

- (2) fraudulently or deceptively uses a license;
- (3) is incompetent;
- (4) habitually is intoxicated or under the influence of any drug;
- (5) falsifies a record submitted to the Board;
- (6) fails to use proper sanitary methods while practicing barbering;
- (7) fails to keep a barbershop in a sanitary condition;

(8) UNDER THE LAWS OF THE UNITED STATES OR OF ANY STATE, IS CONVICTED OF:

(I) A FELONY; OR

(II) A MISDEMEANOR THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE APPLICANT OR LICENSEE TO PRACTICE BARBERING; or

[(8)] (9) violates any provision of this title.

(b) Instead of or in addition to suspending or revoking a license, the Board may impose a penalty not exceeding \$300 for all violations cited on a single date.

(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 barber industry; and
- (5) any other factors relevant to the determination of the financial penalty.

(D) 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) 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 BARBERING;
- (4) THE LENGTH OF TIME SINCE THE CONVICTION; AND