

7083.2020 ENFORCEMENT ACTION.

Subpart 1. **SSTS business licenses.** The commissioner is authorized to deny, suspend, restrict, revoke, place corrective action, fine, raise bond amounts, or institute other sanctions against an SSTS business license for any of the following reasons:

- A. failure to meet the requirements for a license;
- B. failure to comply with applicable requirements;
- C. submission of false or misleading information or credentials in order to obtain or renew a license;
- D. failure to provide adequate supervision to noncertified employees;
- E. incompetence, negligence, fraud, illegal activity, or inappropriate conduct in the performance of the duties authorized under the license;
- F. failure to report the number of sewage tanks installed and pay tank fees as prescribed in Minnesota Statutes, section 115.551; or
- G. failure to comply with applicable soil dispute resolution requirements.

Subp. 2. **Certification and apprentice.** If the commissioner finds any of the following faults, the commissioner is authorized to deny, suspend, restrict, revoke, place corrective action, fine, or institute other sanctions against a certification or apprentice designation:

- A. failure to meet the certification or apprenticeship requirements;
- B. failure to comply with applicable requirements;
- C. submission of false or misleading information or credentials in order to obtain or renew a certification or apprentice designation;
- D. incompetence, negligence, fraud, illegal activity, conflict of interest, or inappropriate conduct in the performance of the duties authorized under the certification or apprenticeship; or
- E. failure to comply with applicable soil dispute resolution requirements.

Subp. 3. **Complaints.**

A. Upon receiving a signed written complaint that alleges the existence of grounds for enforcement action against a licensed SSTS business or a certified or apprenticed individual under subpart 1 or 2, the commissioner shall initiate an investigation.

B. The complaint must contain the name, address, and telephone number of the complainant; the name of the alleged violators; the alleged violations, dates, and locations; and any other pertinent information to demonstrate the validity of the complaint.

C. The commissioner shall evaluate the results of the investigation and consider expert advice as needed in order to determine whether enforcement actions are necessary.

D. Enforcement actions shall not be taken before written notice is given to the licensee or individual and an opportunity is provided for a contested case hearing complying with Minnesota Statutes, chapter 14.

Subp. 4. **Enforcement action.** If the commissioner finds that enforcement action is necessary, the actions described in items A to C must be taken.

A. A written notice must be sent by certified mail to the licensee, certified individual, or apprentice. The written notice must contain, as applicable, the effective date of the enforcement action, the nature of the violation constituting the basis for the enforcement action, the facts that support the conclusion that a violation has occurred, specific actions necessary to fulfill the terms of the notice, and a statement that a licensee, certified individual, or apprentice who desires a contested case hearing must, within ten calendar days, exclusive of the day of service, file a written request with the commissioner.

B. If a hearing is requested, the enforcement action is stayed pending the outcome of the hearing. If the licensee, certified individual, or apprentice does not request a hearing, the business or individual forfeits any opportunity for a hearing.

C. A licensee, certified individual, or apprentice whose license, certification, or apprenticeship has been revoked is not entitled to apply for a license, certification, or apprenticeship for one year following the effective date of revocation or for any longer period of time specified in the revocation notice. A licensee, certified individual, or apprentice with a revoked or suspended license, certification, or apprenticeship shall return the license, certification, or apprentice identification card to the commissioner.

Subp. 5. **Enforcement; general.** General agency enforcement authority under Minnesota Statutes, sections 115.03, 115.071, 115.072, 115.56, 116.072, and 116.073, is also available for enforcement actions under this part.

Subp. 6. **Nonlicensed violations.** The commissioner shall fine, or impose other sanctions, for those implying or advertising to be a certified individual, apprentice, or licensed business or conducting SSTS activities without the required certification, apprenticeship, or license.

Statutory Authority: *MS s 115.03; 115.55*

History: *32 SR 1420*

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