
By: Senators Blount and Collins

Introduced and read first time: February 1, 1996

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Design Professional Boards - Imposition of Monetary Penalties**

3 FOR the purpose of authorizing the State Board of Architects, the State Board of
4 Examiners of Landscape Architects, the State Board for Professional Engineers,
5 and the State Board for Professional Land Surveyors to impose certain monetary
6 penalties on certain persons; and generally relating to the authority of the State
7 Board of Architects, the State Board of Examiners of Landscape Architects, the
8 State Board for Professional Engineers, and the State Board for Professional Land
9 Surveyors to impose monetary penalties.

10 By repealing and reenacting, with amendments,
11 Article - Business Occupations and Professions
12 Section 3-311, 3-605, 9-310, 9-605, 14-317, 14-508, 15-318(b), and 15-610
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1995 Supplement)

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

17 **Article - Business Occupations and Professions**

18 3-311.

19 (a) (1) Subject to the hearing provisions of § 3-313 of this subtitle, the Board,
20 on the affirmative vote of a majority of its authorized membership, may deny a license to
21 any applicant, reprimand any licensee, or suspend or revoke a license if:

22 (i) the applicant or licensee fraudulently or deceptively obtains or
23 renews or attempts to obtain or renew a license or permit for the applicant or licensee or
24 for another;

25 (ii) the applicant or licensee fraudulently or deceptively uses a license;

26 (iii) the applicant or licensee is guilty of any fraud, gross negligence,
27 incompetence, or misconduct while practicing architecture;

28 (iv) the applicant or licensee knowingly violates any provision of the
29 code of ethics adopted by the Board;

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1 (v) the applicant or licensee knowingly violates any provision of this
2 title; or

3 (vi) the applicant or licensee aids or abets an unauthorized person to
4 practice architecture.

5 (2) (I) Instead of or in addition to suspending or revoking a license under
6 this subsection, the Board may impose a penalty [of] NOT EXCEEDING \$1,000 FOR
7 EACH VIOLATION.

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

- 10 1. THE SERIOUSNESS OF THE VIOLATION;
- 11 2. THE HARM CAUSED BY THE VIOLATION;
- 12 3. THE GOOD FAITH OF THE LICENSEE; AND
- 13 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
14 LICENSEE.

15 (b) (1) Subject to the hearing provisions of § 3-313 of this subtitle, the Board,
16 on the affirmative vote of a majority of its authorized membership, shall deny a license to
17 any applicant or revoke a license if:

18 (i) The applicant or licensee pleads guilty or nolo contendere with
19 respect to, receives probation before judgment with respect to, or is convicted of:

- 20 1. A crime involving moral turpitude; or
- 21 2. A violation of any election law of the State; or

22 (ii) During the course of an official investigation by an authorized
23 public official or public body and regardless of whether the matter is prosecuted, the
24 applicant or licensee has admitted, in writing or under oath, to:

- 25 1. A crime involving moral turpitude; or
- 26 2. A violation of any election law of the State.

27 (2) (I) [In] INSTEAD OF OR IN addition to revoking a license under this
28 subsection, the Board may impose a penalty [of] NOT EXCEEDING \$1,000.

29 (II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED
30 UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

- 31 1. THE SERIOUSNESS OF THE VIOLATION;
- 32 2. THE HARM CAUSED BY THE VIOLATION;
- 33 3. THE GOOD FAITH OF THE LICENSEE; AND
- 34 4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE
35 LICENSEE.

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1 3-605.

2 (A) A person who violates § 3-601, § 3-602, § 3-603, or § 3-604 of this subtitle is
3 guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$3,000 or
4 imprisonment not exceeding 1 year or both.

5 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES § 3-601, §
6 3-602, § 3-603, OR § 3-604 OF THIS SUBTITLE A PENALTY NOT EXCEEDING \$1,000 FOR
7 EACH VIOLATION.

8 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
9 CONSIDER:

- 10 (I) THE SERIOUSNESS OF THE VIOLATION;
- 11 (II) THE HARM CAUSED BY THE VIOLATION;
- 12 (III) THE GOOD FAITH OF THE VIOLATOR;
- 13 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
- 14 AND
- 15 (V) ANY OTHER RELEVANT FACTORS.

16 9-310.

17 (A) Subject to the hearing provisions of § 9-312 of this subtitle, the Board, on the
18 affirmative vote of a majority of its members then serving, may deny a license to any
19 applicant, reprimand any licensee, or suspend or revoke a license if:

20 (1) the applicant or licensee fraudulently or deceptively obtains or attempts
21 to obtain a license for the applicant or licensee or for another;

22 (2) the applicant or licensee fraudulently or deceptively uses a license;

23 (3) the applicant or licensee pleads guilty or nolo contendere with respect
24 to, receives probation before judgment with respect to, or is convicted of:

25 (i) a crime involving moral turpitude; or

26 (ii) a violation of any election law of the State;

27 (4) during the course of an official investigation by an authorized public
28 official or public body and regardless of whether the matter is prosecuted, the applicant
29 or licensee has admitted, in writing or under oath, to:

30 (i) a crime involving moral turpitude; or

31 (ii) a violation of any election law of the State;

32 (5) the applicant or licensee is guilty of gross negligence, incompetence, or
33 misconduct while practicing landscape architecture;

34 (6) the applicant or licensee has had a license to practice landscape
35 architecture in another state revoked or suspended by the other state for a cause that

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1 would justify revocation or suspension under this title, except for the failure to pay a
2 license or [registration] LICENSE renewal fee;

3 (7) the applicant or licensee knowingly violates any provision of the code of
4 ethics adopted by the Board; or

5 (8) the applicant or licensee knowingly violates any provision of this title.

6 (B) (1) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING A
7 LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$1,000 FOR EACH
8 VIOLATION.

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

11 (I) THE SERIOUSNESS OF THE VIOLATION;

12 (II) THE HARM CAUSED BY THE VIOLATION;

13 (III) THE GOOD FAITH OF THE LICENSEE; AND

14 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

15 9-605.

16 (A) A person who violates any provision of this title is guilty of a misdemeanor and
17 on conviction is subject to a fine not exceeding \$3,000 or imprisonment not exceeding 1
18 year or both.

19 (B) (I) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
20 PROVISION OF THIS TITLE A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH
21 VIOLATION.

22 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
23 CONSIDER:

24 (I) THE SERIOUSNESS OF THE VIOLATION;

25 (II) THE HARM CAUSED BY THE VIOLATION;

26 (III) THE GOOD FAITH OF THE VIOLATOR;

27 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;

28 AND

29 (V) ANY OTHER RELEVANT FACTORS.

30 14-317.

31 (A) Subject to the hearing provisions of § 14-319 of this subtitle, the Board, on the
32 affirmative vote of a majority of its members then serving, may deny a license to any
33 applicant, reprimand any licensee, or suspend or revoke a license if:

34 (1) the applicant or licensee fraudulently or deceptively obtains or attempts
35 to obtain a license for the applicant or licensee or for another;

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1 (2) the applicant or licensee fraudulently or deceptively uses a license;

2 (3) the applicant or licensee pleads guilty or nolo contendere with respect
3 to, receives probation before judgment with respect to, or is convicted of:

4 (i) a crime involving moral turpitude; or

5 (ii) a violation of any election law of the State;

6 (4) during the course of an official investigation by an authorized public
7 official or public body and regardless of whether the matter is prosecuted, the applicant
8 or licensee has admitted, in writing or under oath, to:

9 (i) a crime involving moral turpitude; or

10 (ii) a violation of any election law of the State;

11 (5) the applicant or licensee is guilty of gross negligence, incompetence, or
12 misconduct while practicing engineering;

13 (6) the applicant or licensee has had a license to practice engineering in
14 another state revoked or suspended by the other state for a cause that would justify
15 revocation or suspension under this title, except for the failure to pay a license or
16 [registration] LICENSE renewal fee;

17 (7) the applicant or licensee knowingly violates any provision of the Code of
18 Ethics adopted by the Board; or

19 (8) the applicant or licensee knowingly violates any provision of this title.

20 (B) (1) INSTEAD OF OR IN ADDITION TO SUSPENDING OR REVOKING A
21 LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$1,000 FOR EACH
22 VIOLATION.

23 (2) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER
24 THIS SUBSECTION, THE BOARD SHALL CONSIDER:

25 (I) THE SERIOUSNESS OF THE VIOLATION;

26 (II) THE HARM CAUSED BY THE VIOLATION;

27 (III) THE GOOD FAITH OF THE LICENSEE; AND

28 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.

29 14-508.

30 (A) A person who violates any provision of this title is guilty of a misdemeanor and
31 on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6
32 months or both.

33 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
34 PROVISION OF THIS TITLE A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH
35 VIOLATION.

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1 (2) IN SETTING THE AMOUNT OF THE PENALTY, THE BOARD SHALL
2 CONSIDER:

- 3 (I) THE SERIOUSNESS OF THE VIOLATION;
- 4 (II) THE HARM CAUSED BY THE VIOLATION;
- 5 (III) THE GOOD FAITH OF THE VIOLATOR;
- 6 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
- 7 AND
- 8 (V) ANY OTHER RELEVANT FACTORS.

9 15-318.

10 (b) (1) Instead of or in addition to suspending or revoking a license, the Board
11 may impose a penalty not exceeding \$1,000 for each violation.

12 (2) To determine the amount of the penalty imposed under this subsection,
13 the Board shall consider:

- 14 (i) the seriousness of the violation;
- 15 (ii) the harm caused by the violation;
- 16 (iii) the good faith of the licensee; and
- 17 (iv) any history of previous violations by the licensee.

18 [(3) The Board shall pay any penalty collected under this subsection into the
19 General Fund of the State.]

20 15-610.

21 (A) A person who violates any provision of this title is guilty of misdemeanor and
22 on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 6
23 months or both.

24 (B) (1) THE BOARD MAY IMPOSE ON A PERSON WHO VIOLATES ANY
25 PROVISION OF THIS TITLE A CIVIL PENALTY NOT EXCEEDING \$1,000 FOR EACH
26 VIOLATION.

27 (2) IN SETTING THE AMOUNT OF A CIVIL PENALTY, THE BOARD SHALL
28 CONSIDER:

- 29 (I) THE SERIOUSNESS OF THE VIOLATION;
- 30 (II) THE HARM CAUSED BY THE VIOLATION;
- 31 (III) THE GOOD FAITH OF THE VIOLATOR;
- 32 (IV) ANY HISTORY OF PREVIOUS VIOLATIONS BY THE VIOLATOR;
- 33 AND
- 34 (V) ANY OTHER RELEVANT FACTORS.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.