

SENATE BILL 179

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By: **Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)**

Introduced and read first time: January 17, 2013

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Architects, Landscape Architects, and Professional Land Surveyors – Firm**
3 **Permits**

4 FOR the purpose of altering certain requirements for the responsible member of an
5 entity providing architectural services; authorizing the State Board of
6 Architects to deny a firm permit to an applicant, reprimand a permit holder,
7 suspend or revoke a permit, or impose a certain penalty under certain
8 circumstances and subject to certain hearing provisions; providing for the
9 reinstatement of a firm permit issued by the State Board of Architects under
10 certain circumstances; authorizing landscape architecture to be practiced
11 through a limited liability company under certain circumstances; requiring a
12 limited liability company to hold a permit issued by the State Board of
13 Examiners of Landscape Architects before operating a business through which
14 landscape architecture is practiced; establishing certain qualifications and
15 application requirements for a firm permit issued by the State Board of
16 Examiners of Landscape Architects; authorizing the State Board of Examiners
17 of Landscape Architects to deny a firm permit to an applicant, reprimand a
18 permit holder, suspend or revoke a permit, or impose a certain penalty under
19 certain circumstances and subject to certain hearing provisions; providing for
20 the reinstatement of a firm permit issued by the State Board of Examiners of
21 Landscape Architects under certain circumstances; establishing certain
22 qualifications, application requirements, and renewal requirements for a firm
23 permit to operate a business through which land surveying or property line
24 surveying is practiced; authorizing the State Board for Professional Land
25 Surveyors to deny a firm permit to an applicant, reprimand a permit holder,
26 suspend or revoke a permit, or impose a certain penalty under certain
27 circumstances and subject to certain hearing provisions; providing for the
28 reinstatement of a firm permit issued by the State Board for Professional Land
29 Surveyors under certain circumstances; requiring certain permit holders to
30 provide certain notification of certain changes or occurrences within a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 period of time; altering certain definitions; making stylistic and conforming
 2 changes; and generally relating to firm permits issued by the State Board of
 3 Architects, the State Board of Examiners of Landscape Architects, and the State
 4 Board for Professional Land Surveyors.

5 BY repealing and reenacting, with amendments,
 6 Article – Business Occupations and Professions
 7 Section 3–401, 3–403(b), 3–404(c)(3), 3–602, 9–401, 9–402, 9–403, 9–404, 9–602,
 8 15–402, 15–403, and 15–406
 9 Annotated Code of Maryland
 10 (2010 Replacement Volume and 2012 Supplement)

11 BY adding to
 12 Article – Business Occupations and Professions
 13 Section 3–410 through 3–416, 9–405(b), 9–409 through 9–416, 15–402.1, and
 14 15–407 through 15–414
 15 Annotated Code of Maryland
 16 (2010 Replacement Volume and 2012 Supplement)

17 BY repealing
 18 Article – Business Occupations and Professions
 19 Section 9–405(b) and 9–409
 20 Annotated Code of Maryland
 21 (2010 Replacement Volume and 2012 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Business Occupations and Professions**

25 3–401.

26 In this subtitle, “responsible member” means a director of a corporation, a
 27 member of a limited liability company, or **A GENERAL partner OF A PARTNERSHIP**
 28 who is appointed under § 3–404(c) of this subtitle to be in responsible charge of
 29 architecture practiced through the corporation, limited liability company, or
 30 partnership.

31 3–403.

32 (b) A corporation, **LIMITED LIABILITY COMPANY, OR PARTNERSHIP** may
 33 provide architectural services for itself or for an affiliated corporation, **LIMITED**
 34 **LIABILITY COMPANY, OR PARTNERSHIP** without a permit issued by the Board.

35 3–404.

36 (c) (3) Each responsible member shall be:

1 (i) a director of a corporation, a member of a limited liability
2 company, or a **GENERAL** partner of a partnership; and

3 (ii) a licensed architect.

4 **3-410.**

5 (A) **SUBJECT TO THE HEARING PROVISIONS OF § 3-411 OF THIS**
6 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
7 **MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND**
8 **A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:**

9 (1) **THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**
10 **DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;**

11 (2) **THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES**
12 **A PERMIT; OR**

13 (3) **THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR**
14 **CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN**
15 **THIS SUBTITLE.**

16 (B) (1) **INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT**
17 **HOLDER OR DENYING, SUSPENDING, OR REVOKING A PERMIT UNDER**
18 **SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT**
19 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

20 (2) **TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED**
21 **UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

22 (I) **THE SERIOUSNESS OF THE VIOLATION;**

23 (II) **THE HARM CAUSED BY THE VIOLATION;**

24 (III) **THE GOOD FAITH OF THE PERMIT HOLDER OR THE**
25 **APPLICANT; AND**

26 (IV) **ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**
27 **HOLDER OR THE APPLICANT.**

28 (C) **THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
29 **SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

1 **3-411.**

2 (A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE
3 GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER
4 § 3-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE
5 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE
6 BOARD.

7 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
8 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
9 ARTICLE.

10 (C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE
11 AND A COPY OF THE COMPLAINT SHALL BE:

12 (1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN
13 RESPONSIBLE CHARGE OF ARCHITECTURE PRACTICED THROUGH THE ENTITY
14 HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT AGENT TO
15 RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

16 (2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE
17 APPLICANT OR THE ENTITY HOLDING THE PERMIT.

18 (D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
19 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
20 DETERMINE THE MATTER.

21 **3-412.**

22 (A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF
23 THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE
24 BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION
25 BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES
26 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

27 (2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION
28 IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF
29 THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY
30 PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY
31 OTHER PURPOSE.

32 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A
33 PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER

1 INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES
2 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

3 **3-413.**

4 A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE
5 PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 3-410 OF THIS SUBTITLE
6 MAY NOT OFFER OR PROVIDE ARCHITECTURAL SERVICES UNTIL THE
7 SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

8 **3-414.**

9 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY
10 REINSTATE:

11 (1) A PERMIT THAT HAS BEEN REVOKED; OR

12 (2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE
13 SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.

14 (B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:

15 (1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
16 COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A
17 WRITTEN REQUEST TO THE BOARD; AND

18 (2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
19 COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.

20 (C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS
21 MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT
22 OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN
23 REQUEST.

24 **3-415.**

25 THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,
26 PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW
27 THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR
28 LIMITED LIABILITY COMPANY:

29 (1) OTHERWISE IS ENTITLED TO A PERMIT; AND

1 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
2 **BOARD.**

3 **3-416.**

4 **AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL**
5 **CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN**
6 **THIS SUBTITLE.**

7 **3-602.**

8 Except for a licensed architect who operates a business as a sole practitioner, a
9 person may not operate a business through which architecture is practiced, unless:

10 (1) the business is a corporation [or a], partnership, **OR LIMITED**
11 **LIABILITY COMPANY**; and

12 (2) the corporation [or], partnership, **OR LIMITED LIABILITY**
13 **COMPANY** holds a permit issued by the Board.

14 **9-401.**

15 In this subtitle, [“responsible member” means an officer of a corporation or
16 partner] **“PERSON IN RESPONSIBLE CHARGE” MEANS A LICENSEE** who is
17 appointed under § 9-404(b) of this subtitle [to be in responsible charge of landscape
18 architecture practiced through the corporation or partnership].

19 **9-402.**

20 (a) (1) Subject to the provisions of this subtitle, a licensed landscape
21 architect may practice landscape architecture for others through:

22 (i) a corporation as an officer, employee, or agent of the
23 corporation; [or]

24 (ii) a partnership as a partner, employee, or agent of the
25 partnership; **OR**

26 **(III) A LIMITED LIABILITY COMPANY AS A MEMBER,**
27 **EMPLOYEE, OR AGENT OF THE LIMITED LIABILITY COMPANY.**

28 (2) Subject to the provisions of this subtitle, a corporation [or],
29 partnership, **OR LIMITED LIABILITY COMPANY** may provide landscape architectural
30 services through a licensed landscape architect [but may not use the title “landscape
31 architect” in connection with the name of the corporation or partnership].

1 (b) A licensed landscape architect who practices landscape architecture
2 through a corporation [or], partnership, **OR LIMITED LIABILITY COMPANY** under
3 this subtitle is subject to all of the provisions of this title that relate to practicing
4 landscape architecture.

5 (c) (1) A corporation [or], partnership, **OR LIMITED LIABILITY**
6 **COMPANY** that provides landscape architectural services to others under this subtitle
7 is not, by its compliance with this subtitle, relieved of any responsibility that the
8 corporation [or], partnership, **OR LIMITED LIABILITY COMPANY** may have for an act
9 or omission of its officer, partner, **MEMBER**, employee, or agent.

10 (2) An individual who practices landscape architecture through a
11 corporation [or], partnership, **OR LIMITED LIABILITY COMPANY** is not, by reason of
12 the individual's employment or other relationship with the corporation [or],
13 partnership, **OR LIMITED LIABILITY COMPANY** relieved of any individual
14 responsibility that the individual may have regarding that practice.

15 9-403.

16 (a) Except as provided in subsection (b) of this section, a corporation [or],
17 partnership, **OR LIMITED LIABILITY COMPANY** shall hold a permit issued by the
18 Board before the corporation [or], partnership, **OR LIMITED LIABILITY COMPANY**
19 may operate a business through which landscape architecture is practiced.

20 (b) A corporation, **PARTNERSHIP, OR LIMITED LIABILITY COMPANY** may
21 provide landscape architectural services for itself or for an affiliated corporation,
22 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY** without a permit issued by the
23 Board.

24 9-404.

25 (a) To qualify for a permit, a corporation [or], partnership, **OR LIMITED**
26 **LIABILITY COMPANY** shall meet the requirements of this section.

27 [(b) (1) A corporation or partnership shall have appointed at least 1
28 responsible member of the corporation or partnership.

29 (2) A responsible member shall be in responsible charge of landscape
30 architecture practiced through the corporation or partnership.

31 (3) The responsible member shall be:

32 (i) an officer of a corporation or a partner of a partnership; and

1 (ii) a licensed landscape architect.]

2 (B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
3 COMPANY SHALL APPOINT AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF
4 THE LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE
5 PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED
6 LIABILITY COMPANY.

7 (2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:

8 (I) IN DIRECT CONTROL OF LANDSCAPE ARCHITECTURAL
9 SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE
10 CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY;

11 (II) IN A POSITION TO ACT ON BEHALF OF, AND
12 RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
13 COMPANY IN MATTERS RELATED TO THE PRACTICE OF LANDSCAPE
14 ARCHITECTURE; AND

15 (III) A LICENSED LANDSCAPE ARCHITECT IN GOOD
16 STANDING.

17 (3) A LICENSEE MAY NOT BE DESIGNATED AS A PERSON IN
18 RESPONSIBLE CHARGE FOR MORE THAN ONE CORPORATION, PARTNERSHIP, OR
19 LIMITED LIABILITY COMPANY THAT PROVIDES OR OFFERS TO PROVIDE
20 LANDSCAPE ARCHITECTURAL SERVICES WITHOUT THE PRIOR APPROVAL OF
21 THE BOARD.

22 9-405.

23 [(b) In addition to any other information required on an application form, the
24 form shall require the name and address of:

25 (1) each responsible member of a corporation or partnership;

26 (2) each officer and shareholder of a corporation; and

27 (3) each partner of a partnership.]

28 (B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN
29 APPLICATION FORM, THE FORM SHALL REQUIRE THE FOLLOWING:

30 (1) THE NAME AND ADDRESS OF AT LEAST ONE PERSON IN
31 RESPONSIBLE CHARGE OF THE LANDSCAPE ARCHITECTURAL SERVICES

1 PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE CORPORATION,
2 PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND

3 (2) EVIDENCE ACCEPTABLE TO THE BOARD THAT A PERSON IN
4 RESPONSIBLE CHARGE IS AN EMPLOYEE, OWNER, DIRECTOR, OFFICER,
5 MEMBER, OR PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.

6 [9-409.

7 Within 1 month after the effective date of the change, a permit holder shall
8 submit to the Board an application form that shows a change in the name of:

9 (1) a responsible member of the holder;

10 (2) an officer or shareholder, if the holder is a corporation; or

11 (3) a partner, if the holder is a partnership.]

12 **9-409.**

13 **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR**
14 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF**
15 **THERE HAS BEEN A CHANGE IN:**

16 (1) THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF
17 LANDSCAPE ARCHITECTURAL SERVICES PERFORMED OR OFFERED TO BE
18 PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR LIMITED
19 LIABILITY COMPANY; OR

20 (2) THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED
21 LIABILITY COMPANY.

22 **9-410.**

23 (A) SUBJECT TO THE HEARING PROVISIONS OF § 9-411 OF THIS
24 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS
25 MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND
26 A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:

27 (1) THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR
28 DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;

29 (2) THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES
30 A PERMIT; OR

1 **(3) THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR**
2 **CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN**
3 **THIS SUBTITLE.**

4 **(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT**
5 **HOLDER OR DENYING, SUSPENDING, OR REVOKING A PERMIT UNDER**
6 **SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT**
7 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

8 **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED**
9 **UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

10 **(I) THE SERIOUSNESS OF THE VIOLATION;**

11 **(II) THE HARM CAUSED BY THE VIOLATION;**

12 **(III) THE GOOD FAITH OF THE PERMIT HOLDER OR THE**
13 **APPLICANT; AND**

14 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**
15 **HOLDER OR THE APPLICANT.**

16 **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
17 **SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

18 **9-411.**

19 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
20 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**
21 **§ 9-410 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE**
22 **ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
23 **BOARD.**

24 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
25 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
26 **ARTICLE.**

27 **(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE**
28 **AND A COPY OF THE COMPLAINT SHALL BE:**

29 **(1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN**
30 **RESPONSIBLE CHARGE OF LANDSCAPE ARCHITECTURE PRACTICED THROUGH**

1 THE ENTITY HOLDING THE PERMIT OR A PERSON DESIGNATED AS A RESIDENT
2 AGENT TO RECEIVE PROCESS ON BEHALF OF THE ENTITY; OR

3 (2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE
4 APPLICANT OR THE ENTITY HOLDING THE PERMIT.

5 (D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
6 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
7 DETERMINE THE MATTER.

8 9-412.

9 (A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF
10 THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE
11 BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION
12 BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES
13 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

14 (2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION
15 IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF
16 THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY
17 PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY
18 OTHER PURPOSE.

19 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A
20 PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER
21 INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES
22 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

23 9-413.

24 A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE
25 PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 9-410 OF THIS SUBTITLE
26 MAY NOT OFFER OR PROVIDE LANDSCAPE ARCHITECTURAL SERVICES UNTIL
27 THE SUSPENSION IS LIFTED OR THE PERMIT IS REINSTATED.

28 9-414.

29 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY
30 REINSTATE:

31 (1) A PERMIT THAT HAS BEEN REVOKED; OR

1 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE**
2 **SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.**

3 **(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:**

4 **(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
5 **COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A**
6 **WRITTEN REQUEST TO THE BOARD; AND**

7 **(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
8 **COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

9 **(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
10 **MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT**
11 **OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN**
12 **REQUEST.**

13 **9-415.**

14 **THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,**
15 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW**
16 **THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR**
17 **LIMITED LIABILITY COMPANY:**

18 **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

19 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
20 **BOARD.**

21 **9-416.**

22 **AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL**
23 **CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN**
24 **THIS SUBTITLE.**

25 **9-602.**

26 **Except for a licensed landscape architect who operates a business as a sole**
27 **practitioner, a person may not operate a business through which landscape**
28 **architecture is practiced unless:**

29 **(1) the business is a corporation [or a], partnership, OR LIMITED**
30 **LIABILITY COMPANY; and**

1 (2) the corporation [or], partnership, OR LIMITED LIABILITY
2 COMPANY holds a permit issued by the Board.

3 15-402.

4 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A
5 corporation, partnership, or limited liability company shall hold a permit issued by the
6 Board before the corporation, partnership, or limited liability company may operate a
7 business through which land surveying or property line surveying is practiced.

8 (B) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY
9 MAY PROVIDE LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES FOR
10 ITSELF OR FOR AN AFFILIATED CORPORATION, PARTNERSHIP, OR LIMITED
11 LIABILITY COMPANY WITHOUT A PERMIT ISSUED BY THE BOARD.

12 15-402.1.

13 (A) TO QUALIFY FOR A PERMIT, A CORPORATION, PARTNERSHIP, OR
14 LIMITED LIABILITY COMPANY SHALL MEET THE REQUIREMENTS OF THIS
15 SECTION.

16 (B) (1) A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
17 COMPANY SHALL APPOINT AT LEAST ONE PERSON IN RESPONSIBLE CHARGE OF
18 THE PROFESSIONAL LAND SURVEYING OR PROPERTY LINE SURVEYING
19 SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE
20 CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY.

21 (2) A PERSON IN RESPONSIBLE CHARGE SHALL BE:

22 (I) IN DIRECT CONTROL OF PROFESSIONAL LAND
23 SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR
24 OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR
25 LIMITED LIABILITY COMPANY;

26 (II) IN A POSITION TO ACT ON BEHALF OF, AND
27 RESPONSIBLE FOR, THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY
28 COMPANY IN MATTERS RELATED TO THE PRACTICE OF PROFESSIONAL LAND
29 SURVEYING OR PROPERTY LINE SURVEYING; AND

30 (III) A PROFESSIONAL LAND SURVEYOR OR LICENSED
31 PROPERTY LINE SURVEYOR IN GOOD STANDING.

32 (3) A LICENSEE MAY NOT BE DESIGNATED AS A PERSON IN
33 RESPONSIBLE CHARGE FOR MORE THAN ONE CORPORATION, PARTNERSHIP, OR

1 LIMITED LIABILITY COMPANY THAT PROVIDES OR OFFERS TO PROVIDE
2 PROFESSIONAL LAND OR PROPERTY LINE SURVEYING SERVICES WITHOUT THE
3 PRIOR APPROVAL OF THE BOARD.

4 15-403.

5 (A) An applicant for a permit shall:

6 (1) submit to the Board an application on the form that the Board
7 provides; and

8 (2) pay to the Board a nonrefundable application fee set by the Board.

9 (B) IN ADDITION TO ANY OTHER INFORMATION REQUIRED ON AN
10 APPLICATION FORM, THE FORM SHALL REQUIRE THE FOLLOWING:

11 (1) THE NAME AND ADDRESS OF AT LEAST ONE PERSON IN
12 RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING
13 SERVICES PERFORMED OR OFFERED TO BE PERFORMED THROUGH THE
14 CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY; AND

15 (2) EVIDENCE ACCEPTABLE TO THE BOARD THAT A PERSON IN
16 RESPONSIBLE CHARGE IS AN EMPLOYEE, OWNER, DIRECTOR, OFFICER,
17 MEMBER, OR PARTNER, AS APPLICABLE, OF THE ENTITY SEEKING A PERMIT.

18 15-406.

19 (a) Unless a permit is renewed for a 2-year term as provided in this section,
20 the permit expires on the first June 30 that comes:

21 (1) after the effective date of the permit; and

22 (2) in an odd-numbered year.

23 (b) At least 1 month before a permit expires, the Board shall mail to the
24 permit holder, at the last known address of the holder:

25 (1) a renewal application form; and

26 (2) a notice that states:

27 (i) the date on which the current permit expires;

28 (ii) the date by which the Board must receive the renewal
29 application for the renewal to be issued and mailed before the permit expires; and

1 (iii) the amount of the permit fee.

2 (c) Before a permit expires, the permit holder periodically may renew it for
3 an additional 2-year term, if the holder:

4 (1) submits to the Board a renewal application on the form that the
5 Board provides; and

6 (2) pays to the Board a permit fee set by the Board.

7 (d) **THE RENEWAL APPLICATION FORM SHALL REQUIRE THE SAME**
8 **INFORMATION REQUIRED ON THE ORIGINAL APPLICATION FORM UNDER**
9 **§ 15-403(B) OF THIS SUBTITLE.**

10 (e) The Board shall renew the permit of each permit holder who meets the
11 requirements of this section.

12 **15-407.**

13 **WITHIN 1 MONTH AFTER THE EFFECTIVE DATE OF THE CHANGE OR**
14 **OCCURRENCE, A PERMIT HOLDER SHALL NOTIFY THE BOARD IN WRITING IF**
15 **THERE HAS BEEN A CHANGE IN:**

16 (1) **THE IDENTITY OF THE PERSON IN RESPONSIBLE CHARGE OF**
17 **LAND SURVEYING OR PROPERTY LINE SURVEYING SERVICES PERFORMED OR**
18 **OFFERED TO BE PERFORMED THROUGH THE CORPORATION, PARTNERSHIP, OR**
19 **LIMITED LIABILITY COMPANY; OR**

20 (2) **THE NAME OF THE CORPORATION, PARTNERSHIP, OR LIMITED**
21 **LIABILITY COMPANY.**

22 **15-408.**

23 (A) **SUBJECT TO THE HEARING PROVISIONS OF § 15-409 OF THIS**
24 **SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
25 **MEMBERS THEN SERVING, MAY DENY A PERMIT TO ANY APPLICANT, REPRIMAND**
26 **A PERMIT HOLDER, OR SUSPEND OR REVOKE A PERMIT IF:**

27 (1) **THE APPLICANT OR PERMIT HOLDER FRAUDULENTLY OR**
28 **DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A PERMIT;**

29 (2) **THE PERMIT HOLDER FRAUDULENTLY OR DECEPTIVELY USES**
30 **A PERMIT; OR**

1 **(3) THE APPLICANT OR PERMIT HOLDER FAILS TO MEET OR**
2 **CONTINUE TO MEET THE QUALIFICATIONS OR REQUIREMENTS SET FORTH IN**
3 **THIS SUBTITLE.**

4 **(B) (1) INSTEAD OF OR IN ADDITION TO REPRIMANDING THE PERMIT**
5 **HOLDER OR DENYING, SUSPENDING, OR REVOKING A PERMIT UNDER**
6 **SUBSECTION (A) OF THIS SECTION, THE BOARD MAY IMPOSE A PENALTY NOT**
7 **EXCEEDING \$5,000 FOR EACH VIOLATION.**

8 **(2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED**
9 **UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:**

10 **(I) THE SERIOUSNESS OF THE VIOLATION;**

11 **(II) THE HARM CAUSED BY THE VIOLATION;**

12 **(III) THE GOOD FAITH OF THE PERMIT HOLDER OR THE**
13 **APPLICANT; AND**

14 **(IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE PERMIT**
15 **HOLDER OR THE APPLICANT.**

16 **(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER**
17 **SUBSECTION (B) OF THIS SECTION INTO THE GENERAL FUND OF THE STATE.**

18 **15-409.**

19 **(A) EXCEPT AS OTHERWISE PROVIDED IN § 10-226 OF THE STATE**
20 **GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER**
21 **§ 15-408 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE**
22 **ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE**
23 **BOARD.**

24 **(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN**
25 **ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT**
26 **ARTICLE.**

27 **(C) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE**
28 **AND A COPY OF THE COMPLAINT SHALL BE:**

29 **(1) SERVED PERSONALLY ON THE APPLICANT OR ON A PERSON IN**
30 **RESPONSIBLE CHARGE OF LAND SURVEYING OR PROPERTY LINE SURVEYING**
31 **PRACTICED THROUGH THE ENTITY HOLDING THE PERMIT OR A PERSON**

1 DESIGNATED AS A RESIDENT AGENT TO RECEIVE PROCESS ON BEHALF OF THE
2 ENTITY; OR

3 (2) MAILED TO THE LAST KNOWN BUSINESS ADDRESS OF THE
4 ENTITY HOLDING THE PERMIT.

5 (D) IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS
6 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
7 DETERMINE THE MATTER.

8 15-410.

9 (A) (1) FOR THE LIMITED PURPOSE SET FORTH IN PARAGRAPH (2) OF
10 THIS SUBSECTION, A PERMIT SHALL REMAIN IN EFFECT AND DOES NOT EXPIRE
11 BY OPERATION OF LAW WHILE THE PERMIT HOLDER IS UNDER INVESTIGATION
12 BY THE BOARD OR AWAITING A HEARING OR DISPOSITION ON CHARGES
13 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

14 (2) AN EXTENSION OF A PERMIT TERM UNDER THIS SUBSECTION
15 IS EFFECTIVE ONLY FOR THE PURPOSE OF RETAINING THE JURISDICTION OF
16 THE BOARD OVER THE PERMIT HOLDER DURING THE COURSE OF DISCIPLINARY
17 PROCEEDINGS AND DOES NOT PREVENT THE PERMIT FROM EXPIRING FOR ANY
18 OTHER PURPOSE.

19 (B) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER, A
20 PERMIT HOLDER MAY NOT SURRENDER A PERMIT WHILE THE HOLDER IS UNDER
21 INVESTIGATION OR AWAITING A HEARING OR DISPOSITION ON CHARGES
22 SUBJECT TO DISCIPLINARY ACTION UNDER THIS SUBTITLE.

23 15-411.

24 A CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY COMPANY WHOSE
25 PERMIT HAS BEEN SUSPENDED OR REVOKED UNDER § 15-408 OF THIS
26 SUBTITLE MAY NOT OFFER OR PROVIDE LAND SURVEYING OR PROPERTY LINE
27 SURVEYING SERVICES UNTIL THE SUSPENSION IS LIFTED OR THE PERMIT IS
28 REINSTATED.

29 15-412.

30 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY
31 REINSTATE:

32 (1) A PERMIT THAT HAS BEEN REVOKED; OR

1 **(2) BEFORE FULFILLMENT OF THE CONDITIONS OF THE**
2 **SUSPENSION, A PERMIT THAT HAS BEEN SUSPENDED.**

3 **(B) A PERMIT MAY BE REINSTATED UNDER THIS SECTION ONLY IF:**

4 **(1) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
5 **COMPANY WHOSE PERMIT HAS BEEN REVOKED OR SUSPENDED SUBMITS A**
6 **WRITTEN REQUEST TO THE BOARD; AND**

7 **(2) THE CORPORATION, PARTNERSHIP, OR LIMITED LIABILITY**
8 **COMPANY PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD.**

9 **(C) THE BOARD, BY AN AFFIRMATIVE VOTE OF A MAJORITY OF ITS**
10 **MEMBERS THEN SERVING, SHALL VOTE ON THE REQUEST FOR REINSTATEMENT**
11 **OR LIFTING OF THE SUSPENSION WITHIN 60 DAYS OF RECEIPT OF THE WRITTEN**
12 **REQUEST.**

13 **15-413.**

14 **THE BOARD MAY REINSTATE THE PERMIT OF A CORPORATION,**
15 **PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT HAS FAILED TO RENEW**
16 **THE PERMIT FOR ANY REASON IF THE CORPORATION, PARTNERSHIP, OR**
17 **LIMITED LIABILITY COMPANY:**

18 **(1) OTHERWISE IS ENTITLED TO A PERMIT; AND**

19 **(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE**
20 **BOARD.**

21 **15-414.**

22 **AFTER THE BOARD REINSTATES A PERMIT, THE PERMIT HOLDER SHALL**
23 **CONTINUE TO COMPLY WITH ALL APPLICABLE REQUIREMENTS SET FORTH IN**
24 **THIS SUBTITLE.**

25 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
26 **October 1, 2013.**