~~(VI) THE APPLICANT WAS UNDER THE INFLUENCE OF DRUGS OR ALCOHOL WHILE OPERATING AN ENGINE, BOILER, OR OTHER TYPE OF POWER EQUIPMENT; OR~~

~~(VII) THE APPLICANT OR LICENSEE KNOWINGLY VIOLATES ANY PROVISION OF THIS TITLE.~~

~~(2) (I) INSTEAD OF OR IN ADDITION TO REPRIMANDING A LICENSEE OR SUSPENDING OR REVOKING A LICENSE UNDER THIS SUBSECTION, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING $5,000 FOR EACH VIOLATION.~~

~~(II) TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER THIS SUBSECTION, THE BOARD SHALL CONSIDER:~~

~~1. THE SERIOUSNESS OF THE VIOLATION;~~

~~2. THE HARM CAUSED BY THE VIOLATION;~~

~~3. THE GOOD FAITH OF THE LICENSEE; AND~~

~~4. ANY HISTORY OF PREVIOUS VIOLATIONS BY THE LICENSEE.~~

~~(3) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SUBSECTION INTO THE GENERAL FUND OF THE STATE.~~

~~(B) THE BOARD SHALL CONSIDER THE FOLLOWING FACTS IN THE GRANTING, DENIAL, RENEWAL, SUSPENSION, OR REVOCATION OF A LICENSE OR THE REPRIMAND OF A LICENSEE WHEN AN APPLICANT OR LICENSEE IS CONVICTED OF A FELONY OR MISDEMEANOR DESCRIBED IN SUBSECTION (A)(1)(III) OF THIS SECTION:~~

~~(1) THE NATURE OF THE CRIME;~~

~~(2) THE RELATIONSHIP OF THE CRIME TO THE ACTIVITIES AUTHORIZED BY THE LICENSE;~~

~~(3) WITH RESPECT TO A FELONY, THE RELEVANCE OF THE CONVICTION TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE ENGINEERING;~~

~~(4) THE LENGTH OF TIME SINCE THE CONVICTION; AND~~

~~(5) THE BEHAVIOR AND ACTIVITIES OF THE APPLICANT OR LICENSEE BEFORE AND AFTER THE CONVICTION.~~

~~6.5-314.~~

~~(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD SHALL COMMENCE PROCEEDINGS UNDER § 6.5-313 OF THIS SUBTITLE ON A COMPLAINT MADE TO THE BOARD BY A MEMBER OR ANY OTHER PERSON.~~

~~(B) (1) A COMPLAINT SHALL:~~

~~(I) BE IN WRITING;~~