

SENATE BILL 115

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1998 Regular Session
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CF HB 83

By: **Senator Boozer**

Introduced and read first time: January 21, 1998

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of authorizing certain units within the Department of Labor,
5 Licensing, and Regulation to deny an application or renewal of a license, or to
6 suspend or revoke a license, when the applicant or licensee commits a felony or
7 crime of moral turpitude; providing for the standard to be applied in any denial,
8 suspension, or revocation; and generally relating to the denial, suspension, or
9 revocation of certain licenses.

10 BY repealing and reenacting, with amendments,
11 Article - Business Occupations and Professions
12 Section 2-315, 3-311, 6-316, 7-309, 8-310, 9-310, 11-409, 12-312, 14-317,
13 15-318, and 17-322
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1997 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Business Regulation
18 Section 5-310, 8-311, 9A-310, and 12-209
19 Annotated Code of Maryland
20 (1992 Volume and 1997 Supplement)

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

23 **Article - Business Occupations and Professions**

24 2-315.

25 (a) Subject to the hearing provisions of § 2-317 of this subtitle, the Board, on
26 the affirmative vote of a majority of its members, may deny a license to any applicant,
27 reprimand any licensee, or suspend or revoke a license if the applicant 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) under the laws of the United States or of any state, pleads guilty or
5 nolo contendere with respect to, receives probation before judgment with respect to, or
6 is convicted of:

7 (i) a felony; [or]

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

9 (III) A CRIME OF MORAL TURPITUDE;

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

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

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

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

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

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

19 (b) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
20 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
21 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, A CRIME INVOLVING AN
22 ELEMENT OF FRAUD OR OTHER DISHONESTY, OR A CRIME OF MORAL TURPITUDE:

23 (1) THE NATURE OF THE CRIME;

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

26 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
27 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE CERTIFIED PUBLIC
28 ACCOUNTANCY;

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

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

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

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

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

5 3-311.

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

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

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

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

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

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

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

22 (VII) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
23 THE APPLICANT OR LICENSEE PLEADS GUILTY OR NOLO CONTENDERE WITH
24 RESPECT TO, RECEIVES PROBATION BEFORE JUDGMENT WITH RESPECT TO, OR IS
25 CONVICTED OF:

26 1. A FELONY; OR

27 2. A CRIME OF MORAL TURPITUDE.

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

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

33 1. the seriousness of the violation;

34 2. the harm caused by the violation;

- 1 3. the good faith of the licensee; and
- 2 4. any history of previous violations by the licensee.

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

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

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

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

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

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

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

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

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

25 (3) The Board shall pay any penalty collected under this subsection into
26 the General Fund of the State.] THE FOLLOWING STANDARDS SHALL BE
27 CONSIDERED IN THE GRANT, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A
28 LICENSE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A
29 CRIME OF MORAL TURPITUDE:

30 (1) THE NATURE OF THE CRIME;

31 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
32 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) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
4 CONVICTED;
- 5 (5) THE LENGTH OF TIME SINCE THE CONVICTION; AND
- 6 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
7 BEFORE AND AFTER THE CONVICTION.

8 6-316.

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

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

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

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

16 (4) engages in an unfair or deceptive trade practice, as defined in §
17 13-301 of the Commercial Law Article;

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

20 (6) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
21 PLEADS GUILTY OR NOLO CONTENDERE 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.

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

26 [(7)] (8) willfully or deliberately disregards disciplinary action taken by
27 a local jurisdiction;

28 [(8)] (9) fails in a material respect to comply with a provision of this title;

29 [(9)] (10) fails to train and control adequately a person who, while under
30 the supervision of the State licensee, sells or estimates electrical work;

31 [(10)] (11) fails to maintain a local license under § 6-601 of this title; or

1 [(11)] (12) fails to maintain the general liability and property damage
2 insurance required under § 6-604 of this title.

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

6 (C) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
7 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
8 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
9 TURPITUDE:

10 (1) THE NATURE OF THE CRIME;

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

13 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
14 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE ELECTRICAL
15 SERVICES;

16 (4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
17 CONVICTED;

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

19 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
20 BEFORE AND AFTER THE CONVICTION.

21 7-309.

22 (A) Subject to the hearing provisions of § 7-311 of this subtitle, the Board, on
23 the affirmative vote of a majority of its authorized members, may deny a license to
24 any applicant, reprimand any licensee, or suspend or revoke a license if the applicant
25 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 guilty of gross negligence, incompetence, or misconduct in
30 practicing forestry;

31 (4) 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

35 (II) a crime involving moral turpitude; [or

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

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

5 (i) a crime involving moral turpitude; or

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

7 (6) (5) [the applicant or licensee] has had a license to practice forestry
8 in another state revoked or suspended by the other state for a cause that would justify
9 revocation or suspension under this title, except for the failure to pay a license or
10 registration renewal fee;

11 [(7)] (6) [the applicant or licensee] knowingly violates any provision of
12 the code of ethics adopted by the Board; or

13 [(8)] (7) [the applicant or licensee] knowingly violates any provision of
14 this title.

15 (B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
16 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
17 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
18 TURPITUDE:

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 PRACTICE ARCHITECTURE;

24 (4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
25 CONVICTED;

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

27 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
28 BEFORE AND AFTER THE CONVICTION.

29 8-310.

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

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

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

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

6 (i) A FELONY; OR

7 (II) a crime involving moral turpitude; [or

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

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

12 (i) a crime involving moral turpitude; or

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

14 (5)] (4) is guilty of any fraud, gross negligence, incompetence, or
15 misconduct in the use of the title "certified interior designer" or the term "certified
16 interior design services";

17 [(6)] (5) knowingly violates any provision of the code of ethics that the
18 Board adopts; or

19 [(7)] (6) knowingly violates any provision of this title.

20 (B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
21 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
22 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
23 TURPITUDE:

24 (1) THE NATURE OF THE CRIME;

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

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

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 LICENSEE
34 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; [or

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

14 (4) 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 (5) (4) the applicant or licensee is guilty of gross negligence,
20 incompetence, or misconduct while practicing landscape architecture;

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

25 [(7)] (6) the applicant or licensee knowingly violates any provision of the
26 code of ethics adopted by the Board; or

27 [(8)] (7) the applicant or licensee knowingly violates any provision of this
28 title.

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

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

33 (i) the seriousness of the violation;

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

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

6 (C) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
7 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
8 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
9 TURPITUDE:

10 (1) THE NATURE OF THE CRIME;

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

13 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
14 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE LANDSCAPE
15 ARCHITECTURE;

16 (4) OTHER CRIMES OF WHICH THE APPLICANT OR LICENSEE HAS BEEN
17 CONVICTED;

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

19 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE
20 BEFORE AND AFTER THE CONVICTION.

21 11-409.

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

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

27 (2) fraudulently or deceptively uses a license;

28 (3) 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;

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

1 [(4)] (5) violates any order passed by the Board.

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

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

7 (i) sickness of the pilot; or

8 (ii) assignment to administrative duties.

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

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

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

14 (3) in the Chesapeake Bay.

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

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

20 (i) the seriousness of the violation;

21 (ii) the harm caused by the violation;

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

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

24 (E) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
25 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
26 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
27 TURPITUDE:

28 (1) THE NATURE OF THE CRIME;

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

31 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
32 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE PILOTAGE;

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

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

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

6 12-312.

7 (A) Subject to the hearing provisions of § 12-313 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) is guilty of gross negligence, incompetence, or misconduct while
14 providing plumbing services or assisting in providing plumbing services;

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

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

21 (I) A FELONY; OR

22 (II) A CRIME OF MORAL TURPITUDE;

23 (6) is guilty of an unfair or deceptive trade practice, as defined in §
24 13-301 of the Commercial Law Article;

25 [(6)] (7) fails to train and control adequately any person who, while under
26 the direction and control of the master plumber or holder of a limited master plumber
27 license, sells or gives estimates for providing plumbing services;

28 [(7)] (8) fails to maintain the liability insurance required under § 12-501 of
29 this title for a master plumber, holder of a limited master plumber license who
30 contracts to provide plumbing services on behalf of the master plumber, holder of a
31 limited master plumber license, or another, or holder of a propane gas fitter
32 certificate; or

33 [(8)] (9) is guilty of violating § 12-605 of this title.

34 (B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
35 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN

1 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
2 TURPITUDE:

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 PROVIDE PLUMBING SERVICES;

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

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

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

13 14-317.

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

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

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

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

23 (i) A FELONY; OR

24 (II) a crime involving moral turpitude; [or

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

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

29 (i) a crime involving moral turpitude; or

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

31 (5)] (4) the applicant or licensee is guilty of gross negligence,
32 incompetence, or misconduct while practicing engineering;

1 [(6)] (5) the applicant or licensee has had a license to practice engineering
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 license renewal fee;

5 [(7)] (6) the applicant or licensee knowingly violates any provision of the
6 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) (1) Instead of or in addition to suspending or revoking a license, the
10 Board may impose a penalty not exceeding \$1,000 for each violation.

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

13 (i) the seriousness of the violation;

14 (ii) the harm caused by the violation;

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

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

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

19 (C) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
20 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
21 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
22 TURPITUDE:

23 (1) THE NATURE OF THE CRIME;

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

26 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
27 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE ENGINEERING;

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

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

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

1 15-318.

2 (a) Subject to the hearing provisions of § 15-320 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; [or

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

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

22 [(6)] (5) the applicant or licensee knowingly violates any provision of the
23 code of ethics adopted by the Board; or

24 [(7)] (6) the applicant or licensee knowingly violates any provision of
25 this title.

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

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

30 (i) the seriousness of the violation;

31 (ii) the harm caused by the violation;

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

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

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

4 (C) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
5 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
6 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
7 TURPITUDE:

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 LAND SURVEYING
13 OR PROPERTY LINE SURVEYING;

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

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

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

19 17-322.

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

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

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

27 (2) fraudulently or deceptively uses a license;

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

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

33 (5) as an associate real estate broker or a real estate salesperson,
34 provides or attempts to provide real estate brokerage services on behalf of a real

1 estate broker without informing in writing any other real estate broker with whom
2 the associate real estate broker or the real estate salesperson is affiliated;

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

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

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

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

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

12 (ii) conducting a lottery or contest; or

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

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

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

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

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

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

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

34 (ii) the contract of sale; or

35 (iii) the lease agreement;

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

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

4 (ii) contract of sale; or

5 (iii) lease agreement;

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

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

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

15 1. the lowering of property values;

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

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

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

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

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

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

27 (iii) any advertising matter;

28 (18) as a real estate broker, an associate real estate broker, or a real estate
29 salesperson, advertises the sale or rent of or an offer to buy real property while failing
30 to disclose in the advertisement the name of the advertiser and the fact that the
31 advertiser is a real estate broker, an associate real estate broker, or a real estate
32 salesperson;

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

1 (20) as a licensed associate real estate broker or a licensed real estate
2 salesperson, advertises the sale or rent of or an offer to buy real property in the name
3 of the associate broker or the salesperson while failing to disclose in the
4 advertisement the name of the real estate broker on behalf of whom the associate
5 broker or the salesperson is acting;

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

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

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

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

17 (i) A FELONY;

18 (II) forgery, theft, extortion, conspiracy to defraud, or a similar
19 crime;

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

21 [(iii)] (IV) a crime that constitutes a violation of any provision of this
22 title;

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

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

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

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

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

35 (30) fails to make the disclosure or provide the consent form required by §
36 17-528 of this title;

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

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

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

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

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

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

14 (i) the seriousness of the violation;

15 (ii) the harm caused by the violation;

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

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

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

20 (D) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
21 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
22 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, FORGERY, THEFT,
23 EXTORTION, CONSPIRACY TO DEFRAUD, OR A SIMILAR CRIME, OR A CRIME OF MORAL
24 TURPITUDE:

25 (1) THE NATURE OF THE CRIME;

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

28 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
29 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE REAL ESTATE
30 BROKERAGE SERVICES;

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

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

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

3 **Article - Business Regulation**

4 5-310.

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

10 (1) fraudulently or deceptively obtains or attempts to obtain a
11 registration or permit;

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

13 (3) is convicted of a felony, theft offense, or crime of moral turpitude;

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

16 (5) violates this title;

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

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

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

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

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

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

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

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

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

1 (i) the court lifts the order; or

2 (ii) the charges are adjudicated or dismissed.

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

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

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

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

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

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

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

18 (1) the seriousness of the violation;

19 (2) the harm caused by the violation;

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

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

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

24 (G) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
25 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A REGISTRATION OR PERMIT
26 WHEN AN APPLICANT, REGISTRANT, OR PERMIT HOLDER, OR AN AGENT, EMPLOYEE,
27 OFFICER, DIRECTOR, OR PARTNER OF AN APPLICANT, REGISTRANT, OR PERMIT
28 HOLDER, IS CONVICTED OF A FELONY, THEFT OFFENSE, OR CRIME OF MORAL
29 TURPITUDE:

30 (1) THE NATURE OF THE CRIME;

31 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED
32 BY THE REGISTRATION OR PERMIT;

33 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND
34 QUALIFICATION OF THE APPLICANT, REGISTRANT OR PERMIT HOLDER OR AGENT,

1 EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER TO OPERATE A CEMETERY OR
2 PROVIDE BURIAL GOODS;

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

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

7 (6) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT, REGISTRANT,
8 OR PERMIT HOLDER, OR AGENT, EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER
9 BEFORE AND AFTER THE CONVICTION.

10 8-311.

11 (a) Subject to the hearing provisions of § 8-312 of this subtitle, the
12 Commission may deny a license to an applicant, reprimand a licensee, or suspend or
13 revoke a license if the applicant or licensee or the management personnel of the
14 applicant or licensee:

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

17 (2) fraudulently or deceptively uses a license;

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

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

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

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

24 (7) falsifies an account;

25 (8) engages in fraud;

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

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

31 (11) violates this title;

32 (12) attempts to violate this title; or

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

1 (b) Subject to the hearing provisions of § 8-312 of this subtitle, the
2 Commission may reprimand a contractor or subcontractor or suspend or revoke the
3 license of a contractor or subcontractor for a violation of this title by an agent,
4 director, employee, manager, officer, partner, or salesperson of the contractor or
5 subcontractor, unless the Commission finds that the contractor or subcontractor or
6 management personnel of the contractor or subcontractor:

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

8 (2) could not prevent the violation.

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

12 (D) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
13 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
14 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, A CRIME OF MORAL
15 TURPITUDE, OR A MISDEMEANOR DIRECTLY RELATED TO A HOME IMPROVEMENT
16 TRANSACTION:

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 HOME IMPROVEMENT
22 SERVICES;

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

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

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

28 9A-310.

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

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

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

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

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

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

6 (I) A FELONY; OR

7 (II) A CRIME OF MORAL TURPITUDE;

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

10 [(6)] (7) willfully or deliberately disregarded disciplinary action taken
11 by a municipality, city, or county against the individual in connection with providing
12 heating, ventilation, air-conditioning, or refrigeration services;

13 [(7)] (8) abandoned or failed to perform, without justification, any
14 contract or project to provide heating, ventilation, air-conditioning, or refrigeration
15 services;

16 [(8)] (9) performed work under a heating, ventilation, air-conditioning,
17 or refrigeration services contract or project that is inadequate or incomplete;

18 [(9)] (10) directly or indirectly published any advertisement relating to
19 the providing of heating, ventilation, air-conditioning, or refrigeration services that
20 contained an insertion, representation, or statement of fact that is false, deceptive, or
21 misleading;

22 [(10)] (11) made any material misrepresentation in the procurement of a
23 heating, ventilation, air-conditioning, or refrigeration services contract or project; or

24 [(11)] (12) failed in any material respect to comply with the provisions of
25 this title.

26 (B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
27 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
28 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL
29 TURPITUDE:

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 HEATING,
35 VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES;

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

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

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

6 12-209.

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

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

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

17 (ii) fraudulently or deceptively uses a license;

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

20 (iv) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,
21 pleads guilty or nolo contendere to or is convicted of a felony, theft offense, or crime of
22 moral turpitude;

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;

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

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

31 (viii) violates this title; or

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

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

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

- 6 (i) buying or selling a secondhand precious metal object;
- 7 (ii) disposing of a secondhand precious metal object; or
- 8 (iii) disposing of a record about a secondhand precious metal object.

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

- 10 (i) the court lifts the order;
- 11 (ii) the charges are adjudicated or dismissed; or
- 12 (iii) in the case of an event held in accordance with § 12-206 of this
13 subtitle, arrangements are made by the licensee which will ensure compliance with
14 the provisions of this title.

15 (C) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,
16 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN
17 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY, THEFT OFFENSE, OR CRIME
18 OF MORAL TURPITUDE:

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 ACT AS A PAWNBROKER OR A
24 SECONDHAND PRECIOUS METAL OBJECT DEALER;

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

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

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

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