
By: **Chairman, Economic Matters Committee (Departmental - State Police)**

Introduced and read first time: January 23, 2001

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Private Detectives, Security Guards, and Security Systems Technicians -**
3 **Licensing - Fines**

4 FOR the purpose of authorizing the Secretary of the State Police to adopt regulations
5 to establish certain fines under certain circumstances; requiring certain persons
6 to be licensed as private detectives, security guards or security systems
7 technicians by the Secretary of the State Police before soliciting for certain
8 business; requiring certain persons to be licensed as private detectives, security
9 guards, or security systems technicians by the Secretary of State Police before
10 engaging in certain business; clarifying language requiring certain training to
11 be approved and recognized by the Maryland Police Training Commission;
12 authorizing the Secretary of the State Police to issue fines under certain
13 circumstances to private detectives, security guards, or security systems
14 technicians; authorizing the Secretary of the State Police to issue late fees under
15 certain circumstances; requiring certain persons to pay fines by a certain date;
16 authorizing private detectives, security guards, or security systems technicians
17 to request a hearing; making stylistic changes; and generally relating to private
18 detectives, security guards, and security systems technicians and the regulatory
19 authority of the Secretary of the State Police.

20 BY repealing and reenacting, with amendments,
21 Article - Business Occupations and Professions
22 Section 13-202, 13-301, 13-303, 13-313, 13-409, 13-701, 13-707, 18-301,
23 18-307, 18-309, 18-3A-09, 18-402, 18-501, 18-504, 19-202, 19-301,
24 19-303, 19-313, 19-408, 19-601, and 19-607
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2000 Supplement)

27 BY repealing and reenacting, without amendments,
28 Article - Business Occupations and Professions
29 Section 13-315, 13-411, 18-310, 18-311, 18-3A-10, 18-3A-11, 19-315, and
30 19-410
31 Annotated Code of Maryland
32 (2000 Replacement Volume and 2000 Supplement)

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

3 **Article - Business Occupations and Professions**

4 13-202.

5 (a) In addition to any powers set forth elsewhere, the Secretary may:

6 (1) adopt regulations to carry out this title;

7 (2) use any member of the Department of State Police, as necessary, to
8 carry out and enforce this title; [and]

9 (3) make inquiries and conduct an investigation regarding any
10 applicant:

11 (i) for a license; or

12 (ii) for employment with a licensee as a private detective; AND

13 (4) ADOPT A SCHEDULE OF FINES FOR VIOLATIONS OF THIS TITLE
14 WHICH MAY BE ASSESSED BY THE SECRETARY UNDER §§ 13-313 AND 13-409 OF THIS
15 TITLE.

16 (b) In addition to any duties set forth elsewhere, the Secretary shall:

17 (1) adopt regulations that set standards for the certification of employees
18 of private detective agencies as private detectives; and

19 (2) keep a roster of the individuals certified as private detectives under
20 this title, including on the roster:

21 (i) the names of individuals certified;

22 (ii) the name of the licensed private detective agency with or by
23 which each individual is associated or employed; and

24 (iii) any other information that the Secretary considers appropriate.

25 13-301.

26 (a) Except as otherwise provided in this title, a person shall be licensed by the
27 Secretary as a private detective agency before the person may [conduct a business
28 that provides private detective services in the State]:

29 (1) CONDUCT A BUSINESS THAT PROVIDES PRIVATE DETECTIVE
30 SERVICES IN THE STATE; AND

31 (2) SOLICIT BUSINESS FOR THE PURPOSES OF CONDUCTING PRIVATE
32 DETECTIVE SERVICES IN THE STATE.

1 (b) An individual or a firm may qualify for a license as a private detective
2 agency.

3 13-303.

4 (a) In this section, "organized police agency" means:

5 (1) a police department of the State or of a county or municipal
6 corporation of the State;

7 (2) a private police department that is allowed to enroll its officers in
8 approved MARYLAND Police Training Commission schools and academies; or

9 (3) a law enforcement agency of the United States, of any state, or of any
10 county or municipal corporation of any state.

11 (b) An individual applicant or, if the applicant is a firm, the representative
12 member shall have:

13 (1) at least 5 years of experience as a full-time certified or licensed
14 private detective;

15 (2) at least:

16 (i) 5 years of experience as a full-time police officer with an
17 organized police agency; and

18 (ii) completed successfully [the] A police officer training course [of
19 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training
20 Commission;

21 (3) at least 3 years of experience in an investigative capacity as a
22 detective while serving as a police officer with an organized police agency;

23 (4) at least:

24 (i) 3 years of experience in an investigative capacity in any unit of
25 the United States, of the State, or of a county or municipal corporation of the State for
26 the purpose of law enforcement; and

27 (ii) completed successfully the police officer training required by
28 the MARYLAND Police Training Commission; or

29 (5) at least:

30 (i) 5 years of experience as a full-time fire investigator for a fire
31 department or law enforcement agency of the State or of a county or municipal
32 corporation of the State; and

1 (ii) completed successfully the training certified by the MARYLAND
2 Police Training Commission or the Maryland Fire-Rescue Education and Training
3 Commission.

4 13-313.

5 (a) Subject to the hearing provisions of § 13-315 of this subtitle, the Secretary
6 may deny a license to any applicant, reprimand any licensee, FINE ANY LICENSEE OR
7 AGENCY, or suspend or revoke a license if the applicant or licensee:

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

10 (2) fraudulently or deceptively uses a license;

11 (3) aids an individual to obtain or to attempt to obtain fraudulently or
12 deceptively certification under this title as a private detective;

13 (4) while not licensed, willfully engages in a business providing private
14 detective services in the State;

15 (5) while not licensed, willfully advertises:

16 (i) as a private detective agency; or

17 (ii) the provision of private detective services;

18 (6) willfully makes a false statement or misrepresentation that an
19 individual is or was in the employ of the applicant or licensee;

20 (7) willfully makes a false statement or misrepresentation in any
21 renewal application, in any annual statement, or in any other report or document that
22 the Secretary requires to be submitted;

23 (8) fails to notify the Secretary about any change among the firm
24 members or in the address of the principal office or any branch office of a licensee;

25 (9) fails to maintain a bond as required by § 13-603 of this title;

26 (10) fails to maintain the liability insurance required under § 13-604 of
27 this title; or

28 (11) violates any PROVISION OF ARTICLE 27 OR other provision of this
29 title.

30 (b) For purposes of this section, an act or omission of any principal, agent, or
31 employee of an applicant or licensee may be construed to be the act or omission of the
32 applicant or licensee, as well as of the principal, agent, or employee.

1 13-315.

2 (a) Except as otherwise provided in § 10-226 of the State Government Article,
3 before the Secretary takes any final action under § 13-313 of this subtitle, the
4 Secretary shall give the person against whom the action is contemplated an
5 opportunity for a hearing before the Secretary.

6 (b) The Secretary shall give notice and hold the hearing in accordance with
7 Title 10, Subtitle 2 of the State Government Article.

8 (c) The Secretary may administer oaths in connection with any proceeding
9 under this section.

10 (d) The hearing notice to be given to the person shall be written and sent at
11 least 10 days before the hearing.

12 (e) The person may be represented at the hearing by counsel.

13 (f) If, after due notice, the person against whom the action is contemplated
14 fails or refuses to appear, nevertheless the Secretary may hear and determine the
15 matter.

16 13-409.

17 Subject to the hearing provisions of § 13-411 of this subtitle, the Secretary may
18 deny certification as a private detective to any applicant, reprimand OR FINE any
19 individual certified as a private detective, or suspend or revoke the certification of an
20 individual:

21 (1) for any applicable ground under § 13-313 of this title;

22 (2) if the applicant or individual fraudulently or deceptively obtains or
23 attempts to obtain certification as a private detective for the applicant or individual
24 or for another; or

25 (3) if the applicant or individual fails to maintain the standards set by
26 the Secretary for certification as a private detective.

27 13-411.

28 (a) Except as otherwise provided in § 10-226 of the State Government Article,
29 before the Secretary takes any final action under § 13-409 of this subtitle, the
30 Secretary shall give the individual against whom the action is contemplated an
31 opportunity for a hearing before the Secretary.

32 (b) The Secretary shall give notice and hold the hearing in accordance with
33 Title 10, Subtitle 2 of the State Government Article.

34 (c) The Secretary may administer oaths in connection with any proceeding
35 under this section.

1 (d) The hearing notice to be given to the individual shall be written and sent
2 at least 10 days before the hearing.

3 (e) The individual may be represented at the hearing by counsel.

4 (f) If, after due notice, the individual against whom the action is
5 contemplated fails or refuses to appear, nevertheless the Secretary may hear and
6 determine the matter.

7 13-701.

8 (a) A person may not engage in, attempt to engage in, [or] offer to engage in,
9 OR SOLICIT TO ENGAGE IN a business for the purpose of providing private detective
10 services in the State unless licensed as a private detective agency by the Secretary.

11 (b) An individual may not provide, attempt to provide, [or] offer to provide,
12 OR SOLICIT TO PROVIDE private detective services in the State unless certified as a
13 private detective by the Secretary.

14 13-707.

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

18 (B) THE FINES ASSESSED UNDER §§ 13-313 AND 13-409 OF THIS TITLE MAY
19 NOT EXCEED \$5,000 PER VIOLATION AND SHALL BE PAID TO THE SECRETARY WITHIN
20 10 DAYS AFTER FINAL ADJUDICATION OF ANY HEARING OR UPON THE WAIVER OF
21 ANY HEARING.

22 18-301.

23 Except as otherwise provided in this title, a person may not engage, OR SOLICIT
24 TO ENGAGE, in the business of providing security systems services in the State unless
25 the person obtains a license and meets the requirements of § 18-401 of this title.

26 18-307.

27 (a) Unless a license is renewed for a 2-year term as provided in this section,
28 the license expires on the first April 1 that comes:

29 (1) after the effective date of the license; and

30 (2) in an odd-numbered year.

31 (b) At least 1 month before a license expires, the Secretary shall mail to the
32 licensee, at the last known address of the licensee:

33 (1) a renewal application form; and

34 (2) a notice that states:

1 (i) the date on which the current license expires;

2 [(ii) the date by which the Secretary must receive the renewal
3 application for the renewal to be issued and mailed before the license expires; and]

4 (II) THAT THE SECRETARY MUST RECEIVE THE RENEWAL
5 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS AT LEAST 15 DAYS BEFORE
6 THE LICENSE EXPIRATION DATE FOR THE RENEWAL TO BE ISSUED AND MAILED
7 BEFORE THE LICENSE EXPIRES;

8 (iii) the amount of the renewal fee;

9 (IV) THAT, IF THE RENEWAL APPLICATION AND ALL REQUIRED
10 FEES AND DOCUMENTS ARE NOT RECEIVED AT LEAST 15 DAYS BEFORE THE LICENSE
11 EXPIRATION DATE, THE LICENSEE SHALL BE ASSESSED A FEE OF \$10 PER DAY UNTIL
12 THE COMPLETE RENEWAL APPLICATION AND FEES ARE RECEIVED; AND

13 (V) THAT, IF THE LICENSEE FAILS TO SUBMIT THE RENEWAL
14 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS BY THE EXPIRATION DATE
15 OF THE LICENSE, THE LICENSEE SHALL BE CONSIDERED CLOSED AND MAY NOT
16 CONDUCT BUSINESS.

17 (c) (1) Before the license expires, the licensee periodically may renew it for
18 an additional 2-year term, if the licensee:

19 [(1)] (I) otherwise is entitled to be licensed;

20 [(2)] (II) pays to the Secretary a renewal fee of \$100 which shall include
21 the cost of the Maryland and national criminal records check or the fee provided in
22 subsection (e) of this section, if applicable; and

23 [(3)] (III) submits to the Secretary:

24 [(i)] 1. a renewal application on the form that the Secretary
25 provides;

26 [(ii) 1.] 2. A. a set of legible fingerprints of the licensee on
27 forms approved by the Criminal Justice Information System Central Repository and
28 the Director of the Federal Bureau of Investigation; or

29 [2.] B. if the licensee is a firm, a set of legible fingerprints
30 for each firm member as required under item 1 of this subparagraph; [and]

31 [(iii)] 3. satisfactory evidence of compliance with any other
32 requirements set under this section for license renewal; AND

33 4. ANY LATE FEE REQUIRED UNDER THIS SECTION.

34 [(4)] (2) If the licensee is a firm, the licensee shall pay the cost of the
35 fingerprint card records check for each firm member.

1 (d) Except as provided in subsection (e) of this section, before renewing a
2 license, the Secretary shall conduct a State and national criminal records check for
3 each licensee, or each firm member if the applicant is a firm, who applies for a
4 renewal of a license.

5 (e) The Secretary may waive the State and national criminal records check
6 required under subsection (d) of this section for a licensee who was issued a license
7 under § 18-303(g) of this subtitle if the licensee:

8 (1) provides adequate evidence that:

9 (i) the license of the licensee issued by another state was renewed
10 by that other state within 1 year of the expiration date of the license issued under this
11 subtitle; and

12 (ii) the renewal occurred after the licensee submitted to a state and
13 national criminal records check; and

14 (2) pays to the Secretary a processing fee of \$100.

15 (f) If the State and national criminal records check required under subsection
16 (d) of this section is not completed before a license expires, the Secretary shall issue a
17 temporary license to a licensee who otherwise meets the requirements of this section.

18 (g) A temporary license issued under subsection (f) of this section shall expire
19 at the earlier of:

20 (1) the completion of the State and national criminal records check of the
21 licensee; or

22 (2) the renewal or the denial of the license.

23 (H) IF THE SECRETARY DOES NOT RECEIVE THE RENEWAL APPLICATION AND
24 ALL FEES AND DOCUMENTS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION AT
25 LEAST 15 DAYS BEFORE THE LICENSE EXPIRATION DATE, THE SECRETARY SHALL
26 CHARGE THE LICENSEE A LATE FEE OF \$10 PER DAY UNTIL THE RENEWAL
27 APPLICATION AND ALL REQUIRED FEES AND DOCUMENTS ARE RECEIVED.

28 [(h)] (I) The Secretary shall renew the license of each licensee who meets the
29 requirements of this section.

30 18-309.

31 Subject to the hearing provisions of § 18-310 of this subtitle, the Secretary may
32 deny a license to any applicant, reprimand any licensee, FINE A LICENSEE, or
33 suspend or revoke a license if the applicant or licensee, or a firm member or employee
34 of an applicant or licensee that is a firm:

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

- 1 (2) fraudulently or deceptively uses a license;
- 2 (3) has a similar license denied, suspended, or revoked in another
3 jurisdiction;
- 4 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft
5 offense, or crime of moral turpitude;
- 6 (5) aids an individual in obtaining or attempting to obtain fraudulently
7 or deceptively licensure under this title as a security systems technician;
- 8 (6) while not licensed, willfully engages in a business providing security
9 systems services;
- 10 (7) while not licensed, willfully advertises as a security systems
11 technician;
- 12 (8) willfully makes a false statement or misrepresentation in any
13 renewal application or in any other document that the Secretary requires to be
14 submitted; or
- 15 (9) violates any other provision of this title.

16 18-310.

17 (a) Before the Secretary takes any final action under § 18-309 of this subtitle,
18 the Secretary shall give the person against whom the action is contemplated an
19 opportunity for a hearing before the Secretary.

20 (b) The Secretary shall give notice and hold the hearing in accordance with
21 Title 10, Subtitle 2 of the State Government Article.

22 (c) The hearing notice to be given to the person shall be sent by certified mail
23 to the last known address of the person at least 10 business days before the hearing.

24 (d) The Secretary may administer oaths in connection with any proceeding
25 under this section.

26 (e) The person may be represented at the hearing by counsel.

27 (f) If, after due notice, the person against whom the action is contemplated
28 fails or refuses to appear, nevertheless, the Secretary may hear and determine the
29 matter.

30 18-311.

31 Any person aggrieved by a final decision of the Secretary in a contested case, as
32 defined in § 10-202 of the State Government Article, may take an appeal as allowed
33 in Title 10, Subtitle 2 of the State Government Article.

1 18-3A-09.

2 Subject to the hearing provisions of § 18-3A-10 of this subtitle, the Secretary
3 may deny registration to any applicant, reprimand any registrant, FINE ANY
4 REGISTRANT, or suspend or revoke a registration if the applicant or registrant:

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

7 (2) fraudulently or deceptively uses a registration;

8 (3) has a similar license or registration denied, suspended, or revoked in
9 another jurisdiction;

10 (4) pleads guilty or nolo contendere to or is convicted of a felony, theft
11 offense, or crime of moral turpitude;

12 (5) aids an individual in obtaining or attempting to obtain fraudulently
13 or deceptively registration under this title;

14 (6) while not registered as a security systems technician and employed
15 by or under contract with a security systems agency licensed under this title, willfully
16 engages in personally providing security systems services;

17 (7) while not registered as a security systems technician and employed
18 by or under contract with a security systems agency licensed under this title, willfully
19 advertises as a security systems technician;

20 (8) willfully makes a false statement or misrepresentation in any
21 renewal application or in any other document that the Secretary requires to be
22 submitted; or

23 (9) violates any other provision of this title.

24 18-3A-10.

25 (a) Before the Secretary takes any final action under § 18-3A-09 of this
26 subtitle, the Secretary shall give the individual against whom the action is
27 contemplated an opportunity for either:

28 (1) a hearing before the Secretary; or

29 (2) a hearing before an advisory panel consisting of the following
30 members appointed by the Secretary:

31 (i) a member of the Department of State Police;

32 (ii) a representative of the security systems industry; and

33 (iii) three members representing consumers.

1 (b) The Secretary or the advisory panel shall give notice and hold the hearing
2 in accordance with Title 10, Subtitle 2 of the State Government Article.

3 (c) The hearing notice to be given to the individual shall be sent by certified
4 mail to the last known address of the individual at least 10 business days before the
5 hearing.

6 (d) The Secretary or the advisory panel may administer oaths in connection
7 with any proceeding under this section.

8 (e) The individual may be represented at the hearing by counsel.

9 (f) If, after due notice, the individual against whom the action is
10 contemplated fails or refuses to appear, the Secretary or the advisory panel may,
11 nevertheless, hear and determine the matter.

12 18-3A-11.

13 Any person aggrieved by a final decision of the Secretary in a contested case, as
14 defined in § 10-202 of the State Government Article, may take an appeal as allowed
15 in Title 10, Subtitle 2 of the State Government Article.

16 18-402.

17 The Department of State Police shall adopt regulations necessary to effectuate
18 and enforce this subtitle. THE REGULATIONS SHALL INCLUDE A SCHEDULE OF FINES
19 FOR VIOLATIONS OF THIS SUBTITLE WHICH MAY BE ASSESSED BY THE SECRETARY
20 UNDER §§ 18-309 AND 18-3A-09 OF THIS TITLE.

21 18-501.

22 A person may not engage, attempt to engage, [or] offer to engage, OR SOLICIT
23 TO ENGAGE in a business of providing security systems services in the State unless
24 licensed by the Secretary.

25 18-504.

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

29 (B) THE FINES ASSESSED UNDER §§ 18-309 AND 18-3A-09 OF THIS TITLE MAY
30 NOT EXCEED \$5,000 PER VIOLATION AND SHALL BE PAID TO THE SECRETARY WITHIN
31 10 DAYS AFTER FINAL ADJUDICATION OF ANY HEARING OR THE WAIVER OF ANY
32 HEARING.

33 19-202.

34 (a) In addition to any powers set forth elsewhere, the Secretary may:

35 (1) adopt regulations to carry out this title;

1 (2) use any member of the Department of State Police, as necessary, to
2 carry out and enforce this title; [and]

3 (3) make inquiries and conduct an investigation regarding any
4 applicant:

5 (i) for a license; or

6 (ii) for employment with a licensee as a security guard; AND

7 (4) ADOPT A SCHEDULE OF FINES FOR VIOLATIONS OF THIS TITLE
8 WHICH MAY BE ASSESSED BY THE SECRETARY UNDER §§ 19-313 AND 19-408 OF THIS
9 TITLE.

10 (b) In addition to any duties set forth elsewhere, the Secretary shall:

11 (1) adopt regulations that set standards for the certification of employees
12 of security guard agencies as security guards; and

13 (2) keep a roster of the individuals certified as security guards under
14 this title, including on the roster:

15 (i) the names of individuals certified;

16 (ii) the name of the licensed security guard agency with or by which
17 each individual is associated or employed; and

18 (iii) any other information that the Secretary considers appropriate.

19 19-301.

20 (a) Except as otherwise provided in this title, a person shall be licensed by the
21 Secretary as a security guard agency before the person may [conduct a business that
22 provides security guard services in the State]:

23 (1) CONDUCT A BUSINESS THAT PROVIDES SECURITY GUARD SERVICES
24 IN THE STATE; AND

25 (2) SOLICIT BUSINESS FOR THE PURPOSES OF CONDUCTING SECURITY
26 GUARD SERVICES IN THE STATE.

27 (b) An individual or a firm may qualify for a license as a security guard
28 agency.

29 19-303.

30 (a) In this section, "organized police agency" means:

31 (1) a police department of the State or of a county or municipal
32 corporation of the State;

1 (2) a private police department that is allowed to enroll its officers in
2 approved MARYLAND Police Training Commission schools and academies; or

3 (3) a law enforcement agency of the United States, of any state, or of any
4 county or municipal corporation of any state.

5 (b) An individual applicant or, if the applicant is a firm, the representative
6 member shall have:

7 (1) at least 5 years experience as a full-time private detective certified
8 under Title 13 of this article;

9 (2) at least:

10 (i) 5 years of experience as a full-time police officer with an
11 organized police agency; and

12 (ii) completed successfully [the] A police officer training course [of
13 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training
14 Commission;

15 (3) at least 3 years of experience in an investigative capacity as a
16 detective while serving as a police officer with an organized police agency;

17 (4) at least:

18 (i) 3 years of experience in an investigative capacity in any unit of
19 the United States, of the State, or of a county or municipal corporation of the State for
20 the purpose of law enforcement; and

21 (ii) completed successfully the police officer training [required by
22 the] THAT IS RECOGNIZED AND APPROVED BY THE MARYLAND Police Training
23 Commission; or

24 (5) at least:

25 (i) 5 years of experience as a full-time fire investigator for a fire
26 department or law enforcement agency of the State or of a county or municipal
27 corporation of the State; and

28 (ii) completed successfully the training certified by the MARYLAND
29 Police Training Commission or the Maryland Fire-Rescue Education and Training
30 Commission.

31 19-313.

32 (a) Subject to the hearing provisions of § 19-315 of this subtitle, the Secretary
33 may deny a license to any applicant, reprimand any licensee, FINE ANY LICENSEE OR
34 AGENCY, 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) aids an individual to obtain or to attempt to obtain fraudulently or
5 deceptively certification under this title as a security guard;
- 6 (4) while not licensed, willfully engages in a business providing security
7 guard services in the State;
- 8 (5) while not licensed, willfully advertises:
- 9 (i) as a security guard agency; or
- 10 (ii) the provision of security guard services;
- 11 (6) willfully makes a false statement or misrepresentation that an
12 individual is or was in the employ of the applicant or licensee;
- 13 (7) willfully makes a false statement or misrepresentation in any
14 renewal application, in any annual statement, or in any other report or document that
15 the Secretary requires to be submitted;
- 16 (8) fails to notify the Secretary about any change among the firm
17 members or in the address of the principal office or any branch office of a licensee;
- 18 (9) fails to maintain a bond as required by § 19-503 of this title;
- 19 (10) fails to maintain the liability insurance required under § 19-504 of
20 this title; or
- 21 (11) violates any PROVISION OF ARTICLE 27 OR other provision of this
22 title.
- 23 (b) For purposes of this section, an act or omission of any principal, agent, or
24 employee of an applicant or licensee may be construed to be the act or omission of the
25 applicant or licensee, as well as of the principal, agent, or employee.
- 26 19-315.
- 27 (a) Except as otherwise provided in § 10-226 of the State Government Article,
28 before the Secretary takes any final action under § 19-313 of this subtitle, the
29 Secretary shall give the person against whom the action is contemplated an
30 opportunity for a hearing before the Secretary.
- 31 (b) The Secretary shall give notice and hold the hearing in accordance with
32 Title 10, Subtitle 2 of the State Government Article.
- 33 (c) The Secretary may administer oaths in connection with any proceeding
34 under this section.

1 (d) The hearing notice to be given to the person shall be written and sent at
2 least 10 days before the hearing.

3 (e) The person may be represented at the hearing by counsel.

4 (f) If, after due notice, the person against whom the action is contemplated
5 fails or refuses to appear, nevertheless the Secretary may hear and determine the
6 matter.

7 19-408.

8 Subject to the hearing provisions of § 19-410 of this subtitle, the Secretary may
9 deny certification as a security guard to any applicant, reprimand OR FINE any
10 individual certified as a security guard, or suspend, revoke, or refuse to renew the
11 certification of an individual:

12 (1) for any applicable ground under § 19-313 of this title;

13 (2) if the applicant or individual fraudulently or deceptively obtains or
14 attempts to obtain certification as a security guard for the applicant or individual or
15 for another;

16 (3) if the applicant or individual fails to maintain the standards set by
17 the Secretary for certification as a security guard; or

18 (4) if, under the laws of the United States or of any state, the applicant
19 or individual pleads guilty or nolo contendere to or is convicted of:

20 (i) a felony; or

21 (ii) a misdemeanor that is directly related to the fitness and
22 qualification of the applicant or individual to be certified as a security guard.

23 19-410.

24 (a) Except as otherwise provided in § 10-226 of the State Government Article,
25 before the Secretary takes any final action under § 19-408 of this subtitle, the
26 Secretary shall give the individual against whom the action is contemplated an
27 opportunity for a hearing before the Secretary.

28 (b) The Secretary shall give notice and hold the hearing in accordance with
29 Title 10, Subtitle 2 of the State Government Article.

30 (c) The Secretary may administer oaths in connection with any proceeding
31 under this section.

32 (d) The hearing notice to be given to the individual shall be written and sent
33 at least 10 days before the hearing.

34 (e) The individual may be represented at the hearing by counsel.

1 (f) If, after due notice, the individual against whom the action is
2 contemplated fails or refuses to appear, nevertheless the Secretary may hear and
3 determine the matter.

4 19-601.

5 A person may not engage in, attempt to engage in, [or] offer to engage in, OR
6 SOLICIT TO ENGAGE IN the business of providing security guards for hire in the State
7 unless licensed as a security guard agency by the Secretary.

8 19-607.

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

12 (B) THE FINES ASSESSED UNDER §§ 19-313 AND 19-408 OF THIS TITLE MAY
13 NOT EXCEED \$5,000 PER VIOLATION AND SHALL BE PAID TO THE SECRETARY WITHIN
14 10 DAYS AFTER FINAL ADJUDICATION OF ANY HEARING OR UPON THE WAIVER OF
15 ANY HEARING.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2001.