

## **Rule 45. Rules for Administrative Citations and Penalties, Stop Work Orders and Debarment**

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### **45.5400. Debarment; False Statement or Representation.**

**45.5410.** In addition to the penalties listed in rule 45.5110 above, the Commissioner shall prohibit an employer who willfully makes a false statement or representation for the purpose of deriving any benefit, including a lower insurance premium, from contracting, directly or indirectly, with the State or any of its subdivisions, for up to three years.

**45.5420.** Any prohibition from contracting with the State shall be made only after consultation with the Commissioner of Buildings and General Services or the Secretary of Transportation, or other agencies as appropriate. When the Commissioner believes that debarment is appropriate, the Commissioner shall provide written notice and supporting documentation to the Commissioner of Buildings and General Services or the Secretary of Transportation or other Agency or Department head as appropriate. The debarment shall be ordered if no objection is raised by the Department or Agency consulted within five business days of receiving notice of the proposed debarment. If an objection is raised, the Commissioner shall consider it, but in his or her discretion may order the debarment nevertheless.

**45.5430.** An administrative determination shall be issued to advise the employer of the debarment period and his or her appeal rights.

**45.5440.** An initial violation shall subject the employer to a debarment period of one year.

**45.5450.** A second violation occurring within three years of the previous violation shall subject the employer to a debarment period of two years.

**45.5460.** A third or subsequent violation occurring within three years of the most recent violation shall subject the employer to a debarment period of three years.

**45.5470.** The Commissioner may reduce the period of debarment if the employer demonstrates that the non-compliance was the result of a good faith misunderstanding of the law's requirements, excusable neglect, or other mitigating factor.

*Full text of the Administrative Penalty Rules may be found at:*

<http://labor.vermont.gov/wordpress/wp-content/uploads/Rule45Adopted.pdf>