

RULE .10 ADMINISTRATION

(e) **Small Entity**

The size standards for Georgia small entities are as follows:

1. A small business is a business with annual receipts of \$3.5 million or less except private practice physicians for which the standard is annual receipts of \$1 million or less.
2. A small organization is a not-for-profit organization which is independently owned and operated and has annual receipts of \$3.5 million or less.
3. Small governmental jurisdictions are governments of cities, counties, towns, school districts, or special districts with a population of less than 50,000.
4. A small educational institution is one that is (1) supported by a qualifying small governmental jurisdiction, or (2) one that is not state or publicly supported and has 500 employees or less.

(f) **Small Entity Lower Tier**

Small businesses and not-for-profit organizations with annual receipts of less than \$250,000 and small governmental jurisdictions with populations of less than 20,000 qualify for the lower tier small entity fee.

(3) Penalties.

(a) Any person who engages in any of the following conduct shall be guilty of a misdemeanor as found in O.C.G.A. Section 31-13-13: 1. Hindering, obstructing, or otherwise interfering with any representative of the Department in the discharge of his official duties in making inspections or impounding radioactive materials as provided in Code Section 31-13-5 and 31-13-11 respectively; or 2. Violating the provisions of Code Section 31-13-7 (permits for disposal of radioactive waste; bonding of permittees), or any Rule or Regulation promulgated thereunder; or 3. Violating the provisions of Code Section 31-13-12 (Prohibited Uses of Sources of Radiation).

(b) Any person who submits any false statements or writings, concealment of facts, and fraudulent documents in matters within the jurisdiction of the Division shall be guilty of a felony as found in O.C.G.A. Section 16-10-20:

1. A person who knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact; makes a false, fictitious, or fraudulent statement or representation; or makes or uses any false writing or document, knowing the same to contain any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of the Division shall, upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

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(c) Any person who:

1. Violates any licensing provision of this 31-13-1, et. seq., or any Rule, Regulation, or Order issued under 31-13-1, et. seq., or any term, condition, or limitation of any license issued under this Chapter; or
2. Commits any violation for which a license may be revoked under rules or regulations issued pursuant to this 31-13-1, et. seq., may be subject to a civil penalty, to be imposed by the Division, not to exceed \$10,000.00. If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the applicable civil penalty.
3. If a violation is found to exist during an inspection or visit and is then found to exist on a subsequent inspection or visit, there shall arise a rebuttable presumption that the violation continued throughout the period of time between the initial inspection or visit and the subsequent inspection or visit.

(d) Whenever the Division proposes to subject a person to the imposition of a civil penalty, it shall notify such person in writing:

1. Setting forth the date, facts, and nature of each act or omission with which the person is charged.
2. Specifically identifying the particular provision or provisions of the Code section, Rule, Order, or license condition involved in the violation; and
3. Advising of each penalty which the Division proposes to impose and its amount.

(e) Such written notice shall be sent by registered or certified mail by the Division to the last known address of such person. The person so notified shall be granted an opportunity to show in writing, within ten days from receipt of such notice, why such penalty should not be imposed. The notice shall also advise such person that upon failure to pay the civil penalty subsequently determined by the Division, if any, the penalty may be collected by civil action.

(f) Upon receipt of a written response from the person so notified, alleging that a penalty should not be imposed, the Director shall consider the response and make a final decision on the appropriateness and amount of the penalty. The Division may, at its discretion, conduct an onsite inspection in order to make a final decision. In making this decision, the Director may, as deemed appropriate by the Director, consider such factors as: errors concerning the amount or nature of the penalty, corrective action taken by the licensee, and approved disposal of radioactive material by the licensee.

(g) The Division shall inform the licensee of its final decision by registered or certified mail to the last known address of the licensee. Within 10 days of receipt of the Division's final

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determination concerning the civil penalty, the licensee may request an administrative hearing pursuant to the Georgia Administrative Procedure Act, O.C.G.A. 50-13-1, et. seq.

Authority: O.C.G.A Section 31-13-1 et seq., as amended. **History.** Rule entitled "Administration" adopted. F. Feb. 24, 1994; eff. Mar. 16, 1994. **Amended:** F. Oct. 4, 1994; eff. Oct. 24, 1994. **Amended:** F. Apr. 16, 1997; eff. May 6, 1997. **Amended:** F. Mar. 29, 2002; eff. Apr. 18, 2002. **Amended:** F. Aug. 16, 2013; eff. Sept 5, 2013. **Amended:** F. Jan. 28, 2019; eff. Feb. 17, 2019. **Amended:** F. Feb 26, 2020; eff. Mar. 17, 2020. **Amended:** F. Apr. 1, 2024; eff. Apr. 21, 2024.