

**4731.0280 DELIBERATE MISCONDUCT.**

Subpart 1. **Applicability.** This part applies to:

- A. a licensee, registrant, industrial radiography certificate holder, or quality assurance program approval holder;
- B. an applicant for a license or registration, applicant for industrial radiography certificate, or applicant for quality assurance program approval;
- C. a contractor, including a supplier or consultant, or subcontractor to any person identified in this subpart; or
- D. an employee of any person identified in this subpart.

Subp. 2. **Prohibition.** A person identified in subpart 1 who knowingly provides to any entity listed in subpart 1, any components, equipment, materials, or other goods or services that relate to a licensee's, industrial radiography certificate holder's, quality assurance program approval holder's, registrant's, or applicant's activities in this chapter may not:

- A. engage in deliberate misconduct that causes or would have caused, if not detected, any entity listed in subpart 1 to be in violation of a rule; an order; a regulation; or a term, condition, or limitation of a license, certificate, approval, or registration issued by the commissioner; or
- B. deliberately submit to the commissioner, a licensee, a registrant, an industrial radiography certificate holder, a quality assurance program approval holder, an applicant for a license, certificate, or quality assurance program approval, or a licensee's, registrant's, or applicant's contractor or subcontractor, any information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the commissioner.

Subp. 3. **Enforcement.** A person who violates this part may be subject to enforcement action under part 4731.0260.

Subp. 4. **Definition.** For purposes of this part, deliberate misconduct by a person means an intentional act or omission that the person knows:

- A. would cause a licensee, registrant, or applicant to be in violation of a rule, an order, or a term, condition, or limitation of a license issued by the commissioner; or
- B. constitutes a violation of a requirement, procedure, instruction, contract, purchase order, or policy of a licensee, registrant, applicant, contractor, or subcontractor.

**Statutory Authority:** *MS s 144.1202; 144.1203*

**History:** *29 SR 755; 32 SR 831*

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