

(2) "CONTROLLING STOCKHOLDER" MEANS A STOCKHOLDER WHO:

(I) HAS THE POWER TO DIRECT OR CAUSE THE DIRECTION OF THE MANAGEMENT OR POLICIES OF A CORPORATION, REGARDLESS OF THE NUMBER OF SHARES THE STOCKHOLDER OWNS; OR

(II) OWNS MORE THAN 25% OF THE VOTING SHARES OF A CORPORATION.

(3) "CONVICTION" INCLUDES AN ACCEPTED PLEA OF NOLO CONTENDERE.

(4) "PERSON" HAS THE SAME MEANING PROVIDED IN § 11-101 OF THIS ARTICLE.

(5) "STATE CONTRACT" MEANS A CONTRACT OF ANY KIND WITH ANY AGENCY, ASSOCIATION, BOARD, BUREAU, COLLEGE, COMMISSION, COMMITTEE, COUNCIL, FOUNDATION, FUND, DEPARTMENT, INSTITUTE, INSTITUTION, PUBLIC CORPORATION, SERVICE, TRUST, UNIVERSITY, OR OTHER UNIT OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING ANY SUBUNIT.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, DEBARMENT PROCEEDINGS MAY BE INSTITUTED WITHIN 5 YEARS OF THE OCCURRENCE-OF-THE ACT, FINAL JUDGMENT, OR ADMISSION THAT CONSTITUTES CONSTITUTES GROUNDS FOR DEBARMENT UNDER THIS SECTION.

(C) (1) AFTER REASONABLE NOTICE TO THE PERSON INVOLVED AND REASONABLE OPPORTUNITY FOR THAT PERSON TO BE HEARD, THE BOARD OF PUBLIC WORKS MAY DEBAR A PERSON FOR CAUSE FROM BEING CONSIDERED FOR THE AWARD OF OR BEING AWARDED A STATE CONTRACT. THE BOARD OF PUBLIC WORKS MAY SUSPEND A PERSON PENDING A FINAL DEBARMENT DECISION BY THE BOARD.

(2) A PERSON MAY NOT BE SUSPENDED OR DEBARRED PURSUANT TO SUBSECTION (E) OF THIS SECTION IF THE ACT FORMING THE BASIS FOR SUCH SUSPENSION OR DEBARMENT IS AT ISSUE IN ANY CLAIM OR DISPUTE, FILED PURSUANT TO THE PROVISIONS OF DIVISION II OF THIS ARTICLE, PENDING BEFORE A STATE AGENCY, THE BOARD OF CONTRACT APPEALS, OR IN ANY COURT OF COMPETENT JURISDICTION, BUT THE 5-YEAR PERIOD PROVIDED BY SUBSECTION (B) OF THIS SECTION SHALL RUN FROM THE DATE OF FINAL DISPOSITION OF THAT CLAIM OR DISPUTE.

(D) A PERSON MAY BE DEBARRED UNDER THIS SECTION IF THAT PERSON OR ANY OF ITS OFFICERS, PARTNERS, CONTROLLING STOCKHOLDERS, PRINCIPALS, OR OTHER PERSON SUBSTANTIALLY INVOLVED IN ITS CONTRACTING ACTIVITIES HAS:

(1) BEEN CONVICTED UNDER A STATE OR FEDERAL STATUTE OF A CRIMINAL OFFENSE INCIDENT TO OBTAINING, ATTEMPTING TO OBTAIN, OR PERFORMING A PUBLIC OR PRIVATE CONTRACT;