

## **.09 Revocation of a Striped Bass or Crab Authorization**

*A. In this regulation, the following terms have the meanings indicated.*

- (1) Egregious means an offense which displays a wanton disregard for a requirement of the striped bass or crab fishery;*
- (2) Knowingly means the specific intent to violate a requirement of the striped bass or crab fishery;*
- (3) Repeat means:*
  - (a) Three or more offenses in the striped bass or crab fishery on separate days in a single season;*
  - (b) A series of offenses in the striped bass or crab fishery which are part of an ongoing scheme or conspiracy;*

*or*

*(c) A series of similar offenses committed over any period of time which collectively display a wanton disregard for the requirements of the striped bass or crab fishery.*

*B. Knowing, Egregious and Repeat Offenses.*

*(1) The Department may schedule a hearing to revoke a person's commercial authorization to catch striped bass or crabs from a person who knowingly commits an offense, commits an egregious offense, or commits repeat offenses in the following categories:*

- (a) Using illegal gear;*
- (b) Harvesting during closed seasons;*
- (c) Harvesting from closed areas;*
- (d) Violating established harvest, catch, or size limits; and*
- (e) Violating tagging and reporting requirements.*

*(2) When the Department seeks to revoke a person's commercial authorization for an egregious offense, the presiding officer shall consider the person's history of offenses in the striped bass or crab fishery, the amount of striped bass or crabs unlawfully caught and the following, as appropriate, to determine whether the offense warrants revocation:*

- (a) The damage or potential damage to natural resources associated with using illegal gear;*
- (b) Any facts which bear on the egregiousness of a seasonal violation;*
- (c) The location of a violation in a closed area;*
- (d) The extent to which the person has exceeded permissible harvest, catch, or size limits; or*
- (e) The extent of the tagging and reporting violations.*

*(3) If, after a hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, the presiding officer finds or concludes that a person either committed an egregious offense, repeat offenses, or knowingly committed an offense described in §B(1) of this regulation, the Department shall revoke that person's commercial authorization to catch striped bass or crabs.*

*C. Operating During a Suspension.*

*(1) The Department may schedule a hearing to revoke a person's commercial authorization to catch striped bass or crabs from a person who violates terms of a suspension as described in COMAR 08.02.13.02.*

*(2) If, after a hearing conducted in accordance with State Government Article, Title 10, Subtitle 2, the presiding officer finds or concludes that a person committed an offense under §C(1) of this regulation, the Department shall revoke that person's commercial authorization to catch striped bass or crabs.*