WEST VIRGINIA CODE: §19-11E-10

§19-11E-10. Suspension, revocation, or denial of permits or licenses.

(a) The commissioner may deny any application for a permit, license, or certificate whenever the permit, license, or certificate has been applied for fraudulently, the applicant has grossly interfered with the duties of the commissioner, the applicant is determined to be not in compliance with or not able to comply with this article, or the applicant has not otherwise satisfied the requirements of this article.

(b) The commissioner may suspend a permit, license, or certificate whenever a health hazard exists, the permit, license, or certificate has been obtained fraudulently, the holder has grossly interfered with the duties of the commissioner, or it is determined that the permit, license, or certificate holder is dishonest, deceitful, incompetent, or not in compliance with, or is unable to comply, with this article. A person whose permit, license, or certificate has been suspended shall discontinue operations covered by the permit, license, or certificate during the period of the suspension. The commissioner may issue a summary suspension in cases where violations of this article constitute a hazard to the public health, safety, or welfare where the public interest requires immediate action.

(1) Except for summary suspensions, the commissioner or his or her designee shall give written notice to the person(s) affected by the pending suspension, stating that he or she contemplates suspension of the permit, license, or certificate and giving reasons therefor. The suspension notice shall appoint a time and place for hearing and shall be mailed by certified mail to the business address of the permit, license, or certificate holder at least 10 days before the date set for the hearing. The commissioner shall review the evidence presented at the hearing prior to issuing his or her decision.

(2) All summary suspensions shall be followed by a notice of suspension, the reasons therefor, and an opportunity for a hearing in accordance with this article.

(3) At the end of the period of suspension, the permit, license, or certificate holder may resume operations without reapplication for a permit, license, or certificate.

(c) The commissioner may revoke any permit, license, or certificate issued under this article whenever a health hazard exists, the permit, license, or certificate has been obtained fraudulently, the holder has grossly interfered with the duties of the commissioner, or it is determined that the holder is dishonest, deceitful, incompetent, or not in compliance with, or is unable to comply with, this article. Any person whose permit, license, or certificate has been revoked shall immediately discontinue all operations covered under the permit, license, or certificate.

(1) Before revoking any permit, license, or certificate, the commissioner shall give written

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notice to the persons affected, stating that the revocation of the permit, license, or certificate is being contemplated and giving reasons therefor. The revocation notice shall appoint a time and place for hearing and shall be mailed by certified mail to the business address of the permit, license, or certificate holder at least 10 days before the date set for the hearing. The commissioner shall review the evidence presented at the hearing prior to issuing his decision.

(2) At the end of the period of revocation a new permit, license, or certificate may not be issued without the filing of an application, payment of the required fee, and compliance with all conditions that the commissioner shall require for the reissuing of such permit, license, or certificate.

(d) Whenever the commissioner suspends or revokes any permit, license, or certificate based on a health hazard, he or she shall contact the county health officer, the Bureau for Public Health, and the federal Food and Drug Administration for the county in which the health hazard exists.

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