

[(2)] (II) fraudulently or deceptively uses a license;

[(3)] (III) is guilty of gross negligence, incompetence, or misconduct in practicing forestry;

[(4)] (IV) under the laws of the United States or of any state is convicted of:

[(i)] 1. a felony; or

[(ii)] 2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice forestry;

[(5)] (V) has had a license to practice forestry in another state revoked or suspended by the other state for a cause that would justify revocation or suspension under this title, except for the failure to pay a license or registration renewal fee;

[(6)] (VI) knowingly violates any provision of the code of ethics adopted by the Board; or

[(7)] (VII) knowingly violates any provision of this title.

(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000 FOR EACH VIOLATION.

(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:

1. THE SERIOUSNESS OF THE VIOLATION;
2. THE HARM CAUSED BY THE VIOLATION;
3. THE GOOD FAITH OF THE LICENSEE; AND
4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE

LICENSEE.

(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.

(b) The Board shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a license or the reprimand of a licensee when an applicant or licensee is convicted of a felony or misdemeanor described in subsection [(a)(4)] (A)(1)(IV) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the license;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or licensee to practice forestry;
- (4) the length of time since the conviction; and