

§1051. Disciplinary sanctions

1. Disciplinary proceedings and sanctions. The department or its designee shall investigate a complaint on its own motion at the request of the board or upon receipt of a written complaint filed with the board or the department regarding noncompliance with or violation of this chapter or of any rules adopted by the board. The board or its designee may subpoena witnesses, records and documents, including records and documents maintained by any gambling services vendor or nongambling services vendor in contract, cooperation or consort with a licensee, in any investigation or hearing it conducts. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

2. Notice of complaint or violation and request for hearing. Following investigation by the department or its designee, the director may file a notice of complaint and request for hearing with the board or may serve the licensee with notice of violation and proposed sanction and opportunity to request a hearing. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

3. Further action. If the board or its designee finds after notice pursuant to subsection 2 that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions.

A. The board or its designee may enter into a consent agreement with the consent of the licensee that establishes the period and terms of probation necessary to protect the public health and safety and to rehabilitate or educate the licensee. A consent agreement may be used to terminate a complaint investigation if a consent agreement is entered into by the board, the licensee and the Attorney General. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

B. If a licensee voluntarily surrenders a license, the board or its designee may negotiate stipulations necessary to ensure protection of the public health and safety and the rehabilitation or education of the licensee. These stipulations may be set forth only in a consent agreement signed by the board, the licensee and the Attorney General. [PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

C. The board may take disciplinary action against any applicant or licensee pursuant to this chapter or any rules adopted pursuant to this chapter. Disciplinary action, including, but not limited to, a decision to impose a civil penalty or to modify, suspend or revoke a license or registration, may be predicated on the following grounds:

- (1) Fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
- (2) A violation of this chapter or any rule adopted by the board;
- (3) Ineligibility to hold a license or registration under this chapter;
- (4) As provided in Title 5, section 10004, subsection 4-A, conviction of a crime that involves dishonesty or false statement, conviction of a crime for which incarceration for one year or more may be imposed or conviction of a crime defined in Title 17-A, chapter 39; or
- (5) Grounds other than those described in subparagraphs (1) to (4) specified by rule or law.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

4. Appeals. A person aggrieved by the decision of a designee of the board in modifying or refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or rules adopted pursuant to this chapter may appeal the decision to the board for a final decision. The designee's decision stands until the board issues a decision to uphold, modify or overrule the designee's decision. In the case of

appeal to the board, the person must be afforded an opportunity for an adjudicatory hearing in accordance with this chapter and the Maine Administrative Procedure Act.

A person aggrieved by a final decision of the board in waiving the application of any rule, in refusing to issue or renew a license or registration, in taking any disciplinary action pursuant to this chapter or rules adopted pursuant to this chapter or in the interpretation of this chapter or any rule adopted pursuant to this chapter may appeal the board's decision to the Superior Court in accordance with Title 5, chapter 375, subchapter 7.

[PL 2003, c. 687, Pt. A, §5 (NEW); PL 2003, c. 687, Pt. B, §11 (AFF).]

SECTION HISTORY

PL 2003, c. 687, §A5 (NEW). PL 2003, c. 687, §B11 (AFF).

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