

7105.0110 SANCTIONS.

Subpart 1. **Criteria.** The commissioner may refuse to issue, renew, or reinstate a certificate or suspend or revoke a certificate for any of the following reasons:

A. submission of false or misleading information or credentials to obtain or renew a certificate;

B. failure to meet the requirements to obtain or renew a certificate in this chapter;

C. failure to meet the technical requirements of Code of Federal Regulations, title 40, part 280; technical standards for underground storage tanks, chapter 7150, adopted under Minnesota Statutes, section 116.49, subdivision 1; the requirements of this chapter including the Standards of Performance in part 7105.0070; or other law relating to storage tank projects; or

D. negligence in the performance of storage tank projects.

Subp. 2. **Investigation.** The commissioner may initiate an investigation upon receiving a signed written complaint alleging the existence of grounds for sanctions against a certified person or an applicant for certification, or whenever the commissioner has reason to believe that sanctions may be warranted.

Subp. 3. **Procedures.** Prior to revoking or suspending a certificate and subsequent to a refusal to issue, reissue, or reinstate a certificate, the person against whom the sanction is being imposed shall be given notice of the sanction, and the reasons for it, and the person shall have ten days from the date of receiving the notice to request that a contested case hearing be held on the matter. The commissioner shall not revoke or suspend a certificate until the contested case hearing has been completed or until the request for a hearing has been considered at an agency meeting and denied. If no request for a contested case hearing is received by the commissioner within the ten days, the sanction set forth in the notice shall go into effect, in the case of a certificate suspension or revocation, or shall become final, in the case of a refusal to issue, reissue, or reinstate a certificate.

Subp. 4. **Contested case requests.** Upon receipt of a contested case hearing request, the commissioner shall either grant the request and schedule a hearing or put the matter on the agenda for consideration at an agency meeting under part 7000.0550, subpart 2. If the matter is considered at an agency meeting, the provisions of part 7000.1900 shall govern whether a hearing request is granted. Contested case hearings under this part must comply with the contested case provisions of chapter 7000 and Minnesota Statutes, chapter 14.

Subp. 5. **Return of certificate.** Upon revocation or suspension, certified persons shall return to the agency their original certificate and current renewal certificates.

Subp. 6. **Recertification.** A person whose certificate has been revoked shall not be entitled to apply for recertification until at least one year following the effective date of revocation or for any longer period of time specified in the revocation order.

Subp. 7. **Reinstatement after suspension.** The commissioner shall reinstate a suspended certificate if the person whose certificate has been suspended fulfills the terms of the suspension order and meets all applicable requirements of the rules for obtaining a certificate.

Statutory Authority: *MS s 14.06; 116.07; 116.491; 116.497*

History: *14 SR 1718; 18 SR 1059; 19 SR 1310*

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