

SENATE BILL 115

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C2

1998 Regular Session
(8lr1179)

ENROLLED BILL

-- Economic and Environmental Affairs/Economic Matters --

Introduced by **Senator Boozer**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

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 and**
4 **Reprimand on 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 to
7 suspend or revoke a license, when the applicant or licensee commits a felony or
8 crime of moral turpitude; providing for the standard to be applied in any denial,
9 suspension, or revocation of certain licenses and certificates and to suspend or
10 revoke certain licenses and certificates, if the applicant, licensee, or certificate
11 holder is convicted of certain crimes; authorizing certain units within the
12 Department of Labor, Licensing, and Regulation to reprimand certain licensees
13 and certificate holders who are convicted of certain crimes; authorizing the
14 Secretary of the Department of Labor, Licensing, and Regulation to deny an
15 application or renewal of certain licenses and to suspend or revoke certain
16 licenses if the applicant or licensee is convicted of certain crimes; authorizing the
17 Secretary of the Department of Labor, Licensing, and Regulation to reprimand

1 certain licensees who are convicted of certain crimes; authorizing the Director of
 2 the Office of Cemetery Oversight to deny certain registrations or permits and to
 3 suspend or revoke certain registrations or permits if the applicant, registrant, or
 4 permit holder is convicted of certain crimes; authorizing the Director of the Office
 5 of Cemetery Oversight to reprimand certain registrants and permit holders who
 6 are convicted of certain crimes; requiring certain facts to be considered under
 7 certain circumstances in the granting, denial, suspension, or revocation of certain
 8 licenses, certificates, registrations, and permits; requiring certain facts to be
 9 considered under certain circumstances in the reprimand of certain licensees,
 10 certificate holders, permit holders, and registrants; and generally relating to the
 11 denial, suspension, or revocation of certain licenses, certificates, registrations,
 12 and permits and the reprimand of certain licensees, certificate holders,
 13 registrants, or permit holders.

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

20 BY repealing and reenacting, with amendments,
 21 Article - Business Regulation
 22 Section 5-310, 8-311, 9A-310, and 12-209
 23 Annotated Code of Maryland
 24 (1992 Volume and 1997 Supplement)

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

27 **Article - Business Occupations and Professions**

28 2-315.

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

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

34 (2) fraudulently or deceptively uses a license;

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

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

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

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

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

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

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

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

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

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

14 (b) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT THE~~
 15 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
 16 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A~~
 17 ~~LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, ~~A CRIME~~~~
 18 ~~INVOLVING AN ELEMENT OF FRAUD OR OTHER DISHONESTY, OR A CRIME OF MORAL~~
 19 ~~TURPITUDE OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION;~~

20 (1) THE NATURE OF THE CRIME;

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

23 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 24 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
 25 PRACTICE CERTIFIED PUBLIC ACCOUNTANCY;

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

28 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

29 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 30 LICENSEE BEFORE AND AFTER THE CONVICTION.

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

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

1 3-311.

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

5 (i) the applicant or licensee fraudulently or deceptively obtains or
6 renews or attempts to obtain or renew a license or permit for the applicant or licensee
7 or for another;

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

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

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

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

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

18 (VII) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
19 THE APPLICANT OR LICENSEE ~~PLEADS GUILTY OR NOLO CONTENDERE WITH~~
20 ~~RESPECT TO, RECEIVES PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR IS~~
21 ~~CONVICTED OF:~~

22 1. A FELONY; OR

23 2. ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
24 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
25 LICENSEE TO PRACTICE ARCHITECTURE.

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

29 (ii) To determine the amount of the penalty imposed under this
30 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 licensee.

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

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

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

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

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

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

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

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

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

23 (3) The Board shall pay any penalty collected under this subsection into
24 the General Fund of the State.] ~~THE FOLLOWING STANDARDS SHALL BE~~
25 ~~CONSIDERED IN THE GRANT~~ THE BOARD SHALL CONSIDER THE FOLLOWING FACTS
26 IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE
27 OR THE REPRIMAND OF A LICENSEE 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)(1)(VII) 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;

1 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 2 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
 3 PRACTICE ARCHITECTURE;

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

6 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

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

9 4-314.

10 (a) Subject to the hearing provisions of § 4-315 of this subtitle, the Board may
 11 deny a license to any applicant, reprimand any licensee, or suspend or revoke a license
 12 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) is incompetent;

17 (4) habitually is intoxicated or under the influence of any drug;

18 (5) falsifies a record submitted to the Board;

19 (6) fails to use proper sanitary methods while practicing barbering;

20 (7) fails to keep a barbershop in a sanitary condition;

21 (8) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS
 22 CONVICTED OF:

23 (I) A FELONY; OR

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

26 ~~[(8)]~~ (9) violates any provision of this title.

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

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

31 (1) the seriousness of the violation;

- 1 (2) the good faith of the violator;
2 (3) the violator's history of previous violations;
3 (4) the deleterious effect of the violation on the complainant, the public,
4 and the barber industry; and
5 (5) any other factors relevant to the determination of the financial
6 penalty.

7 (D) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,
8 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE
9 REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A
10 FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(8) OF THIS SECTION:

- 11 (1) THE NATURE OF THE CRIME;
12 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
13 BY THE LICENSE;
14 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
15 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
16 PRACTICE BARBERING;
17 (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
18 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
19 BEFORE AND AFTER THE CONVICTION.

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

- 22 ~~[(e)]~~ (F) (1) A complaint shall:
23 (i) be in writing;
24 (ii) be signed by the complainant;
25 (iii) state specifically the facts on which the complaint is based;
26 (iv) be submitted to the Executive Director of the Board; and
27 (v) be served on the person to whom it is directed:
28 1. personally; or
29 2. by certified mail, return receipt requested, bearing a
30 postmark from the United States Postal Service, to the person's last known address as
31 shown on the Board's records.

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

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

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

10 (2) If the Board does not make the finding, the Board shall dismiss the
11 complaint.

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

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

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

20 (i) dismiss the complaint; and

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

22 5-314.

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

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

28 (2) fraudulently or deceptively uses a license;

29 (3) is incompetent;

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

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

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

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

3 (I) A FELONY; OR

4 (II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
 5 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE COSMETOLOGY;
 6 or

7 [(7)] (8) violates any provision of this title or any regulation adopted by
 8 the Board under this title.

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

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

13 (1) the seriousness of the violation;

14 (2) the good faith of the violator;

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

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

18 (5) any other factors relevant to the determination of the financial
 19 penalty.

20 (D) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING,
 21 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE
 22 REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A
 23 FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(7) OF THIS SECTION:

24 (1) THE NATURE OF THE CRIME;

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

27 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 28 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
 29 PRACTICE COSMETOLOGY;

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

31 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
 32 BEFORE AND AFTER THE CONVICTION.

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

1 (1) A complaint shall:
 2 (i) be in writing;
 3 (ii) be signed by the complainant;
 4 (iii) state specifically the facts on which the complaint is based;
 5 (iv) be submitted to the Executive Director of the Board; and
 6 (v) be served on the person to whom it is directed:
 7 1. personally; or
 8 2. by certified mail, return receipt requested, bearing a
 9 postmark from the United States Postal Service, to the person's last known address as
 10 shown on the Board's records.

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

13 [(e)] (F) (1) Except as provided in subsection [(f)] (G) of this section, if the
 14 Board finds that a complaint alleges facts that are adequate grounds for action under
 15 this section, the Board shall act on the complaint as provided under § 5-315 of this
 16 subtitle to deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.

17 (2) If the Board does not make the finding, the Board shall dismiss the
 18 complaint.

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

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

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

27 (i) dismiss the complaint; and

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

29 6-316.

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

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

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

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

5 (4) engages in an unfair or deceptive trade practice, as defined in §
6 13-301 of the Commercial Law Article;

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

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

12 (I) A FELONY; OR

13 (II) ~~A CRIME OF MORAL TURPITUDE. A MISDEMEANOR THAT IS~~
14 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
15 LICENSEE TO PROVIDE ELECTRICAL SERVICES;

16 (7) aids or abets a person to evade a provision of this title;

17 [(7)] (8) willfully or deliberately disregards disciplinary action taken by
18 a local jurisdiction;

19 [(8)] (9) fails in a material respect to comply with a provision of this title;

20 [(9)] (10) fails to train and control adequately a person who, while under
21 the supervision of the State licensee, sells or estimates electrical work;

22 [(10)] (11) fails to maintain a local license under § 6-601 of this title; or

23 [(11)] (12) fails to maintain the general liability and property damage
24 insurance required under § 6-604 of this title.

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

28 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
29 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
30 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
31 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
32 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
33 SUBSECTION (A)(6) OF THIS SECTION:

34 (1) THE NATURE OF THE CRIME;

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

3 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
4 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
5 ELECTRICAL SERVICES;

6 ~~(4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN~~
7 ~~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 7-309.

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

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

18 (2) fraudulently or deceptively uses a license;

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

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

24 (i) A FELONY; OR

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

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

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

32 (i) a crime involving moral turpitude; or

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

1 (6) (5) [the applicant or licensee] has had a license to practice forestry
 2 in another state revoked or suspended by the other state for a cause that would justify
 3 revocation or suspension under this title, except for the failure to pay a license or
 4 registration renewal fee;

5 [(7)] (6) [the applicant or licensee] knowingly violates any provision of
 6 the code of ethics adopted by the Board; or

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

9 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
 10 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 11 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
 12 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
 13 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
 14 SUBSECTION (A)(4) OF THIS SECTION:

15 (1) THE NATURE OF THE CRIME;

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

18 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 19 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
 20 PRACTICE ~~ARCHITECTURE~~ FORESTRY;

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

23 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

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

26 8-310.

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

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

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

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

1 (i) A FELONY; OR

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

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

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

9 (i) a crime involving moral turpitude; or

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

11 (5)] (4) is guilty of any fraud, gross negligence, incompetence, or
 12 misconduct in the use of the title "certified interior designer" or the term "certified
 13 interior design services";

14 [(6)] (5) knowingly violates any provision of the code of ethics that the
 15 Board adopts; or

16 [(7)] (6) knowingly violates any provision of this title.

17 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
 18 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 19 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN APPLICANT OR
 20 LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL TURPITUDE
 21 CERTIFICATE OR THE REPRIMAND OF A CERTIFICATE HOLDER WHEN AN APPLICANT
 22 OR CERTIFICATE HOLDER IS CONVICTED OF A FELONY OR MISDEMEANOR
 23 DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:

24 (1) THE NATURE OF THE CRIME;

25 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 26 BY THE ~~LICENSE~~ CERTIFICATE;

27 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 28 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
 29 PERFORM INTERIOR DESIGN SERVICES;

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

32 (5) (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

33 (6) (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 34 ~~LICENSEE~~ CERTIFICATE HOLDER BEFORE AND AFTER THE CONVICTION.

1 9-310.

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

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

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

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

11 (i) A FELONY; OR

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

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

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

19 (i) a crime involving moral turpitude; or

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

21 (5)] (4) the applicant or licensee is guilty of gross negligence,
22 incompetence, or misconduct while practicing landscape architecture;

23 [(6)] (5) the applicant or licensee has had a license to practice landscape
24 architecture in another state revoked or suspended by the other state for a cause that
25 would justify revocation or suspension under this title, except for the failure to pay a
26 license or license renewal fee;

27 [(7)] (6) the applicant or licensee knowingly violates any provision of the
28 code of ethics adopted by the Board; or

29 [(8)] (7) the applicant or licensee knowingly violates any provision of this
30 title.

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

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

- 1 (i) the seriousness of the violation;
- 2 (ii) the harm caused by the violation;
- 3 (iii) the good faith of the licensee; and
- 4 (iv) any history of previous violations by the licensee.

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

7 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
8 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
9 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
10 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
11 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
12 SUBSECTION (A)(3) 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) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
17 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
18 PRACTICE LANDSCAPE ARCHITECTURE;

19 ~~(4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN~~
20 ~~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 11-409.

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

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

30 (2) fraudulently or deceptively uses a license;

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

34 (I) A FELONY; OR

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

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

5 [(4)] (5) violates any order passed by the Board.

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

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

11 (i) sickness of the pilot; or

12 (ii) assignment to administrative duties.

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

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

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

18 (3) in the Chesapeake Bay.

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

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

24 (i) the seriousness of the violation;

25 (ii) the harm caused by the violation;

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

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

28 (E) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT, THE~~
 29 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 30 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
 31 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
 32 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
 33 SUBSECTION (A)(3) OF THIS SECTION:

- 1 (1) THE NATURE OF THE CRIME;
- 2 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
3 BY THE LICENSE;
- 4 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
5 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
6 PILOTAGE;
- 7 ~~(4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN~~
8 ~~CONVICTED;~~
- 9 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 10 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
11 LICENSEE BEFORE AND AFTER THE CONVICTION.

12 12-312.

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

- 16 (1) fraudulently or deceptively obtains or attempts to obtain a license for
17 the applicant or licensee or for another;
- 18 (2) fraudulently or deceptively uses a license;
- 19 (3) is guilty of gross negligence, incompetence, or misconduct while
20 providing plumbing services or assisting in providing plumbing services;
- 21 (4) is guilty of violating the State Plumbing Code or applicable local
22 plumbing code while providing plumbing services or assisting in providing plumbing
23 services;
- 24 (5) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
25 ~~PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION~~
26 ~~BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:~~
- 27 (I) A FELONY; OR
- 28 (II) ~~A CRIME OF MORAL TURPITUDE~~ A MISDEMEANOR THAT IS
29 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
30 LICENSEE TO PROVIDE PLUMBING SERVICES;
- 31 (6) is guilty of an unfair or deceptive trade practice, as defined in §
32 13-301 of the Commercial Law Article;
- 33 [(6)] (7) fails to train and control adequately any person who, while under
34 the direction and control of the master plumber or holder of a limited master plumber
35 license, sells or gives estimates for providing plumbing services;

1 [(7)] (8) fails to maintain the liability insurance required under § 12-501 of
 2 this title for a master plumber, holder of a limited master plumber license who
 3 contracts to provide plumbing services on behalf of the master plumber, holder of a
 4 limited master plumber license, or another, or holder of a propane gas fitter
 5 certificate; or

6 [(8)] (9) is guilty of violating § 12-605 of this title.

7 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
 8 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 9 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
 10 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
 11 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
 12 SUBSECTION (A)(5) 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) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 17 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
 18 PLUMBING SERVICES;

19 (4) ~~OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN~~
 20 ~~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 14-317.

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

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

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

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

34 (i) A FELONY; OR

1 (II) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
 2 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
 3 LICENSEE TO PRACTICE ENGINEERING; [or

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

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

8 (i) a crime involving moral turpitude; or

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

10 (5)] (4) the applicant or licensee is guilty of gross negligence,
 11 incompetence, or misconduct while practicing engineering;

12 [(6)] (5) the applicant or licensee has had a license to practice engineering
 13 in another state revoked or suspended by the other state for a cause that would justify
 14 revocation or suspension under this title, except for the failure to pay a license or
 15 license renewal fee;

16 [(7)] (6) the applicant or licensee knowingly violates any provision of the
 17 code of ethics adopted by the Board; or

18 [(8)] (7) the applicant or licensee knowingly violates any provision of
 19 this title.

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

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

24 (i) the seriousness of the violation;

25 (ii) the harm caused by the violation;

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

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

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

30 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
 31 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
 32 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
 33 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
 34 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
 35 SUBSECTION (A)(3) OF THIS SECTION:

- 1 (1) THE NATURE OF THE CRIME;
- 2 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
3 BY THE LICENSE;
- 4 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
5 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
6 PRACTICE ENGINEERING;
- 7 ~~(4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN~~
8 ~~CONVICTED;~~
- 9 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 10 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
11 LICENSEE BEFORE AND AFTER THE CONVICTION.

12 15-318.

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

- 16 (1) the applicant or licensee fraudulently or deceptively obtains or
17 attempts to obtain a license for the applicant or licensee or for another;
- 18 (2) the applicant or licensee fraudulently or deceptively uses a license;
- 19 (3) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, the
20 applicant or licensee ~~pleads guilty or nolo contendere with respect to, receives~~
21 ~~probation before judgment with respect to, or is convicted of:~~
- 22 (i) A FELONY; OR
- 23 (II) ~~a crime involving moral turpitude~~ A MISDEMEANOR THAT IS
24 DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR
25 LICENSEE TO PRACTICE LAND SURVEYING OR PROPERTY LINE SURVEYING; [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
29 applicant 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)] (4) the applicant or licensee is guilty of gross negligence,
33 incompetence, or misconduct while practicing land surveying or property line
34 surveying;

1 [(6)] (5) the applicant or licensee knowingly violates any provision of the
2 code of ethics adopted by the Board; or

3 [(7)] (6) the applicant or licensee knowingly violates any provision of
4 this title.

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

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

9 (i) the seriousness of the violation;

10 (ii) the harm caused by the violation;

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

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

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

15 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
16 BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
17 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
18 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
19 CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN
20 SUBSECTION (A)(3) OF THIS SECTION:

21 (1) THE NATURE OF THE CRIME;

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

24 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
25 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO
26 PRACTICE LAND SURVEYING OR PROPERTY LINE SURVEYING;

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

29 (5) (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

30 (6) (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
31 LICENSEE BEFORE AND AFTER THE CONVICTION.

32 16-701.

33 (A) Subject to the hearing provisions of § 16-602 of this title, the Commission
34 may deny a license to any applicant, deny a certificate to any applicant, reprimand

1 any licensee, reprimand any certificate holder, suspend or revoke a license or
 2 certificate, or impose a fine of not more than \$5,000, if the applicant, license holder, or
 3 certificate holder:

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

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

7 (3) commits an act or makes an omission in the provision of real estate
 8 appraisal services or certified real estate appraisal services that is an act of
 9 dishonesty, fraud, or misrepresentation if the applicant, licensee, or certificate holder
 10 intends;

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

13 (ii) to injure substantially another person;

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

17 ~~(5) is convicted of a crime that is related substantially to the~~
 18 ~~qualifications, functions, or duties of a person who develops real estate appraisals or~~
 19 ~~communicates real estate appraisals to others;~~

20 ~~(6) (5) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,~~
 21 ~~PLEADS GUILTY OR NOLO CONTENDRE WITH RESPECT TO, RECEIVES PROBATION~~
 22 ~~BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:~~

23 (I) A FELONY; OR

24 (II) ~~A CRIME OF MORAL TURPITUDE A MISDEMEANOR THAT IS~~
 25 ~~DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT,~~
 26 ~~LICENSEE, OR CERTIFICATE HOLDER TO PROVIDE REAL ESTATE APPRAISAL~~
 27 ~~SERVICES;~~

28 ~~(7) (6) pays a finder's fee or a referral fee to a person who lacks a~~
 29 ~~license;~~

30 ~~{(7)}~~ (8) makes a false or misleading statement in:

31 (i) the part of a written appraisal report about professional
 32 qualifications; or

33 (ii) testimony about professional qualifications;

34 ~~{(8)}~~ (9) violates the confidential nature of governmental records to
 35 which a licensee or certificate holder gained access in the provision of real estate
 36 appraisal services or certified real estate services;

1 ~~{(9)}~~ ~~{(10)}~~ accepts a fee for providing an independent appraisal service in
 2 violation of this title;

3 ~~{(10)}~~ ~~{(11)}~~ fails to exercise reasonable diligence to develop, prepare, or
 4 communicate an appraisal;

5 ~~{(11)}~~ ~~{(12)}~~ commits negligence or incompetence in developing, preparing,
 6 or communicating an appraisal;

7 ~~{(12)}~~ ~~{(13)}~~ violates any other provision of this title; or

8 ~~{(13)}~~ ~~{(14)}~~ violates any regulation adopted under this title.

9 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,~~
 10 ~~DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR CERTIFICATE~~
 11 ~~WHEN AN APPLICANT, LICENSEE, OR CERTIFICATE HOLDER IS CONVICTED OF A~~
 12 ~~FELONY, A CRIME INVOLVING DECEIT, FRAUD, OR MISREPRESENTATION IN THE~~
 13 ~~PROVISION OF REAL ESTATE APPRAISAL SERVICES OR CERTIFIED REAL ESTATE~~
 14 ~~APPRAISAL SERVICES, OR A CRIME OF MORAL TURPITUDE THE COMMISSION SHALL~~
 15 ~~CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL,~~
 16 ~~SUSPENSION, OR REVOCATION OF A LICENSE OR CERTIFICATE OR THE REPRIMAND~~
 17 ~~OF A LICENSEE OR CERTIFICATE HOLDER WHEN AN APPLICANT, CERTIFICATE~~
 18 ~~HOLDER, OR LICENSEE IS CONVICTED OF A FELONY OR A MISDEMEANOR DESCRIBED~~
 19 ~~IN SUBSECTION (A)(5) OF THIS SECTION:~~

20 (1) THE NATURE OF THE CRIME;

21 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
 22 BY THE LICENSE OR CERTIFICATE;

23 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 24 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT, LICENSEE, OR
 25 CERTIFICATE HOLDER TO PROVIDE REAL ESTATE APPRAISAL SERVICES;

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

27 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT, LICENSEE, OR
 28 CERTIFICATE HOLDER BEFORE, AND SUBSEQUENT TO, AND AFTER THE CONVICTION.

29 17-322.

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

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

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

- 1 (2) fraudulently or deceptively uses a license;
- 2 (3) directly or through another person willfully makes a
3 misrepresentation or knowingly makes a false promise;
- 4 (4) intentionally or negligently fails to disclose to any person with whom
5 the applicant or licensee deals a material fact that the licensee knows or should know
6 and that relates to the property with which the licensee or applicant deals;
- 7 (5) as an associate real estate broker or a real estate salesperson,
8 provides or attempts to provide real estate brokerage services on behalf of a real
9 estate broker without informing in writing any other real estate broker with whom
10 the associate real estate broker or the real estate salesperson is affiliated;
- 11 (6) violates § 17-528(c) or (d) of this title;
- 12 (7) retains or attempts to retain the services of any unlicensed individual
13 as an associate real estate broker or a real estate salesperson to evade the law
14 prohibiting payment of a commission to an unlicensed individual;
- 15 (8) guarantees or authorizes or allows another person to guarantee
16 future profits from the resale of real property;
- 17 (9) solicits, sells, or offers to sell real property, so as to influence or
18 attempt to influence a prospective party to the sale of real property, by:
- 19 (i) offering a prize or a free lot;
- 20 (ii) conducting a lottery or contest; or
- 21 (iii) advertising "free appraisals", unless the advertiser is prepared
22 to appraise the real estate free of charge for any person, regardless of the purpose for
23 which the person requests the appraisal;
- 24 (10) accepts a listing contract to sell real property that fails to provide a
25 definite termination date that is effective automatically without notice from the
26 buyer or the seller;
- 27 (11) accepts a listing contract to sell real property that provides for a "net"
28 return to a seller and leaves the licensee free to sell the real property at any price
29 higher than the "net" price;
- 30 (12) knowingly solicits a party to an exclusive listing contract with
31 another licensee to terminate that contract and enter a new contract with the licensee
32 making the solicitation;
- 33 (13) solicits a party to a sales contract, lease, or agreement that was
34 negotiated by another to breach the contract, lease, or agreement for the purpose of
35 substituting a new contract, lease, or agreement for which the licensee making the

1 solicitation is either the real estate broker or an associate real estate broker or a real
2 estate salesperson affiliated with the real estate broker;

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

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

7 (ii) the contract of sale; or

8 (iii) the lease agreement;

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

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

12 (ii) contract of sale; or

13 (iii) lease agreement;

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

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

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

23 1. the lowering of property values;

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

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

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

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

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

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

2 or

3 (iii) any advertising matter;

4 (18) as a real estate broker, an associate real estate broker, or a real estate
5 salesperson, advertises the sale or rent of or an offer to buy real property while failing
6 to disclose in the advertisement the name of the advertiser and the fact that the
7 advertiser is a real estate broker, an associate real estate broker, or a real estate
8 salesperson;

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

10 (20) as a licensed associate real estate broker or a licensed real estate
11 salesperson, advertises the sale or rent of or an offer to buy real property in the name
12 of the associate broker or the salesperson while failing to disclose in the
13 advertisement the name of the real estate broker on behalf of whom the associate
14 broker or the salesperson is acting;

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

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

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

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

26 (i) A FELONY;

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

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

30 ~~(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS~~
31 ~~AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE REAL ESTATE~~
32 ~~BROKERAGE SERVICES; OR~~

33 ~~[(iii)] (IV) (III)~~ a crime that constitutes a violation of any
34 provision of this title;

35 (25) engages in conduct that demonstrates bad faith, incompetency, or
36 untrustworthiness or that constitutes dishonest, fraudulent, or improper dealings;

1 (26) with actual knowledge of the violation, associates with a licensee in a
2 transaction or practice that violates any provision of this title;

3 (27) violates § 17-320(c) of this subtitle by failing as a real estate broker
4 to exercise reasonable and adequate supervision over the provision of real estate
5 brokerage services by another individual on behalf of the broker;

6 (28) provides to a party a contract that does not contain a notice of the
7 buyer's right of selection, as required by § 17-524 of this title;

8 (29) requires a buyer to employ a particular title insurance company,
9 settlement company, escrow company, or title lawyer in violation of § 17-607 of this
10 title;

11 (30) fails to make the disclosure or provide the consent form required by §
12 17-528 of this title;

13 (31) violates any provision of Subtitle 5 of this title that relates to trust
14 money;

15 (32) violates any other provision of this title;

16 (33) violates any regulation adopted under this title or any provision of
17 the code of ethics; or

18 (34) violates § 17-320(d) of this subtitle by failing as a branch office
19 manager to exercise reasonable and adequate supervision over the provision of real
20 estate brokerage services by any sales agent or associate broker registered with that
21 office.

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

24 (2) To determine the amount of the penalty imposed under this
25 subsection, the Commission shall consider:

26 (i) the seriousness of the violation;

27 (ii) the harm caused by the violation;

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

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

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

32 (D) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
33 COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
34 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
35 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF ~~A FELONY,~~

1 ~~FORGERY, THEFT, EXTORTION, CONSPIRACY TO DEFRAUD, OR A SIMILAR CRIME, OR A~~
 2 ~~CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN~~
 3 ~~SUBSECTION (B)(24)(I) AND (II) OF THIS SECTION:~~

4 (1) THE NATURE OF THE CRIME;

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

7 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 8 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
 9 REAL ESTATE BROKERAGE SERVICES;

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

12 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

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

15 **Article - Business Regulation**

16 5-310.

17 (a) Subject to the hearing provisions of § 5-312 of this subtitle, the Director
 18 may deny a registration or permit to an applicant, reprimand a registrant or permit
 19 holder, or suspend or revoke a registration or permit, if an applicant, registrant, or
 20 permit holder, or an agent, employee, officer, director, or partner of the applicant,
 21 registrant, or permit holder:

22 (1) fraudulently or deceptively obtains or attempts to obtain a
 23 registration or permit;

24 (2) fraudulently or deceptively uses a registration or permit;

25 (3) ~~is convicted of a felony, theft offense, or crime of moral turpitude~~
 26 UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF A:

27 (I) FELONY; OR

28 (II) MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
 29 AND QUALIFICATION OF THE APPLICANT, REGISTRANT, OR PERMIT HOLDER TO OWN
 30 OR OPERATE A CEMETERY OR PROVIDE BURIAL GOODS;

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

33 (5) violates this title;

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

- 1 (7) violates a regulation adopted under this title;
- 2 (8) fails to provide reasonable and adequate supervision of the operation
3 of the cemetery or the provision of burial goods by agents, employees, officers,
4 directors, or partners affiliated with a cemetery or burial goods business;
- 5 (9) refuses to allow an inspection required by this title;
- 6 (10) fails to comply with an order of the Director;
- 7 (11) fails to comply with any terms of settlement under a binding
8 arbitration agreement; or
- 9 (12) is found guilty by a court in this State of violating an unfair and
10 deceptive trade practices provision under Title 13 of the Commercial Law Article.

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

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

17 (i) the court lifts the order; or

18 (ii) the charges are adjudicated or dismissed.

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

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

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

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

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

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

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

34 (1) the seriousness of the violation;

- 1 (2) the harm caused by the violation;
- 2 (3) the good faith efforts of the registrant or permit holder; and
- 3 (4) any history of previous violations by the registrant or permit holder.

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

6 (G) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
7 DIRECTOR SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,
8 RENEWAL, SUSPENSION, OR REVOCATION OF A REGISTRATION OR PERMIT OR THE
9 REPRIMAND OF A REGISTRANT OR PERMIT HOLDER WHEN AN APPLICANT,
10 REGISTRANT, OR PERMIT HOLDER, OR AN AGENT, EMPLOYEE, OFFICER, DIRECTOR,
11 OR PARTNER OF AN APPLICANT, REGISTRANT, OR PERMIT HOLDER, IS CONVICTED OF
12 ~~A FELONY, THEFT OFFENSE, OR CRIME OF MORAL TURPITUDE~~ A FELONY OR
13 MISDEMEANOR DESCRIBED IN SUBSECTION (A)(3) OF THIS SECTION:

14 (1) THE NATURE OF THE CRIME;

15 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
16 BY THE REGISTRATION OR PERMIT;

17 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
18 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT, REGISTRANT OR PERMIT
19 HOLDER OR AGENT, EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER TO OPERATE A
20 CEMETERY OR PROVIDE BURIAL GOODS;

21 (4) ~~OTHER CRIMES OF WHICH THE APPLICANT, REGISTRANT, OR PERMIT~~
22 ~~HOLDER OR AGENT, EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER HAS BEEN~~
23 ~~CONVICTED;~~

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

25 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT,
26 REGISTRANT, OR PERMIT HOLDER, OR AGENT, EMPLOYEE, OFFICER, DIRECTOR, OR
27 PARTNER BEFORE AND AFTER THE CONVICTION.

28 8-311.

29 (a) Subject to the hearing provisions of § 8-312 of this subtitle, the
30 Commission may deny a license to an applicant, reprimand a licensee, or suspend or
31 revoke a license if the applicant or licensee or the management personnel of the
32 applicant or licensee:

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

35 (2) fraudulently or deceptively uses a license;

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

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

4 (5) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, is
5 convicted of a felony, ~~A CRIME OF MORAL TURPITUDE~~, or ~~[is convicted of] a~~
6 ~~misdemeanor directly related to a home improvement transaction;~~

7 (I) FELONY; OR

8 (II) MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS
9 AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO ENGAGE IN HOME
10 IMPROVEMENT SERVICES;

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

12 (7) falsifies an account;

13 (8) engages in fraud;

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

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

19 (11) violates this title;

20 (12) attempts to violate this title; or

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

22 (b) Subject to the hearing provisions of § 8-312 of this subtitle, the
23 Commission may reprimand a contractor or subcontractor or suspend or revoke the
24 license of a contractor or subcontractor for a violation of this title by an agent,
25 director, employee, manager, officer, partner, or salesperson of the contractor or
26 subcontractor, unless the Commission finds that the contractor or subcontractor or
27 management personnel of the contractor or subcontractor:

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

29 (2) could not prevent the violation.

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

33 (D) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT~~ THE
34 COMMISSION SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,

1 RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A
 2 LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A ~~FELONY, A CRIME~~
 3 ~~OF MORAL TURPITUDE, OR A MISDEMEANOR DIRECTLY RELATED TO A HOME~~
 4 ~~IMPROVEMENT TRANSACTION~~ A FELONY OR MISDEMEANOR DESCRIBED IN
 5 SUBSECTION (A)(5) OF THIS SECTION:

6 (1) THE NATURE OF THE CRIME;

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

9 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
 10 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
 11 HOME IMPROVEMENT SERVICES;

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

14 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

15 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
 16 LICENSEE BEFORE AND AFTER THE CONVICTION.

17 9A-310.

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

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

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

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

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

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

30 (I) A FELONY; OR

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

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

3 [(6)] (7) willfully or deliberately disregarded disciplinary action taken
4 by a municipality, city, or county against the individual in connection with providing
5 heating, ventilation, air-conditioning, or refrigeration services;

6 [(7)] (8) abandoned or failed to perform, without justification, any
7 contract or project to provide heating, ventilation, air-conditioning, or refrigeration
8 services;

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

11 [(9)] (10) directly or indirectly published any advertisement relating to
12 the providing of heating, ventilation, air-conditioning, or refrigeration services that
13 contained an insertion, representation, or statement of fact that is false, deceptive, or
14 misleading;

15 [(10)] (11) made any material misrepresentation in the procurement of a
16 heating, ventilation, air-conditioning, or refrigeration services contract or project; or

17 [(11)] (12) failed in any material respect to comply with the provisions of
18 this title.

19 (B) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT, THE~~
20 ~~BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
21 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A~~
22 ~~LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A~~
23 ~~CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR DESCRIBED IN~~
24 ~~SUBSECTION (A)(5) OF THIS SECTION:~~

25 (1) THE NATURE OF THE CRIME;

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

28 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
29 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE
30 HEATING, VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES;

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

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

34 (6) (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
35 LICENSEE BEFORE AND AFTER THE CONVICTION.

1 12-209.

2 (a) (1) Except as otherwise provided, in this subsection, a dealer's or
3 applicant's agents, employees, management personnel, or partners include only those
4 individuals who are directly involved in pawn transactions or the acquisition or sale
5 of secondhand precious metals on behalf of the dealer or applicant.

6 (2) Subject to the hearing provisions of § 12-210 of this subtitle, the
7 Secretary may deny a license to an applicant, reprimand a licensee, or suspend or
8 revoke a license if the applicant or licensee or an agent, employee, manager, or
9 partner of the applicant or licensee:

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

12 (ii) fraudulently or deceptively uses a license;

13 (iii) has a similar license denied, suspended, or revoked in another
14 jurisdiction;

15 (iv) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
16 ~~pleads guilty or nolo contendere to or is convicted of a felony, theft offense, or crime of~~
17 ~~moral turpitude~~ IS CONVICTED OF A:

18 1. FELONY; OR

19 2. MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
20 FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO BE INVOLVED IN
21 A PAWN TRANSACTION OR THE SALE OR ACQUISITION OF SECONDHAND PRECIOUS
22 METALS;

23 (v) knowingly employs or knowingly continues to employ, after
24 being notified by the Secretary, an individual who ~~has pled guilty or nolo contendere~~
25 ~~to or has been convicted of a felony, theft offense, or crime of moral turpitude,~~ UNDER
26 THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

27 1. A FELONY; OR

28 2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE
29 FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN A PAWN
30 TRANSACTION OR THE SALE OR ACQUISITION OF SECONDHAND PRECIOUS METALS;

31 (vi) knowingly employs or knowingly continues to employ in any
32 capacity, after being notified by the Secretary, an individual whose precious metals
33 dealer's license has been revoked;

34 (vii) willfully fails to provide or willfully misrepresents any
35 information required to be provided under this title;

36 (viii) violates this title; or

1 (ix) violates a regulation adopted under this title.

2 (3) The Secretary shall distribute periodically to all dealers a list of
3 individuals whose licenses have been revoked in the State.

4 (b) (1) If a licensee is charged with a violation of this title that could result
5 in suspension or revocation of the license, or if the Secretary has probable cause to
6 believe that this title has been, or will be, violated through transactions likely to occur
7 pursuant to § 12-206 of this subtitle, the Secretary may seek from a circuit court an
8 immediate restraining order to prohibit the licensee from:

9 (i) buying or selling a secondhand precious metal object;

10 (ii) disposing of a secondhand precious metal object; or

11 (iii) disposing of a record about a secondhand precious metal object.

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

13 (i) the court lifts the order;

14 (ii) the charges are adjudicated or dismissed; or

15 (iii) in the case of an event held in accordance with § 12-206 of this
16 subtitle, arrangements are made by the licensee which will ensure compliance with
17 the provisions of this title.

18 (C) ~~THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT, THE~~
19 ~~SECRETARY SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL,~~
20 ~~RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A~~
21 ~~LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, THEFT~~
22 ~~OFFENSE, OR CRIME OF MORAL TURPITUDE A FELONY OR MISDEMEANOR~~
23 ~~DESCRIBED IN SUBSECTION (A)(2)(IV) OF THIS SECTION:~~

24 (1) THE NATURE OF THE CRIME;

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

27 (3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION
28 TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO ACT AS A
29 PAWNBROKER OR A SECONDHAND PRECIOUS METAL OBJECT DEALER;

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

32 (5) THE LENGTH OF TIME SINCE THE CONVICTION; AND

33 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR
34 LICENSEE BEFORE AND AFTER THE CONVICTION.

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