

# WEST VIRGINIA CODE: §32A-2-25

## §32A-2-25. Hearing on suspension or revocation of license.

(a) A license may not be revoked or suspended except after notice and opportunity for hearing on that action. The commissioner may issue to a person licensed under this article an order to revoke a license or to suspend a license for a period not in excess of six months. The order shall provide notice of opportunity for a hearing, inform that any request for hearing must be filed within 30 days of service of a copy of the order revoking or suspending the license, and set forth how the recipient may request such a hearing. The hearing shall be conducted in accordance with the provisions of §29A-5-1 *et seq.* of this code. The commissioner may appoint a hearing examiner to preside at the hearing and make a recommended decision. The commissioner may revoke or suspend the license if he or she finds that:

- (1) The licensee has knowingly or repeatedly violated this chapter or any rule or order lawfully made or issued pursuant to this article;
- (2) The licensee has failed to remit its required renewal fees;
- (3) Facts or conditions exist which would clearly have justified the commissioner in refusing to grant a license had these facts or conditions been known to exist at the time the application for the license was made;
- (4) The licensee does not have available the net worth required by §32A-2-8 of this code, and after 10 days' written notice from the commissioner, fails to take steps that the commissioner determines are necessary to remedy the deficiency; or
- (5) The licensee has failed or refused to keep the bond or other security required by §32A-2-10 of this code in full force and effect.

(b) No revocation or suspension of a license under this article is lawful unless prior notice is given to the licensee of the facts or conduct which warrant the intended action and the licensee is given an opportunity to show compliance with all lawful requirements for retention of the license.

(c) If the commissioner finds that probable cause for revocation of a license exists and that enforcement of this article to prevent imminent harm to public welfare requires immediate suspension of the license pending investigation, the commissioner may, after a hearing upon five days' written notice, enter an order suspending the license for not more than 30 days.

(d) Nothing in this section limits the authority of the commissioner to take action against a licensee or person under other sections of this article.

(e) Whenever the commissioner revokes or suspends a license, an order to that effect shall

be entered and the commissioner shall forthwith notify the licensee of the revocation or suspension. Within five days after the entry of the order the commissioner shall mail by registered or certified mail, or shall provide for personal delivery to the licensee, a copy of the order and the findings supporting the order.

(f) Any person holding a license under this article may relinquish the license by notifying the commissioner in writing of its relinquishment, but any relinquishment does not affect a person's liability for acts previously committed.

(g) No revocation, suspension, or relinquishment of a license impairs or affects the obligation of any preexisting lawful contract between the licensee and any person.

(h) The commissioner may reinstate a license, terminate a suspension, or grant a new license to a person whose license has been revoked or suspended if no fact or condition then exists which clearly would have justified the commissioner in refusing to grant a license.