

SENATE BILL 115

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1998 Regular Session  
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By: **Senator Boozer**  
Introduced and read first time: January 21, 1998  
Assigned to: Economic and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: February 10, 1998

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CHAPTER \_\_\_\_\_

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, 16-701, 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:

1 **Article - Business Occupations and Professions**

2 2-315.

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

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

8 (2) fraudulently or deceptively uses a license;

9 (3) under the laws of the United States or of any state, pleads guilty or  
10 nolo contendere with respect to, receives probation before judgment with respect to, or  
11 is convicted of:

12 (i) a felony; [or]

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

14 (III) A CRIME OF MORAL TURPITUDE;

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

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

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

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

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

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

24 (b) 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, A CRIME INVOLVING AN  
27 ELEMENT OF FRAUD OR OTHER DISHONESTY, OR A CRIME OF MORAL 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 PRACTICE CERTIFIED PUBLIC  
33 ACCOUNTANCY;

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

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

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

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

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

10 3-311.

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

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

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

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

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

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

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

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

31                                     1.     A FELONY; OR

32                                     2.     A CRIME OF MORAL TURPITUDE.

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

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

- 3 1. the seriousness of the violation;
- 4 2. the harm caused by the violation;
- 5 3. the good faith of the licensee; and
- 6 4. any history of previous violations by the licensee.

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

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

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

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

16 (ii) during the course of an official investigation by an authorized  
17 public 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 1. a crime involving moral turpitude; or
- 20 2. a violation of any election law of the State.

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

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

- 25 1. the seriousness of the violation;
- 26 2. the harm caused by the violation;
- 27 3. the good faith of the licensee; and
- 28 4. any history of previous violations by the licensee.

29 (3) The Board shall pay any penalty collected under this subsection into  
30 the General Fund of the State.] THE FOLLOWING STANDARDS SHALL BE  
31 CONSIDERED IN THE GRANT, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A

1 LICENSE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A  
2 CRIME OF MORAL 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 PRACTICE ARCHITECTURE;

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

10 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

11 ~~(6)~~ (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR  
12 LICENSEE BEFORE AND AFTER THE CONVICTION.

13 6-316.

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

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

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

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

21 (4) engages in an unfair or deceptive trade practice, as defined in §  
22 13-301 of the Commercial Law Article;

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

25 (6) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,  
26 PLEADS GUILTY OR NOLO CONTENDERE WITH RESPECT TO, RECEIVES PROBATION  
27 BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:

28 (I) A FELONY; OR

29 (II) A CRIME OF MORAL TURPITUDE.

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

31 [(7)] (8) willfully or deliberately disregards disciplinary action taken by  
32 a local jurisdiction;

1            [(8)]    (9) fails in a material respect to comply with a provision of this title;

2            [(9)]    (10) fails to train and control adequately a person who, while under  
3 the supervision of the State licensee, sells or estimates electrical work;

4            [(10)]    (11) fails to maintain a local license under § 6-601 of this title; or

5            [(11)]    (12) fails to maintain the general liability and property damage  
6 insurance required under § 6-604 of this title.

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

10        (C)        THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,  
11 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN  
12 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL  
13 TURPITUDE:

14            (1)        THE NATURE OF THE CRIME;

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

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

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

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

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

25 7-309.

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

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

32            (2)        fraudulently or deceptively uses a license;

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

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

4 (i) A FELONY; OR

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

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

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

10 (i) a crime involving moral turpitude; or

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

12 (6) (5) [the applicant or licensee] has had a license to practice forestry  
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 registration renewal fee;

16 [(7)] (6) [the applicant or licensee] knowingly violates any provision of  
17 the 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) 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 PRACTICE ~~ARCHITECTURE~~  
29 FORESTRY;

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 BEFORE AND AFTER THE CONVICTION.

1 8-310.

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

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

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

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

12 (i) A FELONY; OR

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

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

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

18 (i) a crime involving moral turpitude; or

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

20 (5)] (4) is guilty of any fraud, gross negligence, incompetence, or  
21 misconduct in the use of the title "certified interior designer" or the term "certified  
22 interior design services";

23 [(6)] (5) knowingly violates any provision of the code of ethics that the  
24 Board adopts; or

25 [(7)] (6) knowingly violates any provision of 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;



1 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
 2 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PERFORM INTERIOR DESIGN  
 3 SERVICES;

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 9-310.

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

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

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

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

19 (i) A FELONY; OR

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

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

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

25 (i) a crime involving moral turpitude; or

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

27 (5)] (4) the applicant or licensee is guilty of gross negligence,  
 28 incompetence, or misconduct while practicing landscape architecture;

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

33 [(7)] (6) the applicant or licensee knowingly violates any provision of the  
 34 code of ethics adopted by the Board; or

1           [(8)]   (7) the applicant or licensee knowingly violates any provision of this  
2 title.

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

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

7                   (i)     the seriousness of the violation;

8                   (ii)    the harm caused by the violation;

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

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

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

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

17           (1)    THE NATURE OF THE CRIME;

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

20           (3)    THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
21 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE LANDSCAPE  
22 ARCHITECTURE;

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

25           ~~(5)~~   (4)    THE LENGTH OF TIME SINCE THE CONVICTION; AND

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

28 11-409.

29       (a)    Subject to the hearing provisions of § 11-410 of this subtitle, the Board  
30 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a  
31 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;

1 (2) fraudulently or deceptively uses a license;

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

5 (I) A FELONY; OR

6 (II) A CRIME OF MORAL TURPITUDE;

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

8 [(4)] (5) violates any order passed by the Board.

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

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

14 (i) sickness of the pilot; or

15 (ii) assignment to administrative duties.

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

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

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

21 (3) in the Chesapeake Bay.

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

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

27 (i) the seriousness of the violation;

28 (ii) the harm caused by the violation;

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

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

1 (E) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,  
2 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN  
3 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL  
4 TURPITUDE:

5 (1) THE NATURE OF THE CRIME;

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

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

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 12-312.

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

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

21 (2) fraudulently or deceptively uses a license;

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

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

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;

32 (6) is guilty of an unfair or deceptive trade practice, as defined in §  
33 13-301 of the Commercial Law Article;

1            [(6)]    (7) fails to train and control adequately any person who, while under  
 2 the direction and control of the master plumber or holder of a limited master plumber  
 3 license, sells or gives estimates for providing plumbing services;

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

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

10        (B)    THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,  
 11 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN  
 12 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL  
 13 TURPITUDE:

14            (1)    THE NATURE OF THE CRIME;

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

17            (3)    THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
 18 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE 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

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

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

2 (4) 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 (5)] (4) the applicant or licensee is guilty of gross negligence,  
8 incompetence, or misconduct while practicing engineering;

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

13 [(7)] (6) the applicant or licensee knowingly violates any provision of the  
14 code of ethics adopted by the Board; or

15 [(8)] (7) the applicant or licensee knowingly violates any provision of  
16 this title.

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

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

21 (i) the seriousness of the violation;

22 (ii) the harm caused by the violation;

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

24 (iv) 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.

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

31 (1) THE NATURE OF THE CRIME;

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

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

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

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

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

8 15-318.

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

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

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

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

18                   (i)     A FELONY; OR

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

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

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

24                   (i)     a crime involving moral turpitude; or

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

26           (5)]    (4)     the applicant or licensee is guilty of gross negligence,  
27 incompetence, or misconduct while practicing land surveying or property line  
28 surveying;

29           [(6)]   (5)     the applicant or licensee knowingly violates any provision of the  
30 code of ethics adopted by the Board; or

31           [(7)]   (6)     the applicant or licensee knowingly violates any provision of  
32 this title.

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

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

5 (i) the seriousness of the violation;

6 (ii) the harm caused by the violation;

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

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

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

11 (C) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,  
12 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE WHEN AN  
13 APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR A CRIME OF MORAL  
14 TURPITUDE:

15 (1) THE NATURE OF THE CRIME;

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

18 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
19 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE LAND SURVEYING  
20 OR PROPERTY LINE SURVEYING;

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 16-701.

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

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

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



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

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

7           (ii)    to injure substantially another person;

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

11          (5)     is convicted of a crime that is related substantially to the  
 12 qualifications, functions, or duties of a person who develops real estate appraisals or  
 13 communicates real estate appraisals to others;

14          (6)     UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE,  
 15 PLEADS GUILTY OR NOLO CONTENDRE WITH RESPECT TO, RECEIVES PROBATION  
 16 BEFORE JUDGMENT WITH RESPECT TO, OR IS CONVICTED OF:

17           (I)     A FELONY; OR

18           (II)    A CRIME OF MORAL TURPITUDE;

19          (7)     pays a finder's fee or a referral fee to a person who lacks a license;

20          [(7)] (8)     makes a false or misleading statement in:

21           (i)     the part of a written appraisal report about professional  
 22 qualifications; or

23           (ii)    testimony about professional qualifications;

24          [(8)] (9)     violates the confidential nature of governmental records to  
 25 which a licensee or certificate holder gained access in the provision of real estate  
 26 appraisal services or certified real estate services;

27          [(9)] (10)    accepts a fee for providing an independent appraisal service in  
 28 violation of this title;

29          [(10)] (11)   fails to exercise reasonable diligence to develop, prepare, or  
 30 communicate an appraisal;

31          [(11)] (12)   commits negligence or incompetence in developing, preparing,  
 32 or communicating an appraisal;

33          [(12)] (13)   violates any other provision of this title; or

34          [(13)] (14)   violates any regulation adopted under this title.

1 (B) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,  
2 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR CERTIFICATE  
3 WHEN AN APPLICANT, LICENSEE, OR CERTIFICATE HOLDER IS CONVICTED OF A  
4 FELONY, A CRIME INVOLVING DECEIT, FRAUD, OR MISREPRESENTATION IN THE  
5 PROVISION OF REAL ESTATE APPRAISAL SERVICES OR CERTIFIED REAL ESTATE  
6 APPRAISAL SERVICES, OR A CRIME OF MORAL TURPITUDE:

7 (1) THE NATURE OF THE CRIME;

8 (2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED  
9 BY THE LICENSE OR CERTIFICATE;

10 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
11 QUALIFICATION OF THE APPLICANT, LICENSEE, OR CERTIFICATE HOLDER TO  
12 PROVIDE REAL ESTATE APPRAISAL SERVICES;

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

14 (5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT, LICENSEE, OR  
15 CERTIFICATE HOLDER BEFORE, AND SUBSEQUENT TO, THE CONVICTION.

16 17-322.

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

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

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

24 (2) fraudulently or deceptively uses a license;

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

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

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

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

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

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

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

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

9 (ii) conducting a lottery or contest; or

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

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

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

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

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

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

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

31 (ii) the contract of sale; or

32 (iii) the lease agreement;

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

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

1 (ii) contract of sale; or

2 (iii) lease agreement;

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

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

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

12 1. the lowering of property values;

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

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

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

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

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

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

24 (iii) any advertising matter;

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

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

31 (20) as a licensed associate real estate broker or a licensed real estate  
32 salesperson, advertises the sale or rent of or an offer to buy real property in the name  
33 of the associate broker or the salesperson while failing to disclose in the  
34 advertisement the name of the real estate broker on behalf of whom the associate  
35 broker or the salesperson is acting;

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

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

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

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

12 (i) A FELONY;

13 (II) forgery, theft, extortion, conspiracy to defraud, or a similar  
14 crime;

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

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

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

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

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

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

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

30 (30) fails to make the disclosure or provide the consent form required by §  
31 17-528 of this title;

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

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

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

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

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

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

11 (i) the seriousness of the violation;

12 (ii) the harm caused by the violation;

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

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

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

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

22 (1) THE NATURE OF THE CRIME;

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

25 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
26 QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE REAL ESTATE  
27 BROKERAGE SERVICES;

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

30 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

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

1

**Article - Business Regulation**

2 5-310.

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

8 (1) fraudulently or deceptively obtains or attempts to obtain a  
9 registration or permit;

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

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

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

14 (5) violates this title;

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

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

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

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

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

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

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

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

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

32 (i) the court lifts the order; or

33 (ii) the charges are adjudicated or dismissed.

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

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

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

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

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

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

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

16 (1) the seriousness of the violation;

17 (2) the harm caused by the violation;

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

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

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

22 (G) THE FOLLOWING STANDARDS SHALL BE CONSIDERED IN THE GRANT,  
23 DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A REGISTRATION OR PERMIT  
24 WHEN AN APPLICANT, REGISTRANT, OR PERMIT HOLDER, OR AN AGENT, EMPLOYEE,  
25 OFFICER, DIRECTOR, OR PARTNER OF AN APPLICANT, REGISTRANT, OR PERMIT  
26 HOLDER, IS CONVICTED OF A FELONY, THEFT OFFENSE, OR 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 REGISTRATION OR PERMIT;

31 (3) THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND  
32 QUALIFICATION OF THE APPLICANT, REGISTRANT OR PERMIT HOLDER OR AGENT,  
33 EMPLOYEE, OFFICER, DIRECTOR, OR PARTNER TO OPERATE A CEMETERY OR  
34 PROVIDE BURIAL GOODS;



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

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

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

8 8-311.

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

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

15           (2)       fraudulently or deceptively uses a license;

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

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

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

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

22           (7)       falsifies an account;

23           (8)       engages in fraud;

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

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

29           (11)      violates this title;

30           (12)      attempts to violate this title; or

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

32       (b)       Subject to the hearing provisions of § 8-312 of this subtitle, the  
 33 Commission may reprimand a contractor or subcontractor or suspend or revoke the

1 license of a contractor or subcontractor for a violation of this title by an agent,  
 2 director, employee, manager, officer, partner, or salesperson of the contractor or  
 3 subcontractor, unless the Commission finds that the contractor or subcontractor or  
 4 management personnel of the contractor or subcontractor:

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

6 (2) could not prevent the violation.

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

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

15 (1) THE NATURE OF THE CRIME;

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

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

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 9A-310.

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

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

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

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

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

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

4 (I) A FELONY; OR

5 (II) A CRIME OF MORAL TURPITUDE;

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

8 [(6)] (7) willfully or deliberately disregarded disciplinary action taken  
9 by a municipality, city, or county against the individual in connection with providing  
10 heating, ventilation, air-conditioning, or refrigeration services;

11 [(7)] (8) abandoned or failed to perform, without justification, any  
12 contract or project to provide heating, ventilation, air-conditioning, or refrigeration  
13 services;

14 [(8)] (9) performed work under a heating, ventilation, air-conditioning,  
15 or refrigeration services contract or project that is inadequate or incomplete;

16 [(9)] (10) directly or indirectly published any advertisement relating to  
17 the providing of heating, ventilation, air-conditioning, or refrigeration services that  
18 contained an insertion, representation, or statement of fact that is false, deceptive, or  
19 misleading;

20 [(10)] (11) made any material misrepresentation in the procurement of a  
21 heating, ventilation, air-conditioning, or refrigeration services contract or project; or

22 [(11)] (12) failed in any material respect to comply with the provisions of  
23 this title.

24 (B) 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 HEATING,  
33 VENTILATION, AIR-CONDITIONING, AND REFRIGERATION SERVICES;

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

36 ~~(5)~~ (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND

1           ~~(6)~~    (5)    THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR  
2 LICENSEE BEFORE AND AFTER THE CONVICTION.

3 12-209.

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

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

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

14                   (ii)   fraudulently or deceptively uses a license;

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

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

20                   (v)    knowingly employs or knowingly continues to employ, after  
21 being notified by the Secretary, an individual who has pled guilty or nolo contendere  
22 to or has been convicted of a felony, theft offense, or crime of moral turpitude;

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

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

28                   (viii)  violates this title; or

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

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

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

- 1 (i) buying or selling a secondhand precious metal object;
- 2 (ii) disposing of a secondhand precious metal object; or
- 3 (iii) disposing of a record about a secondhand precious metal object.

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

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

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

14 (1) THE NATURE OF THE CRIME;

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

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

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

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

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

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