

[5-320.] 5-314.

(a) Subject to the hearing provisions of [§ 5-321] § 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) fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) fraudulently or deceptively uses a license;
- (3) is [grossly] incompetent;
- (4) engages in dishonest, unethical, immoral, or unprofessional conduct;
- (5) is addicted to alcohol or drugs to the extent of being unfit to practice cosmetology;
- (6) advertises by means of knowingly false or deceptive statements; or
- (7) violates any provision of this title or any regulation adopted by the Board under this title.

(b) Instead of or in addition to suspending or revoking a license, the Board may impose a penalty not exceeding [500] \$300 FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

(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.

(D) THE BOARD SHALL COMMENCE PROCEEDINGS UNDER THIS SECTION ON A COMPLAINT TO THE BOARD BY A MEMBER OF THE BOARD OR ANY PERSON.

- (1) A COMPLAINT SHALL:
  - (I) BE IN WRITING;
  - (II) BE SIGNED BY THE COMPLAINANT;