

HOUSE BILL 83

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(PRE-FILED)

By: **Chairman, Economic Matters Committee (Departmental - Labor,
Licensing and Regulation)**

Requested: October 23, 1997

Introduced and read first time: January 14, 1998

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 23, 1998

CHAPTER _____

1 AN ACT concerning

2 **Department of Labor, Licensing, and Regulation - Denial, Suspension, or**
3 **Revocation of a License, License, Certificate, Permit, or Registration on**
4 **Conviction of Certain Crimes**

5 FOR the purpose of authorizing certain units within the Department of Labor,
6 Licensing, and Regulation to deny an application or renewal of a license or
7 certification, or to suspend or revoke a license or certification, ~~when the~~
8 ~~applicant or licensee commits a felony or crime of moral turpitude if the~~
9 applicant, licensee, or certificate holder is convicted of certain crimes;
10 authorizing the Secretary of the Department of Labor, Licensing, and
11 Regulation to deny an application or renewal of certain licenses or suspend or
12 revoke certain licenses if the applicant or licensee is convicted of certain crimes;
13 authorizing the Director of the Office of Cemetery Oversight to deny a
14 registration or permit or suspend or revoke a registration or permit if the
15 registrant or permit holder is convicted of certain crimes; providing for the
16 ~~standard standards~~ to be applied in any denial, suspension, or revocation; and
17 generally relating to the denial, suspension, or revocation of certain licenses,
18 certificates, registrations, and permits.

19 BY repealing and reenacting, with amendments,
20 Article - Business Occupations and Professions
21 Section 2-315, 3-311, 4-314, 5-314, 6-316, 7-309, 8-310, 9-310, 11-409,
22 12-312, 14-317, 15-318, 16-701, and 17-322
23 Annotated Code of Maryland
24 (1995 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, with amendments,
 2 Article - Business Regulation
 3 Section 5-310, 8-311, 9A-310, and 12-209
 4 Annotated Code of Maryland
 5 (1992 Volume and 1997 Supplement)

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

8 **Article - Business Occupations and Professions**

9 2-315.

10 (a) Subject to the hearing provisions of § 2-317 of this subtitle, the Board, on
 11 the affirmative vote of a majority of its members, may deny a license to any applicant,
 12 reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

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

15 (2) fraudulently or deceptively uses a license;

16 (3) under the laws of the United States or of any state, ~~pleads guilty or~~
 17 ~~nolo contendere with respect to, receives probation before judgment with respect to, or~~
 18 is convicted of:

19 (i) a felony; ~~for}~~

20 (ii) ~~a crime involving an element of fraud or other dishonesty; OR~~

21 ~~(iii) A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
 22 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 23 LICENSEE TO PRACTICE CERTIFIED PUBLIC ACCOUNTANCY;

24 (4) is guilty of fraud or other dishonesty in the practice of accountancy;

25 (5) is guilty of gross negligence in the practice of accountancy;

26 (6) violates any provision of Subtitle 6 of this title;

27 (7) has had the right to practice as a certified public accountant in
 28 another state denied, revoked, or suspended or has had the renewal of that right
 29 denied for any cause other than failure to pay a renewal fee;

30 (8) has had the right to practice as a certified public accountant before
 31 any unit of the State or federal government revoked or suspended; or

32 (9) violates a rule of professional conduct adopted by the Board.

1 (b) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
 2 ~~ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE~~
 3 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
 4 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR~~
 5 ~~LICENSEE IS CONVICTED OF A FELONY, A CRIME INVOLVING AN ELEMENT OF FRAUD~~
 6 ~~OR OTHER DISHONESTY, OR A CRIME OF MORAL TURPITUDE A FELONY OR~~
 7 ~~MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:~~

8 (1) THE NATURE OF THE CRIME;

9 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 10 BY THE LICENSE;

11 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
 12 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE CERTIFIED PUBLIC~~
 13 ~~ACCOUNTANCY;~~

14 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
 15 BEEN CONVICTED;

16 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

17 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 18 LICENSEE BEFORE AND AFTER THE CONVICTION.

19 (C) On suspension or revocation of a license, the holder shall surrender to the
 20 Board the license certificate of the holder.

21 [(c)] (D) At the end of a suspension period, the Board shall return to the
 22 licensee the license certificate surrendered under this section.

23 3-311.

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

27 (i) the applicant or licensee fraudulently or deceptively obtains or
 28 renews or attempts to obtain or renew a license or permit for the applicant or licensee
 29 or for another;

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

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

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

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

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

5 (VII) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
6 THE APPLICANT OR LICENSEE ~~PLEADS GUILTY OR NOLO CONTENDERE WITH~~
7 ~~RESPECT TO, RECEIVES PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR IS~~
8 CONVICTED OF:

9 1. A FELONY; OR

10 2. ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
11 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
12 LICENSEE TO PRACTICE ARCHITECTURE.

13 (2) (i) Instead of or in addition to suspending or revoking a license
14 under this subsection, the Board may impose a penalty not exceeding \$1,000 for each
15 violation.

16 (ii) To determine the amount of the penalty imposed under this
17 subsection, the Board shall consider:

- 18 1. the seriousness of the violation;
- 19 2. the harm caused by the violation;
- 20 3. the good faith of the licensee; and
- 21 4. any history of previous violations by the licensee.

22 (3) The Board shall pay any penalty collected under this subsection into
23 the General Fund of the State.

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

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

- 29 1. a crime involving moral turpitude; or
- 30 2. a violation of any election law of the State; or

31 (ii) during the course of an official investigation by an authorized
32 public official or public body and regardless of whether the matter is prosecuted, the
33 applicant or licensee has admitted, in writing or under oath, to:

- 34 1. a crime involving moral turpitude; or

- 1 (3) is incompetent;
2 (4) habitually is intoxicated or under the influence of any drug;
3 (5) falsifies a record submitted to the Board;
4 (6) fails to use proper sanitary methods while practicing barbering;
5 (7) fails to keep a barbershop in a sanitary condition;
6 (8) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS
7 CONVICTED OF:

8 (I) A FELONY; OR

9 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
10 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE BARBERING; or

11 (8) (9) violates any provision of this title.

12 (b) Instead of or in addition to suspending or revoking a license, the Board
13 may impose a penalty not exceeding \$300 for all violations cited on a single date.

14 (c) In determining the amount of financial penalty to be imposed under this
15 section, the Board shall consider the following:

16 (1) the seriousness of the violation;

17 (2) the good faith of the violator;

18 (3) the violator's history of previous violations;

19 (4) the deleterious effect of the violation on the complainant, the public,
20 and the barber industry; and

21 (5) any other factors relevant to the determination of the financial
22 penalty.

23 (D) IN ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS, THE
24 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
25 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR
26 LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN
27 SUBSECTION (A)(8) OF THIS SECTION:

28 (1) THE NATURE OF THE CRIME;

29 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
30 UNDER THE LICENSE;

31 (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
32 CONVICTED;

1 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

2 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
3 BEFORE AND AFTER THE CONVICTION.

4 ~~[(d)]~~ (E) The Board shall commence proceedings under this section on a
5 complaint to the Board by a member of the Board or any person.

6 ~~[(e)]~~ (F) (1) A complaint shall:

7 (i) be in writing;

8 (ii) be signed by the complainant;

9 (iii) state specifically the facts on which the complaint is based;

10 (iv) be submitted to the Executive Director of the Board; and

11 (v) be served on the person to whom it is directed:

12 1. personally; or

13 2. by certified mail, return receipt requested, bearing a
14 postmark from the United States Postal Service, to the person's last known address
15 as shown on the Board's records.

16 (2) If service is made by certified mail, the person who mails the
17 document shall file with the Board verified proof of mailing.

18 (3) If a complaint is made by any person other than a member of the
19 Board, the complaint shall be made under oath by the person who submits the
20 complaint.

21 ~~[(f)]~~ (G) (1) Except as provided in subsection ~~[(g)]~~ (H) of this section, if the
22 Board finds that a complaint alleges facts that are adequate grounds for action under
23 this section, the Board shall act on the complaint as provided under § 4-315 of this
24 subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a
25 penalty.

26 (2) If the Board does not make the finding, the Board shall dismiss the
27 complaint.

28 ~~[(g)]~~ (H) (1) If the Board makes the finding under subsection ~~[(f)]~~(G)(1) of
29 this section for a violation that relates to the sanitary practice of barbering, the Board
30 shall provide the licensee an opportunity to correct the alleged violation.

31 (2) If the licensee fails to correct each alleged violation within 10 days of
32 written notification of the violation by the Board, the Board shall act on the complaint
33 as provided under § 4-315 of this subtitle.

1 (3) If the licensee corrects each alleged violation within 10 days of notice,
2 the Board shall:

3 (i) dismiss the complaint; and

4 (ii) provide the licensee written notification of the dismissal.

5 5-314.

6 (a) Subject to the hearing provisions of § 5-315 of this subtitle, the Board may
7 deny a license to any applicant, reprimand any licensee, or suspend or revoke a
8 license if the applicant or licensee:

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

11 (2) fraudulently or deceptively uses a license;

12 (3) is incompetent;

13 (4) engages in dishonest, unethical, immoral, or unprofessional conduct;

14 (5) is addicted to alcohol or drugs to the extent of being unfit to practice
15 cosmetology;

16 (6) advertises by means of knowingly false or deceptive statements;

17 (7) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS
18 CONVICTED OF:

19 (I) A FELONY; OR

20 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
21 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE COSMETOLOGY;
22 or

23 (8) violates any provision of this title or any regulation adopted by
24 the Board under this title.

25 (b) Instead of or in addition to suspending or revoking a license, the Board
26 may impose a penalty not exceeding \$300 for all violations cited on a single day.

27 (c) In determining the amount of financial penalty to be imposed under this
28 section, the Board shall consider the following:

29 (1) the seriousness of the violation;

30 (2) the good faith of the violator;

31 (3) the violator's history of previous violations;

1 (4) the deleterious effect of the violation on the complainant, the public,
2 and the cosmetology industry; and

3 (5) any other factors relevant to the determination of the financial
4 penalty.

5 (D) IN ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS
6 RELEVANT, THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE
7 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN
8 AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR
9 DESCRIBED IN SUBSECTION (A)(7) OF THIS SECTION:

10 (1) THE NATURE OF THE CRIME;

11 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
12 BY THE LICENSE;

13 (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
14 CONVICTED;

15 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

16 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
17 BEFORE AND AFTER THE CONVICTION.

18 [(d)] (E) The Board shall commence proceedings under this section on a
19 complaint to the Board by a member of the Board or any person.

20 (1) A complaint shall:

21 (i) be in writing;

22 (ii) be signed by the complainant;

23 (iii) state specifically the facts on which the complaint is based;

24 (iv) be submitted to the Executive Director of the Board; and

25 (v) be served on the person to whom it is directed:

26 1. personally; or

27 2. by certified mail, return receipt requested, bearing a
28 postmark from the United States Postal Service, to the person's last known address
29 as shown on the Board's records.

30 (2) If service is made by certified mail, the person who mails the
31 document shall file with the Board verified proof of mailing.

32 [(e)] (F) (1) Except as provided in subsection [(f)] (G) of this section, if the
33 Board finds that a complaint alleges facts that are adequate grounds for action under

1 this section, the Board shall act on the complaint as provided under § 5-315 of this
 2 subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a
 3 penalty.

4 (2) If the Board does not make the finding, the Board shall dismiss the
 5 complaint.

6 [(f)] (G) (1) If the Board makes the finding under subsection [(e)](F)(1) of
 7 this section for a violation that relates to the sanitary practice of cosmetology, the
 8 Board shall provide the licensee an opportunity to correct the alleged violation.

9 (2) If the licensee fails to correct each alleged violation within 10 days of
 10 written notification of the violation by the Board, the Board shall act on the complaint
 11 as provided under § 5-315 of this subtitle.

12 (3) If the licensee corrects each alleged violation within 10 days of notice,
 13 the Board shall:

14 (i) dismiss the complaint; and

15 (ii) provide the licensee written notification of the dismissal.

16 6-316.

17 (a) Subject to the hearing provisions of § 6-317 of this subtitle, the State
 18 Board may deny a State license to any applicant, reprimand any State licensee, or
 19 suspend or revoke a State license if the applicant or State licensee:

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

22 (2) fraudulently or deceptively uses a State license;

23 (3) transfers the authority granted by a State license to another person;

24 (4) engages in an unfair or deceptive trade practice, as defined in §
 25 13-301 of the Commercial Law Article;

26 (5) willfully or deliberately disregards and violates a building code,
 27 electrical code, or law of the State or a local jurisdiction;

28 (6) ~~UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,~~
 29 ~~PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION~~
 30 ~~BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:~~

31 (I) A FELONY; OR

32 (II) ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
 33 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 34 LICENSEE TO PROVIDE ELECTRICAL SERVICES.

- 1 (7) aids or abets a person to evade a provision of this title;
- 2 [(7)] (8) willfully or deliberately disregards disciplinary action taken by
3 a local jurisdiction;
- 4 [(8)] (9) fails in a material respect to comply with a provision of this title;
- 5 [(9)] (10) fails to train and control adequately a person who, while under
6 the supervision of the State licensee, sells or estimates electrical work;
- 7 [(10)] (11) fails to maintain a local license under § 6-601 of this title; or
- 8 [(11)] (12) fails to maintain the general liability and property damage
9 insurance required under § 6-604 of this title.

10 (b) Allowing a State license to be used by another person is, in a disciplinary
11 proceeding under this section, prima facie evidence that a State licensee transferred
12 the authority granted by a State license to another person.

13 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
14 ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE
15 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
16 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR
17 LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY
18 OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(6) OF THIS SECTION:

- 19 (1) THE NATURE OF THE CRIME;
- 20 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
21 BY THE LICENSE;
- 22 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
23 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE ELECTRICAL~~
24 ~~SERVICES;~~
- 25 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
26 BEEN CONVICTED;
- 27 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 28 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
29 LICENSEE BEFORE AND AFTER THE CONVICTION.

30 7-309.

31 (A) Subject to the hearing provisions of § 7-311 of this subtitle, the Board, on
32 the affirmative vote of a majority of its authorized members, may deny a license to
33 any applicant, reprimand any licensee, or suspend or revoke a license if the applicant
34 or licensee:

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

3 (2) fraudulently or deceptively uses a license;

4 (3) is guilty of gross negligence, incompetence, or misconduct in
5 practicing forestry;

6 (4) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE [the
7 applicant or licensee] ~~pleads guilty or nolo contendere with respect to, receives~~
8 ~~probation before judgment with respect to, or is convicted of:~~

9 (i) A FELONY; OR

10 (II) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
11 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
12 LICENSEE TO PRACTICE FORESTRY; [or

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

14 (5) during the course of an official investigation by an authorized public
15 official or public body and regardless of whether the matter is prosecuted, the
16 applicant or licensee has admitted, in writing or under oath, to:

17 (i) a crime involving moral turpitude; or

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

19 (6) (5) [the applicant or licensee] has had a license to practice forestry
20 in another state revoked or suspended by the other state for a cause that would justify
21 revocation or suspension under this title, except for the failure to pay a license or
22 registration renewal fee;

23 [(7)] (6) [the applicant or licensee] knowingly violates any provision of
24 the code of ethics adopted by the Board; or

25 [(8)] (7) [the applicant or licensee] knowingly violates any provision of
26 this title.

27 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
28 ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE
29 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
30 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR
31 LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY
32 OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(4) OF THIS SECTION:

33 (1) THE NATURE OF THE CRIME;

34 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
35 BY THE LICENSE;

1 ~~(3)~~ ~~THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
 2 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE ARCHITECTURE;~~

3 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
 4 BEEN CONVICTED;

5 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

6 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 7 LICENSEE BEFORE AND AFTER THE CONVICTION.

8 8-310.

9 (A) Subject to the hearing provisions of § 8-312 of this subtitle, the Board may
 10 deny a certificate to any applicant, reprimand any certificate holder, or suspend or
 11 revoke a certificate if the applicant or certificate holder:

12 (1) fraudulently or deceptively obtains or renews or attempts to obtain or
 13 renew a certificate for the applicant or certificate holder or for another;

14 (2) fraudulently or deceptively uses the title "certified interior designer"
 15 or the term "certified interior design services";

16 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, ~~pleads~~
 17 ~~guilty or nolo contendere with respect to, receives probation before judgment with~~
 18 ~~respect to, or is convicted of:~~

19 (i) A FELONY; OR

20 (ii) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
 21 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 22 CERTIFICATE HOLDER TO PERFORM CERTIFIED INTERIOR DESIGN SERVICES; [or

23 (ii) a violation of the election laws of the State;

24 (4) regardless of whether the matter is prosecuted, admits, in writing or
 25 under oath, during the course of an official investigation by an authorized public
 26 official or public body, to:

27 (i) a crime involving moral turpitude; or

28 (ii) a violation of the election laws of the State;

29 (5)] (4) is guilty of any fraud, gross negligence, incompetence, or
 30 misconduct in the use of the title "certified interior designer" or the term "certified
 31 interior design services";

32 [(6)] (5) knowingly violates any provision of the code of ethics that the
 33 Board adopts; or

34 [(7)] (6) knowingly violates any provision of this title.

1 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
 2 ~~ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE~~
 3 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
 4 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR~~
 5 ~~LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE~~
 6 ~~CERTIFICATE WHEN AN APPLICANT OR CERTIFICATE HOLDER IS CONVICTED OF A~~
 7 ~~FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:~~

8 (1) THE NATURE OF THE CRIME;

9 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 10 BY THE ~~LICENSE~~ CERTIFICATE;

11 (3) ~~THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
 12 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PERFORM INTERIOR DESIGN~~
 13 ~~SERVICES;~~

14 (4) (3) OTHER CRIMES OF WHICH THE APPLICANT OR ~~LICENSEE~~
 15 CERTIFICATE HOLDER HAS BEEN CONVICTED;

16 (5) (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

17 (6) (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 18 ~~LICENSEE~~ CERTIFICATE HOLDER BEFORE AND AFTER THE CONVICTION.

19 9-310.

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

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

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

26 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, the
 27 applicant or licensee ~~pleads guilty or nolo contendere with respect to, receives~~
 28 ~~probation before judgment with respect to, or is convicted of:~~

29 (i) A FELONY; OR

30 (ii) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
 31 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 32 LICENSEE TO PRACTICE LANDSCAPE ARCHITECTURE; [or

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

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

- 1 (i) a crime involving moral turpitude; or
- 2 (ii) a violation of any election law of the State;
- 3 (5)] (4) the applicant or licensee is guilty of gross negligence,
4 incompetence, or misconduct while practicing landscape architecture;
- 5 [(6)] (5) the applicant or licensee has had a license to practice landscape
6 architecture in another state revoked or suspended by the other state for a cause that
7 would justify revocation or suspension under this title, except for the failure to pay a
8 license or license renewal fee;
- 9 [(7)] (6) the applicant or licensee knowingly violates any provision of the
10 code of ethics adopted by the Board; or
- 11 [(8)] (7) the applicant or licensee knowingly violates any provision of this
12 title.

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

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

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

21 (3) The Board shall pay any penalty collected under this subsection into
22 the General Fund of the State.

23 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
24 ~~ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS NECESSARY, THE~~
25 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
26 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR~~
27 ~~LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY~~
28 ~~OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:~~

29 (1) THE NATURE OF THE CRIME;

30 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
31 BY THE LICENSE;

32 (3) ~~THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
33 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE LANDSCAPE~~
34 ~~ARCHITECTURE;~~

1 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
2 BEEN CONVICTED;

3 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

4 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
5 LICENSEE BEFORE AND AFTER THE CONVICTION.

6 11-409.

7 (a) Subject to the hearing provisions of § 11-410 of this subtitle, the Board
8 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a
9 license if the applicant or licensee:

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

12 (2) fraudulently or deceptively uses a license;

13 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
14 ~~PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION~~
15 ~~BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:~~

16 (I) A FELONY; OR

17 (II) ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
18 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
19 LICENSEE TO PROVIDE PILOTAGE;

20 (4) violates any regulation adopted by the Board; or

21 ~~(4)~~ (5) violates any order passed by the Board.

22 (b) (1) Subject to the hearing provisions of § 11-410 of this subtitle, the
23 Board shall revoke the license of any pilot who does not provide pilotage for 1 year.

24 (2) Notwithstanding paragraph (1) of this subsection, the Board may not
25 revoke a license under this subsection if the failure of the pilot to provide pilotage was
26 due to:

27 (i) sickness of the pilot; or

28 (ii) assignment to administrative duties.

29 (c) Subject to the hearing provisions of § 11-410 of this subtitle, the Board
30 shall revoke the license of a pilot who, after receiving notice, refuses to aid a vessel in
31 distress:

32 (1) within 18 nautical miles south of Cape Henry;

33 (2) within 18 nautical miles east of Cape Henry; or

1 (3) in the Chesapeake Bay.

2 (d) (1) Instead of or in addition to suspending or revoking a license under
3 subsection (a) of this section, the Board may impose a penalty not to exceed \$2,000 for
4 each violation.

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

7 (i) the seriousness of the violation;

8 (ii) the harm caused by the violation;

9 (iii) the good faith of the licensee; and

10 (iv) any history of previous violations by the licensee.

11 (E) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
12 ~~ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE~~
13 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
14 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR~~
15 ~~LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY~~
16 ~~OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:~~

17 (1) THE NATURE OF THE CRIME;

18 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
19 BY THE LICENSE;

20 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
21 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE PILOTAGE;~~

22 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
23 BEEN CONVICTED;

24 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

25 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
26 LICENSEE BEFORE AND AFTER THE CONVICTION.

27 12-312.

28 (A) Subject to the hearing provisions of § 12-313 of this subtitle, the Board
29 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a
30 license if the applicant or licensee:

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

33 (2) fraudulently or deceptively uses a license;

1 (3) is guilty of gross negligence, incompetence, or misconduct while
2 providing plumbing services or assisting in providing plumbing services;

3 (4) is guilty of violating the State Plumbing Code or applicable local
4 plumbing code while providing plumbing services or assisting in providing plumbing
5 services;

6 (5) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
7 ~~PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION~~
8 ~~BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:~~

9 (I) A FELONY; OR

10 (II) ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
11 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
12 LICENSEE TO PROVIDE PLUMBING SERVICES;

13 (6) is guilty of an unfair or deceptive trade practice, as defined in §
14 13-301 of the Commercial Law Article;

15 [(6)] (7) fails to train and control adequately any person who, while under
16 the direction and control of the master plumber or holder of a limited master plumber
17 license, sells or gives estimates for providing plumbing services;

18 [(7)] (8) fails to maintain the liability insurance required under § 12-501 of
19 this title for a master plumber, holder of a limited master plumber license who
20 contracts to provide plumbing services on behalf of the master plumber, holder of a
21 limited master plumber license, or another, or holder of a propane gas fitter
22 certificate; or

23 [(8)] (9) is guilty of violating § 12-605 of this title.

24 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
25 ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS, THE BOARD SHALL
26 CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL,
27 SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR LICENSEE IS
28 CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY OR
29 MISDEMEANOR DESCRIBED IN SUBSECTION (A)(5) OF THIS SECTION:

30 (1) THE NATURE OF THE CRIME;

31 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
32 BY THE LICENSE;

33 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
34 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE PLUMBING SERVICES;~~

35 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
36 BEEN CONVICTED;

1 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

2 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
3 LICENSEE BEFORE AND AFTER THE CONVICTION.

4 14-317.

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

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

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

11 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, the
12 applicant or licensee ~~pleads guilty or nolo contendere with respect to, receives~~
13 ~~probation before judgment with respect to, or is convicted of:~~

14 (i) A FELONY; OR

15 (ii) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
16 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
17 LICENSEE TO PRACTICE ENGINEERING; [or

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

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

22 (i) a crime involving moral turpitude; or

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

24 (5)] (4) the applicant or licensee is guilty of gross negligence,
25 incompetence, or misconduct while practicing engineering;

26 [(6)] (5) the applicant or licensee has had a license to practice engineering
27 in another state revoked or suspended by the other state for a cause that would justify
28 revocation or suspension under this title, except for the failure to pay a license or
29 license renewal fee;

30 [(7)] (6) the applicant or licensee knowingly violates any provision of the
31 code of ethics adopted by the Board; or

32 [(8)] (7) the applicant or licensee knowingly violates any provision of
33 this title.

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

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

- 5 (i) the seriousness of the violation;
- 6 (ii) the harm caused by the violation;
- 7 (iii) the good faith of the licensee; and
- 8 (iv) any history of previous violations by the licensee.

9 (3) The Board shall pay any penalty collected under this subsection into
10 the General Fund of the State.

11 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
12 ~~ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE~~
13 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
14 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR~~
15 ~~LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY~~
16 ~~OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:~~

17 (1) THE NATURE OF THE CRIME;

18 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
19 BY THE LICENSE;

20 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
21 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE ENGINEERING;~~

22 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
23 BEEN CONVICTED;

24 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

25 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
26 LICENSEE BEFORE AND AFTER THE CONVICTION.

27 15-318.

28 (a) Subject to the hearing provisions of § 15-320 of this subtitle, the Board, on
29 the affirmative vote of a majority of its members then serving, may deny a license to
30 any applicant, reprimand any licensee, or suspend or revoke a license if:

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

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

1 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, the
 2 applicant or licensee ~~pleads guilty or nolo contendere with respect to, receives~~
 3 ~~probation before judgment with respect to, or is convicted of:~~

4 (i) A FELONY; OR

5 (II) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
 6 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 7 LICENSEE TO PRACTICE LAND SURVEYING OR PROPERTY LINE SURVEYING; [or

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

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

12 (i) a crime involving moral turpitude; or

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

14 (5)] (4) the applicant or licensee is guilty of gross negligence,
 15 incompetence, or misconduct while practicing land surveying or property line
 16 surveying;

17 [(6)] (5) the applicant or licensee knowingly violates any provision of the
 18 code of ethics adopted by the Board; or

19 [(7)] (6) the applicant or licensee knowingly violates any provision of
 20 this title.

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

23 (2) To determine the amount of the penalty imposed under this
 24 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 (3) The Board shall pay any penalty collected under this subsection into
 30 the General Fund of the State.

31 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
 32 ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE
 33 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 34 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR

1 ~~LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE~~ A FELONY
 2 OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:

3 (1) THE NATURE OF THE CRIME;

4 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 5 BY THE LICENSE;

6 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
 7 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE LAND SURVEYING~~
 8 ~~OR PROPERTY LINE SURVEYING;~~

9 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
 10 BEEN CONVICTED;

11 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

12 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 13 LICENSEE BEFORE AND AFTER THE CONVICTION.

14 16-701.

15 (A) Subject to the hearing provisions of § 16-602 of this title, the Commission
 16 may deny a license to any applicant, deny a certificate to any applicant, reprimand
 17 any licensee, reprimand any certificate holder, suspend or revoke a license or
 18 certificate, or impose a fine of not more than \$5,000, if the applicant, license holder, or
 19 certificate holder:

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

22 (2) fraudulently or deceptively uses a license or certificate;

23 (3) commits an act or makes an omission in the provision of real estate
 24 appraisal services or certified real estate appraisal services that is an act of
 25 dishonesty, fraud, or misrepresentation if the applicant, licensee, or certificate holder
 26 intends;

27 (i) to benefit substantially the applicant, licensee, certificate
 28 holder, or another person; or

29 (ii) to injure substantially another person;

30 (4) is held civilly or criminally liable for deceit, fraud, or
 31 misrepresentation in the provision of real estate appraisal services or certified real
 32 estate appraisal services;

33 (5) [is convicted of a crime that is related substantially to the
 34 qualifications, functions, or duties of a person who develops real estate appraisals or
 35 communicates real estate appraisals to others;] UNDER THE LAWS OF THE UNITED
 36 STATES OR OF ANY STATE, IS CONVICTED OF A:

- 1 (I) FELONY; OR
- 2 (II) MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
3 AND QUALIFICATION OF THE APPLICANT, LICENSEE, OR CERTIFICATE HOLDER TO
4 PROVIDE REAL ESTATE APPRAISAL SERVICES;
- 5 (6) pays a finder's fee or a referral fee to a person who lacks a license;
- 6 (7) makes a false or misleading statement in:
- 7 (i) the part of a written appraisal report about professional
8 qualifications; or
- 9 (ii) testimony about professional qualifications;
- 10 (8) violates the confidential nature of governmental records to which a
11 licensee or certificate holder gained access in the provision of real estate appraisal
12 services or certified real estate services;
- 13 (9) accepts a fee for providing an independent appraisal service in
14 violation of this title;
- 15 (10) fails to exercise reasonable diligence to develop, prepare, or
16 communicate an appraisal;
- 17 (11) commits negligence or incompetence in developing, preparing, or
18 communicating an appraisal;
- 19 (12) violates any other provision of this title; or
- 20 (13) violates any regulation adopted under this title.
- 21 (B) IN ADDITION TO ANY OTHER FACTS THAT THE COMMISSION CONSIDERS
22 RELEVANT, THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE
23 GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR
24 CERTIFICATE WHEN AN APPLICANT, CERTIFICATE HOLDER, OR LICENSEE IS
25 CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(5) OF
26 THIS SECTION:
- 27 (1) THE NATURE OF THE CRIME;
- 28 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
29 BY THE LICENSE OR CERTIFICATE;
- 30 (3) OTHER CRIMES OF WHICH THE APPLICANT, LICENSEE, OR
31 CERTIFICATE HOLDER HAS BEEN CONVICTED;
- 32 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 33 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT, LICENSEE, OR
34 CERTIFICATE HOLDER BEFORE AND AFTER THE CONVICTION.

1 17-322.

2 (a) In this section, "handicap" and "familial status" each have the meanings
3 indicated in the Federal Fair Housing Act.

4 (b) Subject to the hearing provisions of § 17-324 of this subtitle, the
5 Commission may deny a license to any applicant, reprimand any licensee, or suspend
6 or revoke a license if the applicant or licensee:

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

9 (2) fraudulently or deceptively uses a license;

10 (3) directly or through another person willfully makes a
11 misrepresentation or knowingly makes a false promise;

12 (4) intentionally or negligently fails to disclose to any person with whom
13 the applicant or licensee deals a material fact that the licensee knows or should know
14 and that relates to the property with which the licensee or applicant deals;

15 (5) as an associate real estate broker or a real estate salesperson,
16 provides or attempts to provide real estate brokerage services on behalf of a real
17 estate broker without informing in writing any other real estate broker with whom
18 the associate real estate broker or the real estate salesperson is affiliated;

19 (6) violates § 17-528(c) or (d) of this title;

20 (7) retains or attempts to retain the services of any unlicensed individual
21 as an associate real estate broker or a real estate salesperson to evade the law
22 prohibiting payment of a commission to an unlicensed individual;

23 (8) guarantees or authorizes or allows another person to guarantee
24 future profits from the resale of real property;

25 (9) solicits, sells, or offers to sell real property, so as to influence or
26 attempt to influence a prospective party to the sale of real property, by:

27 (i) offering a prize or a free lot;

28 (ii) conducting a lottery or contest; or

29 (iii) advertising "free appraisals", unless the advertiser is prepared
30 to appraise the real estate free of charge for any person, regardless of the purpose for
31 which the person requests the appraisal;

32 (10) accepts a listing contract to sell real property that fails to provide a
33 definite termination date that is effective automatically without notice from the
34 buyer or the seller;

1 (11) accepts a listing contract to sell real property that provides for a "net"
2 return to a seller and leaves the licensee free to sell the real property at any price
3 higher than the "net" price;

4 (12) knowingly solicits a party to an exclusive listing contract with
5 another licensee to terminate that contract and enter a new contract with the licensee
6 making the solicitation;

7 (13) solicits a party to a sales contract, lease, or agreement that was
8 negotiated by another to breach the contract, lease, or agreement for the purpose of
9 substituting a new contract, lease, or agreement for which the licensee making the
10 solicitation is either the real estate broker or an associate real estate broker or a real
11 estate salesperson affiliated with the real estate broker;

12 (14) for any transaction in which the licensee has served as or on behalf of
13 a real estate broker, fails to furnish promptly to each party to the transaction a copy
14 of:

15 (i) the listing contract to sell or rent real property;

16 (ii) the contract of sale; or

17 (iii) the lease agreement;

18 (15) for any transaction in which the licensee has served as or on behalf of
19 a real estate broker, fails to keep a copy of any executed:

20 (i) listing contract to sell or rent real property;

21 (ii) contract of sale; or

22 (iii) lease agreement;

23 (16) whether or not acting for monetary gain, knowingly induces or
24 attempts to induce a person to transfer real estate or discourages or attempts to
25 discourage a person from buying real estate:

26 (i) by making representations about the existing or potential
27 proximity of real property owned or used by individuals of a particular race, color,
28 religion, sex, handicap, familial status, or national origin; or

29 (ii) by representing that the existing or potential proximity of real
30 property owned or used by individuals of a particular race, color, religion, sex,
31 handicap, familial status, or national origin will or may result in:

32 1. the lowering of property values;

33 2. a change in the racial, religious, or ethnic character of the
34 block, neighborhood, or area;

1 3. an increase in criminal or antisocial behavior in the area;

2 or

3 4. a decline in the quality of the schools serving the area;

4 (17) uses any of the following material if it includes the name of an
5 organization or association of which the licensee is not a member:

6 (i) a contract form for the listing of real property for sale, rent, or
7 exchange;

8 (ii) a contract form for the sale, rent, or exchange of real property;
9 or

10 (iii) any advertising matter;

11 (18) as a real estate broker, an associate real estate broker, or a real estate
12 salesperson, advertises the sale or rent of or an offer to buy real property while failing
13 to disclose in the advertisement the name of the advertiser and the fact that the
14 advertiser is a real estate broker, an associate real estate broker, or a real estate
15 salesperson;

16 (19) advertises in any misleading or untruthful manner;

17 (20) as a licensed associate real estate broker or a licensed real estate
18 salesperson, advertises the sale or rent of or an offer to buy real property in the name
19 of the associate broker or the salesperson while failing to disclose in the
20 advertisement the name of the real estate broker on behalf of whom the associate
21 broker or the salesperson is acting;

22 (21) for real estate brokerage services provided by an associate real estate
23 broker or a real estate salesperson, accepts a commission or other valuable
24 consideration from any person other than a real estate broker with whom the
25 associate broker or the salesperson is affiliated;

26 (22) fails to account for or to remit promptly any money that comes into
27 the possession of the licensee but belongs to another person;

28 (23) pays or receives a rebate, profit, compensation, or commission in
29 violation of any provision of this title;

30 (24) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, ~~pleads~~
31 ~~guilty or nolo contendere with respect to, receives probation before judgment with~~
32 ~~respect to, or is convicted of:~~

33 (i) A FELONY;

34 (II) ~~forgery, theft, extortion, conspiracy to defraud, or a similar~~
35 ~~crime;~~

36 ~~[(ii)] (III) a crime involving moral turpitude; or~~

- 1 (iii) the good faith of the licensee; and
- 2 (iv) any history of previous violations by the licensee.

3 (3) The Commission shall pay any penalty collected under this
 4 subsection into the General Fund of the State.

5 (D) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
 6 ADDITION TO ANY OTHER FACTS THAT THE COMMISSION CONSIDERS RELEVANT,
 7 THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,
 8 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
 9 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, FORGERY, THEFT,
 10 EXTORTION, CONSPIRACY TO DEFRAUD, OR A SIMILAR CRIME, OR A CRIME OF MORAL
 11 TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (B)(24)(I) AND
 12 (I) OF THIS SECTION:

- 13 (1) THE NATURE OF THE CRIME;
- 14 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 15 BY THE LICENSE;
- 16 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
 17 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE REAL ESTATE~~
 18 ~~BROKERAGE SERVICES;~~
- 19 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
 20 BEEN CONVICTED;
- 21 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 22 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 23 LICENSEE BEFORE AND AFTER THE CONVICTION.

24 **Article - Business Regulation**

25 5-310.

26 (a) Subject to the hearing provisions of § 5-312 of this subtitle, the Director
 27 may deny a registration or permit to an applicant, reprimand a registrant or permit
 28 holder, or suspend or revoke a registration or permit, if an applicant, registrant, or
 29 permit holder, or an agent, employee, officer, director, or partner of the applicant,
 30 registrant, or permit holder:

- 31 (1) fraudulently or deceptively obtains or attempts to obtain a
 32 registration or permit;
- 33 (2) fraudulently or deceptively uses a registration or permit;
- 34 (3) ~~is convicted of a felony, theft offense, or crime of moral turpitude~~ IS
 35 CONVICTED OF A:

1 (I) FELONY; OR
2 (II) MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
3 AND QUALIFICATION OF THE APPLICANT, REGISTRANT, OR PERMIT HOLDER TO OWN
4 OR OPERATE A CEMETERY OR SELL PRENEED GOODS;

5 (4) fails to provide or misrepresents any information required to be
6 provided under this title;

7 (5) violates this title;

8 (6) violates the code of ethics adopted by the Director;

9 (7) violates a regulation adopted under this title;

10 (8) fails to provide reasonable and adequate supervision of the operation
11 of the cemetery or the provision of burial goods by agents, employees, officers,
12 directors, or partners affiliated with a cemetery or burial goods business;

13 (9) refuses to allow an inspection required by this title;

14 (10) fails to comply with an order of the Director;

15 (11) fails to comply with any terms of settlement under a binding
16 arbitration agreement; or

17 (12) is found guilty by a court in this State of violating an unfair and
18 deceptive trade practices provision under Title 13 of the Commercial Law Article.

19 (b) (1) If a registrant or permit holder is charged with a violation of this title
20 that could result in suspension or revocation of the registration or permit, the
21 Director may seek an immediate restraining order in a circuit court in this State to
22 prohibit the registrant or permit holder from engaging in the operation of any
23 cemetery or burial goods business.

24 (2) The restraining order is in effect until:

25 (i) the court lifts the order; or

26 (ii) the charges are adjudicated or dismissed.

27 (c) If a registrant or permit holder is charged with a violation of this title that
28 could result in suspension or revocation of the registration or permit, the Director
29 may petition a court to:

30 (1) appoint a receiver or trustee to take charge of the assets and operate
31 the business of the person in the event that the registration or permit is suspended or
32 revoked; and

33 (2) take other actions as are appropriate to protect the public interest.

1 (d) Instead of or in addition to suspending or revoking a registration, the
2 Director may impose a civil penalty:

3 (1) not to exceed \$5,000 for each violation of this title or an order of the
4 Director under this title; and

5 (2) not to exceed \$500 for each day a violation continues past the time set
6 for its correction.

7 (e) To determine the amount of the penalty imposed under this subsection, the
8 Director shall consider:

9 (1) the seriousness of the violation;

10 (2) the harm caused by the violation;

11 (3) the good faith efforts of the registrant or permit holder; and

12 (4) any history of previous violations by the registrant or permit holder.

13 (f) Any civil penalties collected under this section shall be paid into the
14 General Fund of the State.

15 (G) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
16 ~~ADDITION TO ANY OTHER FACTS THAT THE DIRECTOR CONSIDERS RELEVANT, THE~~
17 ~~DIRECTOR SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
18 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A REGISTRATION OR PERMIT WHEN AN~~
19 ~~APPLICANT, REGISTRANT, OR PERMIT HOLDER, OR AN AGENT, EMPLOYEE, OFFICER,~~
20 ~~DIRECTOR, OR PARTNER OF AN APPLICANT, REGISTRANT, OR PERMIT HOLDER, IS~~
21 ~~CONVICTED OF A FELONY, THEFT OFFENSE, OR CRIME OF MORAL TURPITUDE A~~
22 ~~FELONY OR MISDEMEANOR UNDER SUBSECTION (A)(3) OF THIS SECTION:~~

23 (1) THE NATURE OF THE CRIME;

24 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
25 BY THE REGISTRATION OR PERMIT;

26 (3) ~~THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
27 ~~QUALIFICATION OF THE APPLICANT, REGISTRANT OR PERMIT HOLDER OR AGENT,~~
28 ~~EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER TO OPERATE A CEMETERY OR~~
29 ~~PROVIDE BURIAL GOODS;~~

30 (4) (3) OTHER CRIMES OF WHICH THE APPLICANT, REGISTRANT, OR
31 PERMIT HOLDER OR AGENT, EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER HAS
32 BEEN CONVICTED;

33 (5) (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

34 (6) (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT,
35 REGISTRANT, OR PERMIT HOLDER, OR AGENT, EMPLOYEE, OFFICER, DIRECTOR, OR
36 PARTNER BEFORE AND AFTER THE CONVICTION.

1 8-311.

2 (a) Subject to the hearing provisions of § 8-312 of this subtitle, the
3 Commission may deny a license to an applicant, reprimand a licensee, or suspend or
4 revoke a license if the applicant or licensee or the management personnel of the
5 applicant or licensee:

6 (1) fraudulently or deceptively obtains or attempts to obtain a license for
7 the applicant or licensee or for another person;

8 (2) fraudulently or deceptively uses a license;

9 (3) fails to give the Commission information required by this subtitle
10 about an application for a license;

11 (4) fails to pass an examination required by this subtitle;

12 (5) is convicted of a ~~felony, A CRIME OF MORAL TURPITUDE, or [is~~
13 ~~convicted of] a misdemeanor directly related to a home improvement transaction;~~

14 (I) FELONY; OR

15 (II) MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
16 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO ENGAGE IN HOME
17 IMPROVEMENT SERVICES;

18 (6) often fails to perform home improvement contracts;

19 (7) falsifies an account;

20 (8) engages in fraud;

21 (9) as a contractor or subcontractor fails to show financial solvency,
22 based on the intended scope and size of the business in relation to total assets,
23 liabilities, credit rating, and net worth;

24 (10) as a contractor or subcontractor lacks competence, as shown by the
25 performance of an unworkmanlike, inadequate, or incomplete home improvement;

26 (11) violates this title;

27 (12) attempts to violate this title; or

28 (13) violates a regulation adopted under this title.

29 (b) Subject to the hearing provisions of § 8-312 of this subtitle, the
30 Commission may reprimand a contractor or subcontractor or suspend or revoke the
31 license of a contractor or subcontractor for a violation of this title by an agent,
32 director, employee, manager, officer, partner, or salesperson of the contractor or
33 subcontractor, unless the Commission finds that the contractor or subcontractor or
34 management personnel of the contractor or subcontractor:

1 (1) had no knowledge of the wrongful conduct; or

2 (2) could not prevent the violation.

3 (c) Instead of or in addition to reprimanding a licensee or suspending or
4 revoking a license, the Commission may impose a civil penalty under § 8-620 of this
5 title.

6 (D) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
7 ADDITION TO ANY OTHER FACTS THAT THE COMMISSION CONSIDERS RELEVANT,
8 THE COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,
9 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
10 APPLICANT OR LICENSEE IS CONVICTED OF ~~A FELONY, A CRIME OF MORAL~~
11 ~~TURPITUDE, OR A MISDEMEANOR DIRECTLY RELATED TO A HOME IMPROVEMENT~~
12 TRANSACTION A FELONY OR A MISDEMEANOR DESCRIBED UNDER SUBSECTION (A)(5)
13 OF THIS SECTION:

14 (1) THE NATURE OF THE CRIME;

15 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
16 BY THE LICENSE;

17 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
18 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE HOME IMPROVEMENT~~
19 ~~SERVICES;~~

20 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
21 BEEN CONVICTED;

22 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

23 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
24 LICENSEE BEFORE AND AFTER THE CONVICTION.

25 9A-310.

26 (A) The Board may deny a license to any applicant, reprimand any licensee, or
27 suspend or revoke a license after a public hearing conducted in accordance with the
28 provisions of § 9A-311 of this title, if the Board finds that the individual:

29 (1) obtained a license by false or fraudulent representation;

30 (2) transferred the authority granted by the license to another person;

31 (3) willfully or deliberately disregarded and violated the code established
32 by the Board under this title;

33 (4) willfully or deliberately disregarded and violated building codes,
34 electrical codes, or laws of the State or of any municipality, city, or county of the State;

1 (5) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
 2 ~~PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION~~
 3 ~~BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:~~

4 (I) A FELONY; OR

5 (II) ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
 6 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 7 LICENSEE TO PROVIDE HEATING, VENTILATION, AIR-CONDITIONING, OR
 8 REFRIGERATION SERVICES;

9 (6) aided or abetted a person to evade a provision of this title by allowing
 10 a license to be used by an unlicensed person, firm, or corporation;

11 [(6)] (7) willfully or deliberately disregarded disciplinary action taken
 12 by a municipality, city, or county against the individual in connection with providing
 13 heating, ventilation, air-conditioning, or refrigeration services;

14 [(7)] (8) abandoned or failed to perform, without justification, any
 15 contract or project to provide heating, ventilation, air-conditioning, or refrigeration
 16 services;

17 [(8)] (9) performed work under a heating, ventilation, air-conditioning,
 18 or refrigeration services contract or project that is inadequate or incomplete;

19 [(9)] (10) directly or indirectly published any advertisement relating to
 20 the providing of heating, ventilation, air-conditioning, or refrigeration services that
 21 contained an insertion, representation, or statement of fact that is false, deceptive, or
 22 misleading;

23 [(10)] (11) made any material misrepresentation in the procurement of a
 24 heating, ventilation, air-conditioning, or refrigeration services contract or project; or

25 [(11)] (12) failed in any material respect to comply with the provisions of
 26 this title.

27 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT IN~~
 28 ADDITION TO ANY OTHER FACTS THAT THE BOARD CONSIDERS RELEVANT, THE
 29 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 30 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR
 31 LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE A FELONY
 32 OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(5) OF THIS SECTION:

33 (1) THE NATURE OF THE CRIME;

34 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 35 BY THE LICENSE;

1 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
2 BY THE LICENSE;

3 ~~(3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND~~
4 ~~QUALIFICATION OF THE APPLICANT OR LICENSEE TO ACT AS A PAWNBROKER OR A~~
5 ~~SECONDHAND PRECIOUS METAL OBJECT DEALER;~~

6 ~~(4)~~ (3) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS
7 BEEN CONVICTED;

8 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

9 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
10 LICENSEE BEFORE AND AFTER THE CONVICTION.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 1998.