

7506.0170 PENALTIES.**Subpart 1. Categories of violations.**

A. A serious violation is a failure to comply with law or rule when the failure has a substantial adverse effect on the integrity of the business of private detective or protective agent services, the public health, safety, or welfare.

B. A violation is any failure other than a serious violation, to comply with law or rule related to private detective or protective agent services.

Subp. 2. **Assignment of categories.** The board shall determine the severity of serious violations or violations by considering the following factors:

A. inherent severity of the conduct as indicated by the potential harm to person, property, or the integrity of the business of private detective or protective agent services;

B. actual harm caused to person, property, or the integrity of the business of private detective or protective agent services;

C. culpability of the violator; and

D. frequency of the violator's failure to comply with law or rules.

The board, in making a determination, shall consider both the number of factors applicable to a violation and the degree to which each applies.

Subp. 3. **Revocation.** For a serious violation the board may revoke the violator's license for a period of two years from the date of the board action. The board shall determine whether revocation is appropriate based on the factors set out in subpart 2. A revocation is subject to a contested hearing under Minnesota Statutes, section 326.3387.

Subp. 4. **Suspension.** For violations other than serious violations the board may suspend the violator's license. The board shall determine whether suspension is appropriate and the period of suspension based on factors set out in subpart 2. The board shall not suspend a license for more than one year. A suspension is subject to a contested hearing under Minnesota Statutes, section 326.3387.

Subp. 5. **Imposition of administrative penalties.** The board may impose an administrative penalty upon any licensee for a violation of laws or rules related to private detective or protective agent services, after a determination of the severity of the violation using the factors set out in subpart 2.

Subp. 6. **Amount of administrative penalties.** The administrative penalty for a serious violation shall be \$500 to \$2500. A fine exceeding \$500 is subject to a contested case hearing under Minnesota Statutes, section 326.3387. The administrative penalty for other violations shall not exceed \$499. The board shall consider the severity of the violation by using the factors set out in subpart 2 when imposing an administrative penalty.

Subp. 7. **Deadline for paying administrative penalties.** All administrative penalties imposed by the board must be paid within 30 days of the date of the ruling imposing the administrative penalty. Failure to pay the administrative penalty within the required time is grounds for suspension.

Subp. 8. **Criminal liability.** As provided in Minnesota Statutes, section 326.3388, imposing a penalty under this part is in addition to any criminal penalty imposed for the same violation.

Statutory Authority: *MS s 326.3331*

History: *15 SR 2627*

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