Article - Business Occupations and Professions

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§12–312.

(a) (1) Subject to the hearing provisions of § 12-313 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

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

(ii) fraudulently or deceptively uses a license;

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

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

(v) under the laws of the United States or of any state, is convicted of:

1. a felony; or

2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide plumbing services;

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

(vii) fails to train and control adequately any person who, while under the direction and control of the master plumber or holder of a limited master plumber license, sells or gives estimates for providing plumbing services or provides or assists in providing plumbing services;

(viii) fails to maintain the liability insurance required under § 12-501 of this title for a master plumber, holder of a limited master plumber license who contracts to provide plumbing services on behalf of the master plumber, holder of a limited master plumber license, or another, holder of a propane gas fitter certificate, or holder of a master natural gas fitters license;

(ix) is guilty of violating § 12-605 of this title;

(x) as the holder of a limited license, propane gas fitter certificate, master natural gas fitters license, journey plumber license, journeyman natural gas fitters license, apprentice plumber license, or apprentice natural gas fitters license, performs plumbing, propane gas fitting, or natural gas fitting services outside the scope of that license;

(xi) knowingly allows or permits another licensee to perform plumbing, propane gas fitting, or natural gas fitting services outside the scope of that individual's license;

(xii) violates any other provision of this title; or

(xiii) violates any regulation adopted under this title.

(2) (i) Instead of or in addition to reprimanding a licensee or suspending or revoking a license under this subsection, the Board may impose a penalty not exceeding $5,000 for each violation.

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

1. the seriousness of the violation;

2. the harm caused by the violation;

3. the good faith of the licensee; and

4. any history of previous violations by the licensee.

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

(b) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection (a)(1)(v) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the license;

(3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to provide plumbing services;

(4) the length of time since the conviction; and

(5) the behavior and activities of the applicant or licensee before and after the conviction.

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