

[(10)](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;

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

[(12)](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)(5)] (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;