

~~(C) IN DETERMINING THE AMOUNT OF FINANCIAL PENALTY TO BE IMPOSED UNDER THIS SECTION, THE BOARD SHALL CONSIDER THE FOLLOWING:~~

- ~~(1) THE SERIOUSNESS OF THE VIOLATION;~~
- ~~(2) THE GOOD FAITH OF THE VIOLATOR;~~
- ~~(3) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS;~~
- ~~(4) THE DELETERIOUS EFFECT OF THE VIOLATION ON THE COMPLAINANT, THE PUBLIC, AND THE COSMETOLOGY INDUSTRY; AND~~
- ~~(5) ANY OTHER FACTORS RELEVANT TO THE DETERMINATION OF THE FINANCIAL PENALTY.~~

~~[5-321.] 5-319.~~

~~(a) Except as otherwise provided in Title 10, Subtitle 4 of the State Government Article, before the Board takes any final action under [§ 5-320] § 5-318 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.~~

~~(b) The Board shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.~~

~~(c) The hearing notice to be given to the individual shall be served at least 5 days before the hearing.~~

~~(d) The individual may be represented at the hearing by counsel.~~

~~(e) (1) The Board may issue a subpoena for the attendance of a witness to testify or the production of evidence in connection with any proceeding under this section.~~

~~(2) A subpoena issued under this subsection shall be served by:~~

~~(i) certified mail; or~~

~~(ii) the sheriff of the county where the person to be served resides or has a principal place of business.~~

~~(f) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.~~

~~[5-322.] 5-320.~~

~~The Board may reinstate the license of an individual whose license has been suspended or revoked under [§ 5-320] § 5-318 of this subtitle if the individual:~~

~~(1) applies to the Board for reinstatement of the license; and~~

~~(2) provides to the Board adequate evidence that the applicant is qualified to have the license reinstated.~~