Article - Business Regulation

[Previous][Next]

§9A–310.

(a) (1) The Board may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license after a public hearing conducted in accordance with the provisions of § 9A-311 of this subtitle, if the Board finds that the individual:

(i) obtained a license by false or fraudulent representation;

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

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

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

(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 heating, ventilation, air-conditioning, or refrigeration services;

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

(vii) willfully or deliberately disregarded disciplinary action taken by a municipality, city, or county against the individual in connection with providing heating, ventilation, air-conditioning, or refrigeration services;

(viii) abandoned or failed to perform, without justification, any contract or project to provide heating, ventilation, air-conditioning, or refrigeration services;

(ix) performed work under a heating, ventilation, air-conditioning, or refrigeration services contract or project that is inadequate or incomplete;

(x) directly or indirectly published any advertisement relating to the providing of heating, ventilation, air-conditioning, or refrigeration services that contained an insertion, representation, or statement of fact that is false, deceptive, or misleading;

(xi) made any material misrepresentation in the procurement of a heating, ventilation, air-conditioning, or refrigeration services contract or project;

(xii) failed in any material respect to comply with the provisions of this title;

(xiii) as the holder of a master restricted, limited, journeyman, or apprentice license, performed heating, ventilation, air-conditioning, or refrigeration services outside the scope of that license; or

(xiv) knowingly allowed or permitted another licensee to perform heating, ventilation, air-conditioning, or refrigeration services outside the scope of that individual's license.

(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 heating, ventilation, air-conditioning, and refrigeration 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.

[Previous][Next]