

Article - Business Regulation

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§16.7–209. IN EFFECT

(a) Subject to the notice requirement of subsection (c) of this section, if a licensee engages in an act or omission that is grounds for discipline under § 16.7–207 of this subtitle, the Comptroller may suspend the license for a consecutive period of time that:

(1) for a first offense, is not less than 5 and not more than 20 business days; and

(2) for a subsequent offense, is not less than 20 business days and not more than 6 months.

(b) Subject to the notice requirement under subsection (c) of this section, the Comptroller may revoke a license if a licensee willfully and persistently engages in an act or omission that is grounds for discipline under § 16.7–207(a) of this subtitle.

(c) If a license is suspended or revoked under this section:

(1) the Comptroller shall give the licensee notice of the suspension or revocation; and

(2) the suspension or revocation of a license may not bar or abate a disciplinary action under this section.

(d) The transfer, renewal, or expiration of a license may not bar or abate a disciplinary action under this section.

(e) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if a license issued under the provisions of this subtitle is suspended or revoked by the Comptroller, the licensee may, before the effective date of the suspension or revocation, petition the Comptroller for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension or revocation.

(ii) Subparagraph (i) of this paragraph does not apply if a license is suspended or revoked for a violation of § 24–305 of the Health – General Article, or any other federal, State, or local law prohibiting the sale of electronic smoking devices to individuals under the age of 21 years.

(2) Money paid in lieu of suspension or revocation shall be paid into the General Fund of the State.

(3) An offer of compromise may not exceed \$2,000 for retail licensees or \$50,000 for other licensees.

(4) The Comptroller may accept the offer of compromise if:

(i) the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension or revocation; and

(ii) the payment of the sum of money will achieve the desired disciplinary purposes.

(5) The Comptroller may adopt regulations to carry out this subsection.

§16.7–209. ** TAKES EFFECT JUNE 1, 2020 PER CHAPTER 12 OF 2019 **

(a) Subject to the notice requirement of subsection (c) of this section, if a licensee engages in an act or omission that is grounds for discipline under § 16.7–207 of this subtitle, the Executive Director may suspend the license for a consecutive period of time that:

(1) for a first offense, is not less than 5 and not more than 20 business days; and

(2) for a subsequent offense, is not less than 20 business days and not more than 6 months.

(b) Subject to the notice requirement under subsection (c) of this section, the Executive Director may revoke a license if a licensee willfully and persistently engages in an act or omission that is grounds for discipline under § 16.7–207(a) of this subtitle.

(c) If a license is suspended or revoked under this section:

(1) the Executive Director shall give the licensee notice of the suspension or revocation; and

(2) the suspension or revocation of a license may not bar or abate a disciplinary action under this section.

(d) The transfer, renewal, or expiration of a license may not bar or abate a disciplinary action under this section.

(e) (1) (i) Except as provided in subparagraph (ii) of this paragraph, if a license issued under the provisions of this subtitle is suspended or revoked by the Executive Director, the licensee may, before the effective date of the suspension or revocation, petition the Executive Director for permission to make an offer of compromise consisting of a sum of money in lieu of serving the suspension or revocation.

(ii) Subparagraph (i) of this paragraph does not apply if a license is suspended or revoked for a violation of § 24–305 of the Health – General Article, or any other federal, State, or local law prohibiting the sale of electronic smoking devices to individuals under the age of 21 years.

(2) Money paid in lieu of suspension or revocation shall be paid into the General Fund of the State.

(3) An offer of compromise may not exceed \$2,000 for retail licensees or \$50,000 for other licensees.

(4) The Executive Director may accept the offer of compromise if:

(i) the public welfare and morals would not be impaired by allowing the licensee to operate during the period set for the suspension or revocation; and

(ii) the payment of the sum of money will achieve the desired disciplinary purposes.

(5) The Executive Director may adopt regulations to carry out this subsection.

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