from enrolling Maryland students in fully online distance education programs in the State.

(2) Maryland students who attend an institution prohibited from enrolling Maryland students under paragraph (1)(ii) of this subsection shall be allowed to complete a fully online distance education program in the State that is in progress.

(3) If an institution is required to register under § 11–202.2 of this subtitle and the institution does not file an application to register with the Commission within 3 months of enrolling its first Maryland student or the institution enrolls additional Maryland students in violation of this section, the institution shall be subject to a fine not exceeding $20,000.

(e) In imposing any sanctions under this section, the Commission shall consider:

(1) The seriousness of the deficiency;

(2) The harm caused by the deficiency;

(3) The good faith of the institution and any corrective actions taken;

(4) Any history of previous deficiencies; and

(5) Other pertinent circumstances.

(f) (1) An institution that is aggrieved by an order of the Commission has the right to judicial review provided by Title 10, Subtitle 2 of the State Government Article.

(2) The decision of the Commission shall be presumed correct and the institution has the burden of proving otherwise.

(3) The Commission shall be a party to the proceeding.

(g) (1) The Secretary may at any time following written notice of the deficiencies and prior to the Commission's final decision seek an injunction or other judicial remedy in accordance with § 11–107 of this title, if the Secretary determines that the public interest requires enforcement of the provisions of this article or any applicable regulations.

(2) If a court grants relief prior to a hearing that was requested on a timely basis, the Commission shall schedule a hearing in regard to the notice of deficiencies within 2 weeks of the issuance of the court's order, unless the institution requests a delay.

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