

- (2) fraudulently or deceptively uses a license;
- (3) engages in conduct that demonstrates bad faith, incompetency, negligence or untrustworthiness, or that constitutes dishonest, fraudulent, or improper dealings;
- (4) under the laws of the United States or of any state, is convicted of:
 - (i) a felony; or
 - (ii) a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to provide home inspection services;
- (5) violates any provision of this title;
- (6) violates any regulation adopted under this title; OR
- (7) aids, abets, or assists any person in violating any provision of this title or any regulation adopted under this title.

DRAFTER'S NOTE:

Error: Incorrect word usage in the introductory language of § 16-701.1 of the Business Occupations and Professions Article; omitted conjunction in § 16-701.1(6) of the Business Occupations and Professions Article.

Occurred: Ch. 470, Acts of 2001. Correction by the publisher of the Annotated Code in the 2001 Supplement of the Business Occupations and Professions Article, § 16-701.1(6) is ratified by this Act.

16-706.

- (b) (1) The [Board] COMMISSION may impose on a person who violates any provision of this title a penalty not exceeding \$5,000 for each violation.
- (2) In setting the amount of the penalty, the [Board] COMMISSION shall consider:
 - (i) the seriousness of the violation;
 - (ii) the harm caused by the violation;
 - (iii) the good faith of the violator;
 - (iv) any history of previous violations by the violator; and
 - (v) any other relevant factors.

- (3) The [Board] COMMISSION shall pay any penalty collected under this subsection into the General Fund of the State.

DRAFTER'S NOTE:

Error: Misnomer in § 16-706(b)(1), (2), and (3) of the Business Occupations and Professions Article.