

2. A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PROVIDE SERVICES AS A STATIONARY ENGINEER;

(IV) FAILS TO CONTROL OR SUPERVISE ADEQUATELY A PERSON WHO, WHILE UNDER THE SUPERVISION OF A LICENSEE, PROVIDES SERVICES AS A STATIONARY ENGINEER;

(V) PERMITS A LICENSEE TO PROVIDE SERVICES AS A STATIONARY ENGINEER OUTSIDE THE SCOPE OF THAT INDIVIDUAL'S LICENSE GRADE;

(VI) PERMITS AN INDIVIDUAL TO PROVIDE SERVICES AS A STATIONARY ENGINEER WITHOUT THE APPROPRIATE LICENSE ISSUED BY THE BOARD;

(VII) IS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL WHILE OPERATING AN ENGINE, BOILER, OR OTHER TYPE OF POWER EQUIPMENT;

(VIII) IS GUILTY OF NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT WHILE PROVIDING STATIONARY ENGINEER SERVICES;

(IX) VIOLATES ANY REGULATION ADOPTED UNDER THIS TITLE; OR

(X) VIOLATES ANY PROVISION OF 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)(III) OF THIS SECTION:

(1) THE NATURE OF THE CRIME;

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