



ADMINISTRATIVE RULES OF MONTANA



17.56.1422 PROHIBITION OF UNPROFESSIONAL LICENSEE CONDUCT

- (1) Any of the following acts of a person licensed under this subchapter constitute unprofessional conduct, are prohibited, and may result in the department conditioning, restricting, suspending, or revoking a license issued under this subchapter:
 - (a) false, fraudulent, or misleading advertising;
 - (b) misrepresentation or fraud in any aspect of the installation, closure, or inspection of an underground storage tank system;
 - (c) participation in any unlawful unpermitted underground storage tank system installation or removal;
 - (d) failure to cooperate with the department by:
 - (i) not furnishing to the department upon its request a full and complete written explanation covering the matter contained in any complaint filed with the department;
 - (ii) not responding to a subpoena issued by the department or any court, whether or not the recipient of the subpoena is the respondent named in any proceeding;
 - (iii) failure to submit the signed permit, the certification of compliance, or to meet any other permit special condition imposed under ARM 17.56.1305(3)(f) for installations; or
 - (iv) failure to submit the tank closure report, the signed permit, or the laboratory results for the site assessment for closures.
 - (e) interference with an investigation or disciplinary proceeding by willful misrepresentation of facts to the department or its authorized representative, or by the use of threats or harassment against any person to prevent the person from providing evidence in any agency proceeding or legal action relating to underground storage tank systems;
 - (f) failure to make available, upon request of a client using the licensee's services, or upon request of the client's designee, copies of documents in the possession and under the control of the licensee, when those documents have been prepared by the licensee relating to the licensee's services performed for the client;
 - (g) failure to comply with an order issued by any court or by the department, with a permit condition, or with a consent order or stipulation entered into with the department;
 - (h) failure to adequately supervise the licensee's employee(s)' compliance with statutes and rules relating to underground storage tank systems;

- (i) aiding or abetting an unlicensed person to install, close, or inspect an underground storage tank system;
- (j) violation of any state or federal statute or administrative rule, or any ordinance of a political subdivision relating to the installation or closure of an underground storage tank system;
- (k) failure to display his or her license upon request of any client, prospective client, representative of the department, or licensed inspector;
- (l) failure to adequately inspect an underground storage tank system for compliance with its operation, maintenance, and recordkeeping requirements in accordance with ARM 17.56.309;
- (m) undertaking work from which the licensee has been prohibited by the terms of a license, permit, or order issued by the department; or
- (n) offering, giving, soliciting, or receiving, directly or indirectly, any commission, gift, or other valuable consideration in exchange for the grant of a license from the department or to obtain a license for another.

Authorizing statute(s): 75-11-204, MCA

Implementing statute(s): 75-11-204, 75-11-211, MCA

History: NEW, 1990 MAR p. 1827, Eff. 10/1/90; AMD, 1994 MAR p. 2744, Eff. 10/14/94; TRANS, from DHES, 1995 MAR p. 2259; AMD & TRANS, 2000 MAR p. 2018, Eff. 4/14/00; AMD, 2007 MAR p. 1189, Eff. 8/24/07; AMD, 2016 MAR p. 1694, Eff. 9/24/16.