

7512.2700 SUSPENSION.

Subpart 1. **Grounds for suspension.** The commissioner shall suspend a contractor license, managing employee certificate, journeyman certificate, or apprentice registration when the person holding the license, certificate, or registration has committed an act or has failed to perform a duty that constitutes grounds for suspension. Grounds for suspension include the following:

A. The person willfully violates a provision of this chapter or Minnesota Statutes, chapter 299M, that is not specifically set out in part 7512.2600.

B. The person willfully violates or refuses to comply with a lawful request or order of the commissioner.

C. The person is convicted of a misdemeanor related to the business of fire protection systems.

Subp. 2. **Additional grounds for contractor license suspension.** In addition to those grounds listed in subpart 1, grounds for suspension of a fire protection contractor license include the following:

A. The certificate of the managing employee of the contractor is suspended.

B. The contractor adds an owner, officer, board member, or managing employee who would be ineligible to hold a contractor license as an individual. This provision does not constitute grounds for suspension if the contractor acted without knowledge of the person's ineligibility and if the contractor removes the person before the date scheduled for the hearing on the suspension.

C. The contractor fails to pay the commissioner a surcharge fee due from the contractor within ten days after the notice that a surcharge fee is required to be paid.

Subp. 3. **Additional grounds for managing employee certificate suspension.** In addition to those grounds listed in subpart 1, grounds for suspension of a managing employee certificate include: The license of the contractor of the managing employee is suspended.

Subp. 4. **Description of willfully.** For purposes of this part, the term "willfully":

A. describes an intentional act or omission by a person when the person knows or should reasonably know that the act or omission violates a law, rule, request, or order and the person is able to comply with the law, rule, request, or order; and

B. also describes an act or omission by a person, whether intentional or unintentional, when:

(1) the person uses a business or construction practice that makes it likely that the act or omission will occur;

(2) the commissioner has given written notice to the person within the past three years that the person's license, certificate, or registration may be suspended or revoked if the business or construction practice is not corrected;

(3) the person has failed to correct the business or construction practice within a reasonable time after receiving the notice; and

(4) the person's failure to correct the business or construction practice is a significant factor in causing the act or omission.

Subp. 5. Suspension period and effect. A contractor license, managing employee certificate, journeyman certificate, or apprentice registration is not valid during a suspension. A person may not perform fire protection-related work during a suspension. When a license, certificate, or registration is suspended, the person holding the license, certificate, or registration shall immediately surrender it. After a suspension period ends, the commissioner shall return the license, certificate, or registration. A suspension period ends after the last day of the period regardless of whether this day falls on a Saturday, Sunday, or legal holiday. The suspension period is as follows:

A. The suspension period is seven days, if there are no suspensions on the person's record within the past five years. This suspension period may be shortened if there are mitigating circumstances that indicate a shorter suspension period is appropriate. The suspension period must be at least three days.

B. The suspension period is 14 days, if there is one suspension on the person's record within the past five years. This suspension period may be shortened if there are mitigating circumstances that indicate a shorter suspension period is appropriate. The suspension period must be at least seven days.

C. The suspension period is 28 days, if there are two suspensions on the person's record within the past five years. This suspension period may be shortened if there are mitigating circumstances that indicate a shorter suspension period is appropriate. The suspension period must be at least 14 days.

D. When a suspension period is shortened based on mitigating circumstances, the commissioner shall in writing identify the mitigating circumstances and give the reasons for shortening the suspension period.

E. The suspension of a contractor, in addition to being on the record of the suspended contractor, is also on the record of another contractor if an owner, officer, board member, or managing employee of the other contractor was an owner, officer, board member, or managing employee of the suspended contractor at the time of the acts leading to the suspension.

F. When a suspension is imposed for a continuing violation, the suspension must last until the suspension period determined under items A to E expires or until the violation is corrected, whichever is later.

Subp. 6. **Hearing.** A person against whom the commissioner takes disciplinary action is entitled to a hearing pursuant to Minnesota Statutes before disciplinary action is imposed. A person aggrieved by the commissioner's action may request a hearing before the commissioner. Minnesota Statutes, sections 14.57 to 14.69, apply to the hearing and to any subsequent proceedings.

Statutory Authority: *MS s 299M.04*

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