

(2) THE LICENSEE WAS AFFORDED NOTICE OF ANY OPPORTUNITY TO PARTICIPATE IN ANY HEARING ON THE CLAIM BEFORE THE COMMISSION; AND

(3) THE COMMISSION'S DECISION OR ORDER HAS BECOME FINAL IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT AND THAT NO APPEAL IS PENDING; OR

(4) THE COMMISSION HAS DIRECTED PAYMENT FROM THE FUND BASED ON A FINAL JUDGMENT OF A COURT OF COMPETENT JURISDICTION OR A FINAL AWARD IN ARBITRATION AS AUTHORIZED UNDER § 257E(A) OF THIS SUBTITLE.

(D) THE COMMISSION OR THE STATE CENTRAL COLLECTION UNIT SHALL BE DEEMED A CREDITOR WITH RESPECT TO ANY AMOUNT PAID FROM THE FUND FOR THE PURPOSE OF EXCEPTING TO ANY DISCHARGE OF THE LICENSED CONTRACTOR UNDER FEDERAL BANKRUPTCY LAW.

257G.

(A) A CLAIM MAY NOT BE BROUGHT AGAINST THE FUND AFTER 3 YEARS FROM THE DATE THAT THE CLAIMANT DISCOVERED, OR BY EXERCISE OF ORDINARY DILIGENCE SHOULD HAVE DISCOVERED, THE LOSS OR DAMAGE.

(B) THE PENDENCY OF A CLAIM AGAINST THE FUND SHALL NOT LIMIT THE AUTHORITY OF THE COMMISSION TO TAKE DISCIPLINARY ACTION AGAINST ANY LICENSEE, INCLUDING A SUBCONTRACTOR OR SALESMAN, UNDER § 258 OF THIS SUBTITLE, NOR SHALL THE REPAYMENT IN FULL BY A LICENSED CONTRACTOR OF THE AMOUNT PAID FROM THE FUND ON THAT CONTRACTOR LICENSEE'S ACCOUNT, BY ITSELF, NULLIFY OR MODIFY THE EFFECT OF ANY DISCIPLINARY PROCEEDING AGAINST ANY LICENSEE.

258.

(a) For the protection of the people of this State, the Commission may refuse to grant a license to any applicant or may suspend or revoke the license of any licensee, if it finds that the applicant or licensee or the management personnel of the applicant or licensee:

(1) Has made a material omission or misrepresentation of fact on an application for a license;

(2) Has failed to furnish information to the Commission concerning an application for a license as required by this subtitle;

(3) Has failed to pass the examination required by this subtitle;

(4) Has been convicted of a felony;

(5) Has consistently failed to perform contracts, or has manipulated assets or accounts, or has engaged in [a practice of] fraud or bad faith; or