

**7406.1000 DEPUTY APPOINTMENT SUSPENSION, REVOCATION.**

Subpart 1. **Conviction in another jurisdiction.** For purposes of this part, "conviction" includes a conviction of a crime in another jurisdiction that, if committed in Minnesota, would be a violation of a Minnesota statute.

Subp. 2. **Grounds for suspension or revocation.** The violations specified in this subpart are grounds for revocation or suspension of a deputy registrar appointment:

- A. conviction of a felony;
- B. conviction of any crime:
  - (1) affecting a public officer or employee;
  - (2) of theft or related crime;
  - (3) of forgery or related crime; or
  - (4) that directly relates to the position of deputy registrar;
- C. violation or failure to comply with any provision of this chapter; Minnesota Statutes, chapter 168; or an order issued by the commissioner;
- D. forging of documents or providing false or fraudulent information to the commissioner or the public;
- E. misappropriation, conversion, or illegal withholding of state fees and taxes required to be deposited or reported in accordance with this chapter or Minnesota Statutes, chapter 84, 86B, 168, 168A, 168D, 297B, or 296A;
- F. failure or refusal to provide the commissioner access to the office, documents, persons served, or employees;
- G. immediate suspension of an appointment under part 7406.0900;
- H. grounds for denial of an appointment under part 7406.0360, subpart 7; or
- I. loss of an appointment as a driver's license agent under chapter 7404 or Minnesota Statutes, section 171.061.

Subp. 3. **Criteria for discontinuance action.** In deciding what discontinuance action to take under subpart 2, the commissioner shall consider the following factors:

- A. the laws or rules that have been violated;
- B. the nature and severity of the violation and the conduct;
- C. relevant facts, conditions, and circumstances concerning the violation and the operation of the office;
- D. any aggravating or mitigating factors related to the violation;

E. the frequency of the violator's failure to comply with laws or rules related to a deputy registrar office;

F. the likelihood that the violations will occur again;

G. the degree of the violator's cooperation during the course of the investigation surrounding the violation; and

H. harm to the public because of the violation.

Subp. 4. **Suspension and revocation hearing.** When the commissioner has grounds for revocation or suspension under this part, the commissioner shall conduct a hearing before revoking or suspending a deputy registrar appointment under the procedures in parts 7406.1100 to 7406.2600.

Subp. 5. **Effect of revocation.** An owner, officer, director, or five percent shareholder of a revoked office may not be an owner, officer, director, or five percent shareholder of another deputy registrar office during the period of revocation. When a deputy registrar appointment is revoked, the deputy registrar shall immediately surrender all inventory, fees and taxes, and other state-issued property.

Subp. 6. **Effect of suspension.** When a deputy registrar appointment is suspended under subpart 1, the deputy registrar shall surrender all fees and taxes. The commissioner shall consider the factors in subpart 3 when determining the length, terms, and conditions of the suspension.

Subp. 7. **Issuance of correction order.** The commissioner may issue a correction order for a violation of rule or law rather than a suspension under subpart 1, after consideration of the factors in subpart 3.

A. The correction order must state:

- (1) the specific law or rule violated;
- (2) the conditions that constitute a violation of law or rule;
- (3) the requirements to correct the violation;
- (4) the consequences of the correction order;
- (5) the time allowed to correct each violation, if applicable; and
- (6) how to obtain a review of the correction order.

B. If the deputy registrar believes that the contents of the commissioner's correction order are in error, the deputy registrar may ask the commissioner to reconsider the parts of the correction order that are alleged to be in error. The request for reconsideration

must be in writing and received by the commissioner within ten days of the date of the correction order. The written request for reconsideration must:

- (1) specify the parts of the correction order that are alleged to be in error;
- (2) explain why the parts of the order are in error; and
- (3) include documentation to support the allegation of error.

A request for reconsideration does not stay any provision or requirement of the correction order. The commissioner shall respond to requests for reconsideration made under this subpart within 15 working days after receipt of the request for reconsideration.

C. A deputy registrar who fails to comply with a correction order may be subject to suspension or revocation of appointment under this part.

**Statutory Authority:** *MS s 14.06; 168.33; 299A.01*

**History:** *20 SR 2784; 29 SR 97*

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