

- (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;
- (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE; OR
- (3) IS GUILTY OF GROSS NEGLIGENCE, INCOMPETENCE, OR MISCONDUCT IN PRACTICING FORESTRY.

REVISOR'S NOTE: The introductory language and item (3) of this section are new language derived without substantive change from the first and eighth sentences of former Art. 56, § 317.

Items (1) and (2) of this section are new language added to conform to almost all of the occupational licensing acts adopted by the General Assembly in the past several years. See, e.g., the comparable sections on disciplinary actions in the various titles of the Health Occupations Article. The General Assembly expressly decided that the language of these items was to be included in each of those sections as a fundamental ground for disciplining a licensee.

In the introductory language of this section, express reference to the "authorized members" is added to clarify that the Board may exercise the disciplinary powers authorized by this section only on the affirmative vote of a majority of the members authorized for the Board by law and, thus, is prohibited from action by a majority of members present or a majority of members then serving if that number is less than a majority of the authorized number.

Also in the introductory language of this section, the power to "deny a license to any applicant" is standard language added to state expressly that which only was implied in the former law -- i.e., the Board may deny a license to an applicant who violates a disciplinary provision under this section.

Similarly, in the introductory language of this section, the powers of the Board to reprimand a licensee or to suspend a license are added to state specifically powers that are inherent in the express power to revoke a license.

Defined terms: "Board" § 7-101
 "License" § 7-101 "Practice forestry" § 7-101

7-310. SAME -- COMMENCEMENT OF PROCEEDINGS.