

**TITLE 3: HUMAN RESOURCES**  
**DIVISION 2: HEALTH**

**§ 2135. Suspension and Revocation of Permit.**

(a) The Secretary may suspend a sanitary permit without prior hearing thereby immediately closing the establishment if a violation is of a nature so as to constitute an imminent health hazard. Suspension without prior hearing may be imposed for such time until the violation is corrected, or may be imposed pending a hearing. Notice of suspension and closure shall be provided to the permit holder or person in charge prior to the suspension and closure taking effect. Hearings requested following the suspension of a permit without prior hearing should be scheduled as soon as possible, but not later than five business days from the date of closure. Hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act.

(b) A sanitary permit may be suspended by the Secretary pursuant to this section upon a finding that the permit holder or a person in his employ or under his supervision or control has continuously violated the requirements of this Act or the regulations promulgated thereunder, although such violations do not constitute an imminent health hazard; or if the establishment has failed to pay fees assessed against it for violations of the Act or the regulations promulgated there under; or if the establishment has in any way continuously disregarded the Secretary's efforts to satisfy the requirements of this Act and the regulations promulgated thereunder. The Secretary shall provide notice of intent to suspend a sanitary permit by giving written notice thereof to the holder, in which case, the permit holder shall have ten calendar days within which to request a hearing. Suspension may be imposed for such time until the violation is corrected or may be imposed as a penalty for repeated violations, in which case, it shall not exceed six months. Hearings shall be conducted in accordance with the provisions of the Administrative Procedures Act.

(c) Revocation of a permit may occur after a permit holder has had his permit suspended on two separate occasions, but continues to violate the requirements of this Act or the regulations promulgated thereunder, or if the establishment has resumed operations after being closed by the Secretary as provided for in this Act. The Secretary shall provide notice of intent to revoke a sanitary permit by giving written notice thereof to the permit holder, in which case the permit holder shall have ten calendar days within which to request a hearing. A hearing for revocation of the sanitary permit shall be conducted in accordance with the provisions of the Administrative Procedures Act.

(d) Following a hearing, a judicial review of the Secretary's decision may be held in accordance with the provisions of the Administrative Procedures Act. Pending final determination upon such judicial review, it shall be discretionary with the Court to stay the enforcement of the order of suspension or revocation upon the furnishing of adequate bond.

**Source:** PL 12-48, § 3 (2135).