

CHARITABLE ORGANIZATIONS AND SOLICITATIONS ACT (EXCERPT)
Act 169 of 1975

***** 400.290.amended THIS AMENDED SECTION IS EFFECTIVE MARCH 30, 2011 *****

400.290.amended Grounds for injunction, court order, or judgment; additional remedies; actions by attorney general; assurance of discontinuance.

Sec. 20. (1) In addition to any other action authorized by law, the attorney general may bring an action to enjoin an act or practice prohibited under this act. After finding that a person has engaged in or is engaging in a prohibited act or practice, a court may enter any appropriate order or judgment, including, but not limited to, an injunction, an order of restitution, or an award of reasonable attorney fees and costs. A court may award to this state a civil fine of not more than \$10,000.00 for each violation of this act against a person that is subject to this act; against an officer, director, shareholder, or controlling member of a person subject to this act; against any other person that directly engaged in, authorized, or was otherwise legally responsible for the prohibited act or practice; or against any combination of those persons. A court may order an injunction under this subsection if it finds that a violation of this act has occurred, or finds that an injunction would promote the public interest, without a finding of irreparable harm.

(2) In addition to any other remedy, a person that violates an injunction or other order entered under subsection (1) shall pay to this state a civil fine of not more than \$10,000.00 for each violation, which may be recovered in a civil action brought by the attorney general.

(3) The attorney general may exercise the authority granted in this section against a charitable organization or person that operates under the guise or pretense of being a charitable organization or other person that is exempt from this act and is not in fact a charitable organization or person entitled to that exemption.

(4) In addition to any other action authorized by law, the attorney general may issue a cease and desist order, issue a notice of intended action, or take other action in the public interest. The attorney general may accept an assurance of discontinuance of any method, act, or practice that violates this act from any person alleged to be engaged in or to have been engaged in that method, act, or practice. An assurance of discontinuance may include a stipulation for the voluntary payment of the costs of investigation, for an amount to be held in escrow pending the outcome of an action or as restitution to an aggrieved person, or for the voluntary payment to another person if in the public interest. An assurance of discontinuance shall be in writing and shall be filed with the circuit court for Ingham county. An action resolved by an assurance of discontinuance may be reopened by the attorney general at any time for enforcement by a court or for further proceedings in the public interest. Evidence of a violation of an assurance of discontinuance is prima facie evidence of a violation of this act in any subsequent proceeding brought by the attorney general.

History: 1975, Act 169, Imd. Eff. July 20, 1975;—Am. 2010, Act 377, Eff. Mar. 30, 2011.