

- [(2)](II) fraudulently or deceptively uses a license;
- [(3)](III) is incompetent;
- [(4)](IV) habitually is intoxicated or under the influence of any drug;
- [(5)](V) falsifies a record submitted to the Board;
- [(6)](VI) fails to use proper sanitary methods while practicing barbering;
- [(7)](VII) fails to keep a barbershop in a sanitary condition;
- [(8)](VIII) under the laws of the United States or of any state, is convicted

of:

[(i)] 1. a felony; or

[(ii)] 2. a misdemeanor that is directly related to the fitness and qualification of the applicant or licensee to practice barbering; or

[(9)](IX) violates any provision of this title OR ANY REGULATION ADOPTED BY THE BOARD UNDER THIS TITLE.

[(b)](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 \$300 for all violations cited on a single date.

[(c)](II) [In determining] TO DETERMINE the amount of [financial] THE penalty [to be imposed] under this [section] SUBSECTION, the Board shall consider [the following]:

[(1)] 1. the seriousness of the violation;

[(2)] 2. the good faith of the violator;

[(3)] 3. the violator's history of previous violations;

[(4)] 4. the deleterious effect of the violation on the complainant, the public, and the barber industry; and

[(5)] 5. any other factors relevant to the determination of the financial penalty.

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

[(d)](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)(8)] (A)(1)(VIII) of this section:

(1) the nature of the crime;

(2) the relationship of the crime to the activities authorized by the license;