

26.06.01.15

.15 Denials, Reprimands, Suspensions, and Revocations.

A. Grounds for Board Action.

(1) Denials. Subject to the hearing provisions of § B of this regulation, the Board may deny certification, limited certification, or temporary certification to any applicant if the applicant fraudulently or deceptively:

(a) Obtains or attempts to obtain a certificate, limited certificate, or temporary certificate for the applicant or for another person; or

(b) Uses a certificate, limited certificate, or temporary certificate.

(2) Reprimands, Suspensions, and Revocations. Subject to the hearing provisions of § B of this regulation, the Board may reprimand any certificate holder, or suspend or revoke a certification for either of the following:

(a) If the certificate holder fraudulently or deceptively:

(i) Obtains or attempts to obtain a certificate, limited certificate, or temporary certificate for the applicant or for another,

(ii) Uses a certificate, limited certificate, or temporary certificate;

(b) Other reasonable cause, such as:

(i) Professional incompetency,

(ii) Falsification of records,

(iii) Failure to submit required self-monitoring documents,

(iv) Negligence in operation and maintenance of the works.

B. Right to a Hearing.

(1) Before the Board revokes or suspends a certificate or reprimands a certificate holder, it shall:

(a) Notify the certificate holder in writing by certified mail to his last known address that it is considering action for reasons stated in the notice;

(b) Request the certificate holder to appear at a hearing of the Board of Waterworks and Waste Systems Operators at a designated time and place to show cause why the certificate should not be revoked or suspended or the certificate holder reprimanded.

(2) The form of the notice and the hearing shall conform to the provisions of the Administrative Procedure Act, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

C. Ex Parte Hearing. If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board, nevertheless, may hear and determine the matter.

D. Effect of Adverse Finding by the Board.

(1) If, after the hearing by the Board, the certificate is revoked or suspended, the certificate holder shall:

(a) Cease his or her activities as a certified operator or superintendent; and

(b) Return the certificate to the Board.

(2) Until the notice of revocation or suspension is delivered to the last known address of the certificate holder, the certificate remains valid.

(3) Voluntary surrender by the certificate holder of his certificate will constitute a waiver of the hearing before the Board.

(4) Suspensions of certificates may not exceed 1 year or suspensions shall terminate when the certificate holder complies with all conditions stipulated by the Board at the time of suspension, whichever is later.

(5) After the expiration of 1 year following revocation of a certificate, the person previously holding the certificate may apply for a new certificate subject to a new examination and review by the Board.

E. Judicial Review.

(1) A person aggrieved by a final decision of the Board under § D may take a direct judicial appeal.

(2) The appeal shall be made as provided for judicial review of final decisions in the Administrative Procedure Act.