# **Section 310.78 Deliberate Misconduct**

a) Any licensee, registrant, applicant for a license or certificate of registration, employee of a licensee, registrant or applicant, or any contractor (including a supplier or consultant), subcontractor, employee of a contractor or subcontractor of any licensee or registrant or applicant for a license or certificate of registration, who knowingly provides to any licensee, applicant, registrant, contractor or subcontractor any components, equipment, materials or other goods or services that relate to a licensee's, registrant's or applicant's activities in this Part shall not:

1) Engage in deliberate misconduct that causes, or would have caused if not detected, a licensee, registrant or applicant to be in violation of any statute, regulation, limitation on any license issued by the Agency, or order; or

2) Deliberately submit to an Agency licensee, an applicant, or a licensee's, certificate holder's or applicant's contractor or subcontractor, information that the person submitting the information knows to be incomplete or inaccurate in some respect material to the Agency.

b) A person who violates subsection (a)(1) or (a)(2) of this Section may be subject to enforcement action as provided in Section 36, 39, or 45 of the Radiation Protection Act of 1990.

c) For the purposes of subsection (a)(1), deliberate misconduct by a person means an intentional act or omission that the person knows:

1) Would cause a licensee, registrant or applicant to be in violation of any regulation, statute or order, or any term, condition or limitation of any license issued by the Agency; or

2) Constitutes a violation of a requirement, procedure, instruction, contract, purchase order or policy of a licensee, registrant, applicant, contractor or subcontractor.

(Source: Amended at 45 Ill. Reg. 9911, effective July 22, 2021)