

43.3-xxx Citation Violation List and Schedule of Penalties.

Description of Violation	Authority	1st Violation	2nd Violation	3rd Violation
Working without a license	43.3-xxx; <u>General:</u> 12-43.3-202(2)(a)(I); <u>Aggravated:</u> 12-43.3-901(1).	<u>General:</u> \$50 <u>Aggravated:</u> \$250-\$1,000 fine or Hearing	\$100	\$200
Misuse of license	43.3-xxx; 12-43.3-202(2)(a)(I).	\$50	\$100	\$200
Failure to have employee properly licensed	43.3-xxx; 12-43.3-202(2)(a)(I).	\$50	\$100	\$200
Failure to have license validated/current	43.3-xxx; §12-43.3-202(2)(a)(I).	\$50	\$100	\$200
Failure to display license in a restricted area	43.3-xxx; <u>General:</u> 12-43.3-202(2)(a)(IX); <u>Aggravated:</u> 12-43.3-901(3)(a).	<u>General:</u> \$50 <u>Aggravated:</u> \$250-\$1,000 fine or Hearing	\$100	\$200
Licensee consuming or otherwise using medical marijuana while on duty	43.3-xxx; <u>General:</u> 12-43.3-202(2)(a)(I); <u>Aggravated:</u> 12-43.3-901(1)(a).	<u>General:</u> \$100 <u>Aggravated:</u> \$250-\$1,000 fine or Hearing	\$200	Hearing
Failure to perform proper maintenance	43.3-xxx; 12-43.3-202(2)(a)(XI).	\$50	\$100	Hearing
Failure to have business facility in proper condition	43.3-xxx; 12-43.3-202(2)(a)(XI).	\$50	\$100	Hearing
Exhibit behavior demonstrating unsatisfactory	43.3-xxx; 12-43.3-307.	\$100	\$200	Hearing

character, record or reputation				
Failure to keep complete set of all records necessary to show fully the business transactions of the licensee (minor)	43.3-xxx; 12-43.3-202(2) (a)(XV).	\$50	\$100	\$200
Failure to have all documentation, approvals, and variances, or copies thereof, relating to surveillance	43.3-xxx; 12-43.3-202(2) (a)(X).	\$50	\$100	\$200
Allowing, having, or bringing unauthorized person(s) into restricted areas	43.3-xxx; 12-43.3-202(2) (a)(I).	\$100	\$200	Hearing
Failure to take all reasonable measures and precautions to establish and maintain sanitary conditions	43.3-xxx; 12-43.3-202(2) (a)(XII).	\$100	\$250	Hearing
Failure to report and transmit monthly sales tax payments	43.3-xxx; 12-43.3-202(2) (a)(XVIII).	\$100	\$200	Hearing
Incorrect or misleading informational and product displays on licensed	43.3-xxx; 12-43.3-202(2) (a)(VII).	\$50	\$100	\$200

premises				
Incorrect or misleading labeling	43.3-xx; 12-43.3-202(2) (a)(XIV).	\$50	\$100	\$200
Prohibited conduct in restricted area	43.3-xxx; 12-43.3-202(2) (a)(I).	\$100	\$200	Hearing
Failure to comply with orders or rulings of state or local licensing authority	43.3-xxx; 12-43.3-202(2) (a)(I).	\$100	\$200	Hearing
Failure to follow proper regulation procedure	43.3-xxx; 12-43.3-202(2) (a)(I).	\$50	\$100	Hearing
Failure to give notification of change or loss as required by regulation	43.3-xxx; 12-43.3-202(2) (a)(I).	\$50	\$75	\$100
Late filing or submission of any report or notification required by statute or regulation	43.3-xxx; 12-43.3-202(2) (a)(I).	\$50	\$100	Hearing
Failure to tag or label any plant or product as required by statute or regulation	43.3-xxx; 12-43.3-202(2) (a)(I).	\$200	\$300	Hearing
Failure to use scale or weight specifications as required by statute or regulation	43.3-xxx; 12-43.3-202(2) (a)(XX).	\$100	\$200	Hearing
Sale of unauthorized plant materials	43.3-xxx; 12-43.3-901.	\$250-\$1,000 fine or Hearing		

or products				
Failure to provide safe work environment or protective gear to employees	43.3-xxx; 12-43.3-202(2) (a)(XX).	\$50	\$100	Hearing
Failure of licensee to be present when required by statute or regulation	43.3-xxx; 12-43.3-202(2) (a)(I).	\$100	\$200	Hearing
Failure to or inadequate posting of public notices as required by statute or regulation	43.3-xxx; 12-43.3-202(2) (a)(I).	\$50	\$100	Hearing
Intentional disclosure of confidential information adversely affecting the public health or welfare or the safety of the immediate neighborhood in which the establishment is located	43.3-xxx; 12-43.3-202(2) (a)(XX).	\$100	\$200	Hearing
Unauthorized person conducting sales or performing other business functions	43.3-xxx; 12-43.3-202(2) (a)(I).	\$100	\$200	Hearing
Obstructing or interfering with any inspections,	43.3-xxx; <u>General:</u> 12-43.3-202(2)(a) (IV);	<u>General:</u> \$100 <u>Aggravated:</u> \$250-\$1,000 fine or Hearing	\$200	Hearing

investigations, searches or seizures conducted pursuant to statute or regulation	<u>Aggravated</u> : 18-8-104.			
Intimidating or threatening any officer or employee of a state or local licensing authority	43.3-xxx; <u>General</u> : 12-43.3-202(2)(a) (XX); <u>Aggravated</u> : 18-9-111.	<u>General</u> : \$100 <u>Aggravated</u> : \$50-\$750 fine or Hearing	\$200	Hearing
Engage in an unlawful, unfair or fraudulent business act or practice	43.3-xxx; 12-43.3-202(2) (a)(VI).	\$100	\$200	Hearing
Possession and/or use of fraudulent identification card	43.3-xxx; <u>General</u> : 12-43.3-202(2)(a) (VIII); <u>Aggravated</u> : 18-5-110.	<u>General</u> : \$100 <u>Aggravated</u> : \$500-\$5,000 fine or Hearing	\$200	Hearing

43.3-xxx Hearing Request for Administrative Citations.

A. All requests made to the state licensing authority pursuant to this rule for an appeal hearing by any party aggrieved by any action, including all requests for an appeal of a citation, must be made in writing within twenty (20) days of the action appealed from unless otherwise provided by these rules. The request shall include the grounds for the appeal. If no written appeal is made within twenty (20) days, the aggrieved person shall be deemed to have waived any right to any appeal from the action.

B. When a licensee appeals a citation to a Hearing Officer for a hearing, the director shall review the citation under the provisions of this rule. For any citation that the director or their designee determines should be hearing on appeal, the director shall assign the appeal according to the provisions of this rule to a hearing officer. The division shall provide notice to the licensee according to the provisions of this rule, and shall conduct the hearing pursuant to the provisions of this rule.