

5-314.

(a) (1) Subject to the hearing provisions of § 5-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, or suspend or revoke a license if the applicant or licensee:

[(1)](I) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

[(2)](II) fraudulently or deceptively uses a license;

[(3)](III) is incompetent;

[(4)](IV) engages in dishonest, unethical, immoral, or unprofessional conduct;

[(5)](V) is addicted to alcohol or drugs to the extent of being unfit to practice cosmetology;

[(6)](VI) advertises by means of knowingly false or deceptive statements;

[(7)](VII) 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 cosmetology; or

[(8)](VIII) 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 day.

[(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 cosmetology 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.