§ 598. Additional penalties for violation of this article; civil, criminal; liquidated damages. 1. In addition to such penalties as may otherwise be applicable by law, the superintendent may, after notice and hearing as provided elsewhere in this article, require any entity, licensee, servicer, registrant or exempt organization found violating the provisions of this article or the rules or regulations promulgated hereunder to pay to the people of this state an additional penalty for each violation of the article or any regulation or policy promulgated hereunder a sum not to exceed an amount as determined pursuant to section forty-four of this chapter for each such violation.

2. Whoever violates any provision of the licensing requirements of subparagraphs (a) and (b) of subdivision two of section five hundred ninety of this article by making a mortgage loan without being licensed or specifically exempted from licensing, or soliciting, processing, placing or negotiating a mortgage loan without being registered or specifically exempted from registration, shall be guilty of a class A misdemeanor, punishable as provided in articles seventy and eighty of the penal law.

3. Liquidated damages. In addition to any other remedy which an applicant for a mortgage loan or mortgagor may have against a licensee, registrant or exempt organization for breach of contract or agreement to make a mortgage loan, the court after considering the circumstances may award the plaintiff, upon granting a judgment in his favor in an individual action on such claim, liquidated damages an amount equal to twice the amount of any fees or other charges paid by the applicant or mortgagor in connection with such contract or agreement exclusive of any amounts paid or payable after the mortgage or other security instrument is executed.

4. Statutory or common-law remedies. Nothing in this article shall limit any statutory or common-law right of any person to bring any action in any court for any act, or the right of the state to punish any person for any violation of any law.

5. Civil penalties assessable against unlicensed or unregistered

persons or entities. If any non-exempt unlicensed or unregistered person or entity engages in activities encompassed by this article, he shall be liable to any person or entity affected by such activities for a sum of money of not less than the amount of money paid to an affected person or entity in connection with such activities, nor more than four times such sum; provided however that where a non-exempt unlicensed or unregistered person has continued to engage in such unauthorized activities after receiving a cease and desist notice from the superintendent, the maximum amount of liability shall be up to the amount of actual damages. Such sum may be sued for and recovered by any person or entity for his use and benefit in any court of competent jurisdiction.