



**WEST VIRGINIA
SECRETARY OF STATE**

NATALIE E. TENNANT

ADMINISTRATIVE LAW DIVISION

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8/24/2016 8:30:45 AM

OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 3 -- NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE AND FILING WITH THE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY Barbers And Cosmetologists

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 3-07

RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



Title-Series: 3-07



Rule Id: 10145



Document: 28850



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 1)

AGENCY Barbers And Cosmetologists

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RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

PRIMARY CONTACT

Greg Foster

812 Quarrier St., 2nd Floor

Charleston, STATE ZIP

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**AUTHORIZING STATUTE(S) CITATION
30-1-8**

**DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING OR PUBLIC COMMENT PERIOD
Wednesday, July 06, 2016**

**WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?
n/a**

**DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED
Monday, August 08, 2016**

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in
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RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

**ATTACH LIST OF PERSONS WHO APPEARED AT HEARING, COMMENTS RECEIVED,
AMENDMENTS, REASONS FOR AMENDMENTS.**

No comments received

**DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE
FOLLOWING PUBLIC HEARING: (BE EXACT)**

Friday, August 19, 2016

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



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IF THE STATUTE UNDER WHICH YOU PROMULGATED THE SUBMITTED RULES REQUIRES CERTAIN FINDINGS AND DETERMINATIONS TO BE MADE AS A CONDITION PRECEDENT TO THE PROMULGATION. GIVE THE DATE UPON WHICH YOU FILED IN THE STATE REGISTER A NOTICE OF THE TIME AND PLACE OF A HEARING FOR THE TAKING OF EVIDENCE AND A GENERAL DESCRIPTION OF THE ISSUES TO BE DECIDED.

Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.



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FORM 10 -- LEGISLATIVE QUESTIONNAIRE (Page 4)

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RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

DATE OF HEARING OR COMMENT PERIOD

**ON WHAT DATE DID YOU FILE IN THE STATE REGISTER THE FINDINGS AND DETERMINATIONS
REQUIRED TOGETHER WITH THE REASONS THEREFOR?**

ATTACH FINDINGS AND DETERMINATIONS AND REASONS

None

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

**Amanda D Smith -- By my signature, I certify that I am the person authorized to file legislative rules, in
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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 1)

AGENCY Barbers And Cosmetologists

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SUMMARIZE IN A CLEAR AND CONCISE MANNER WHAT IMPACT THIS MEASURE WILL HAVE ON COSTS AND REVENUES OF STATE GOVERNMENT.

The increase in fines will result in an increase in revenue that goes toward the State General Revenue Fund. Nonetheless, the board hopes the increases will deter licensees from committing violations. There are no additional costs.

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 2)

AGENCY Barbers And Cosmetologists

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RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

FISCAL NOTE DETAIL -- SHOW OVER-ALL EFFECT IN ITEM 1 AND 2 AND, IN ITEM 3, GIVE AN EXPLANATION OF BREAKDOWN BY FISCAL YEAR, INCLUDING LONG-RANGE EFFECT.

Effect Of Proposal	Current Increase/Decrease (use ' - ')	Next Increase/Decrease (use ' - ')	Fiscal Year (Upon Full Implementation)
ESTIMATED TOTAL COST	0	0	0
PERSONAL SERVICES			
CURRENT EXPENSES			
REPAIRS AND ALTERATIONS			
ASSETS			
OTHER			
ESTIMATED TOTAL REVENUES	0	\$4,500	\$4,500

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FORM 11 -- FISCAL NOTE FOR PROPOSED RULES (Page 3)

AGENCY Barbers And Cosmetologists

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 3-07

RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT). PLEASE INCLUDE ANY INCREASE OR DECREASE IN FEES IN YOUR ESTIMATED TOTAL REVENUES.

A report was run of all violations and fines that were assessed in 2015. A report was then run using the proposed increase in fines for said violations, and if the same number of violations occurred it would generate \$6,050 in additional revenue for the State General Revenue Fund. However, the primary purpose of increasing fines is to act as a deterrence. Thus, the board expects the increase in fines will result in less violations, and approximates that the additional revenue will amount to \$4,500.

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AGENCY Barbers And Cosmetologists

RULE TYPE Legislative AMENDMENT TO EXISTING RULE Yes TITLE-SERIES 3-07

RULE NAME Schedule of Fines

CITE AUTHORITY 30-1-8

PLEASE IDENTIFY ANY AREAS OF VAGUENESS, TECHNICAL DEFECTS, REASONS THE PROPOSED RULE WOULD NOT HAVE A FISCAL IMPACT, AND OR ANY SPECIAL ISSUES NOT CAPTURED ELSEWHERE ON THIS FORM.

see above.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

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FORM 12 -- BRIEF SUMMARY AND STATEMENT OF CIRCUMSTANCES (Page 1)

AGENCY **Barbers And Cosmetologists**

RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **3-07**

RULE NAME **Schedule of Fines**

CITE AUTHORITY **30-1-8**

SUMMARIZE IN A CLEAR AND CONCISE MANNER CONTENTS OF CHANGES IN RULE AND STATEMENT OF CIRCUMSTANCES REQUIRING THE RULE.

The Board seeks to increase the amount for fines due to violations discovered through board inspections of shops. The purpose of increasing the fines is to deter licensees and shops from committing violations.

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENTS ARE TRUE AND CORRECT.

Yes

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TITLE 3
LEGISLATIVE RULE
BOARD OF BARBERS AND COSMETOLOGISTS

SERIES 7
SCHEDULE OF FINES

§ 3-7-1. General.

1.1. Scope. -- This legislative rule establishes a system of fines as adopted by the Board of Barbers and Cosmetologists.

1.2. Authority. -- W. Va. Code § 30-1-8.

1.3. Filing Date. -- ~~April 13, 2010.~~

1.4. Effective Date. -- ~~July 1, 2010.~~

1.5. Sunset Date . -- Ten (10) years after effective date.

§ 3-7-2. Schedule of Fines.

Any person licensed, certified or holding a salon license under the provisions of W. Va. Code § 30-27-1 *et seq.* is subject to the fines specified in this section for the following conduct, practices or acts:

2.1. Failing to post a shop license, practitioner license or booth certificate in a publicly visible place within a shop (posting of photocopies, reproductions and pocket identification cards will be cited as failure to post).

1st offense:	Warning <u>\$50.00</u>
2nd offense:	\$50.00 <u>\$100.00</u>
3rd offense:	<u>\$200.00</u> The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and/or the proposed revocation, suspension or refusal to issue a license.

2.2. Working with an expired license.

1st offense:	\$100.00
2nd offense:	\$500.00
3rd offense:	<u>\$1000.00</u> The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue a license.

2.3. Practicing in a shop with an expired work permit/certificate.

- 1st offense: \$100.00 to the practitioner with the expired license and ~~\$50.00~~ \$100.00 to the owner of the shop.
- 2nd offense: \$500.00 to the practitioner with the expired license and \$500.00 to the owner of the shop.
- 3rd offense: \$1,000.00 to the practitioner with the expired license and \$1,000.00 to the owner of the shop. ~~The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue their license.~~

2.4. Operating a shop with an expired shop license.

- 1st offense: \$200.00
- 2nd offense: \$500.00
- 3rd offense: \$1,000.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue a shop license.~~

2.5. Operating a shop by a practitioner without first filing a shop application, paying the fee, and receiving a license.

- 1st offense: \$200.00 to the practitioner
- 2nd offense: \$500.00 to the practitioner
- 3rd offense: \$1,000.00 to the practitioner ~~The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue a license.~~

2.6. Performing services as a practitioner while working in an unlicensed shop.

- 1st offense: \$200.00 to the practitioner
- 2nd offense: \$500.00 to the practitioner
- 3rd offense: \$1,000.00 to the practitioner

~~2.7. Performing services (when only temporary) in connection with an event such as, but not limited to, any fair, carnival bazaar, product or business promotion, weekend market or glamour photos without first obtaining a temporary license.~~

- ~~1st offense: Warning~~
- ~~2nd offense: \$200.00~~
- ~~3rd offense: \$500.00~~

2.87. Practicing without Board authorization.

- 1st offense: \$300.00
- 2nd offense: \$500.00
- 3rd offense: \$1,000.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and/or the revocation, suspension or refusal to issue a license.~~

2.98. Performing services which the practitioner and/or shop ~~is~~ are not licensed.

- 1st offense: \$400.00 to the practitioner and/or shop
- 2nd offense: \$1,000.00 to the practitioner and/or shop
- 3rd offense: \$1,500.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for assessment of a fine and/or the revocation, suspension or refusal to issue their licenses.~~

2.109. Practicing barbering, cosmetology, ~~facial technology~~ hair styling, aesthetics, waxing or manicuring without a license/certificate or with a license/certificate issued to another person.

- 1st offense: \$500.00
- 2nd offense: \$1,000.00
- 3rd offense: \$1,500.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a license.~~

2.140. Operating a shop without a shop license by a person who is not licensed is a violation and shall incur the following penalties:

- 1st offense: \$500.00
- 2nd offense: \$1,000.00
- 3rd offense: \$1,500.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and any other penalties allowed by law including refusal to issue a license.~~

2.121. Allowing an unlicensed person to practice in a licensed shop (excluding hair braiders, threaders and make-up artists).

- 1st offense: \$500.00
- 2nd offense: \$1,000.00
- 3rd offense: \$2,000.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a shop license.~~

2.132. Altering a license, certificate, or authorization issued by the Board.

- 1st offense: \$500.00
2nd offense: \$1,000.00
3rd offense: \$1,500.00 ~~The Board shall summon the person for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a license, certificate or authorization.~~

2.143. Failing to meet the specifications relating to exits and fire standards in a shop located in the basement or above the first floor of a home shall result in immediate suspension of the shop license until the violation is corrected.

2.154. Failing to identify a shop located in a home by means of a house number or a sign easily visible from the street.

- 1st offense: ~~Warning~~ \$50.00
2nd offense: ~~\$50.00~~ \$100.00
3rd offense: ~~\$100.00~~ \$200.00

2.165. Failing to have a separate entry for a shop located in a home or to properly separate the shop from the living area of the home.

- 1st offense: ~~Warning~~ \$50.00
2nd offense: ~~\$50.00 for each violation~~ \$100.00
3rd offense: ~~\$100.00 for each violation~~ \$200.00

2.176. Managing a shop in which cosmetology, hair styling, waxing, barbering, manicuring or skin care is performed without a license.

- 1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$200.00
3rd offense: ~~\$200.00~~ \$400.00

2.187. Failing to submit to an inspection by the Board or refusing to allow the Board to inspect the premises when the shop is open.

- 1st offense: \$300.00
2nd offense: \$500.00
3rd offense: \$1,000.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and/or the proposed revocation or suspension of a certificate and/or shop license.~~

2.198. Failing as a booth renter to inform the Board within 30 days of a change of work location.

3CSR7

1st offense: \$20.00
2nd offense: \$50.00
3rd offense: \$100.00

2.2019. Failing to notify the Board of a change of home address within 30 days of the change.

1st offense: ~~Warning~~ \$50.00
2nd offense: ~~\$50.00~~ \$100.00
3rd offense: ~~\$100.00~~ \$200.00

2.210. Failing to apply for a shop license prior to taking over the operation of an existing shop.

1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$200.00
3rd offense: ~~\$200.00~~ \$400.00

2.221. Moving an existing shop from one location to another without first submitting to the Board an application and fee for the new location.

1st offense: \$200.00
2nd offense: \$500.00
3rd offense: \$1,000.00 ~~The Board shall summon the practitioner or shop owner to appear before the Board for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a certificate and/or shop license.~~

2.232. Performing cosmetology, barbering, hair styling, manicuring or skin care services by a student when not on the premises of the school in which he or she is enrolled.

1st offense: ~~Warning~~ \$150.00 and notify the school
2nd offense: ~~\$150.00~~ \$300.00
3rd offense: ~~\$300.00~~ \$600.00

2.243. Failing to have adequate lighting in a licensed facility.

1st offense: ~~Warning~~ \$50.00
2nd offense: ~~\$50.00~~ \$100.00
3rd offense: ~~\$100.00~~ \$200.00

2.254. Failing to have a supply of both hot and cold running water on the premises of a licensed facility.

1st offense: ~~Warning~~ \$100.00 and immediate suspension of the shop license until violation is corrected

3CSR7

2nd offense: ~~\$100.00~~ \$300.00 and immediate suspension of the shop license until violation is corrected

3rd offense: ~~\$300.00~~ \$600.00 and immediate suspension of the shop license until violation is corrected

2.265. Failing to have toilet facilities available which are “reasonably accessible” for a licensed facility employees.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.276. Failing to keep a toilet facility located on the premises of a licensed facility clean and sanitary.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$200.00

2.287. Having frayed electrical wiring or overloading the electrical circuits in a licensed facility.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$200.00

2.298. Failing to use clean towels or linens for each client.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.3029. Failing to store clean towels and linens in a clean area.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.310. Failing to use a neck strip or a towel to prevent contact between the skin of a client’s neck and a hair cloth or cape.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3CSR7

3rd offense: ~~\$300.00~~ \$600.00

2.321. Failing to immediately deposit all used towels with chemical residue in a closed container.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.332. Failing to ensure that all articles which come in contact with a client are either disinfected, cleaned or disposed of.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.343. Failing to properly dispense powders, wave solutions, creams, semi-solid substances or other materials which come in contact with a client.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.354. Failing to deposit all chemical waste materials in a closed container at the close of each business day or having a closed container available.

1st offense: ~~Warning~~ \$100.00

2nd offense: ~~\$100.00~~ \$300.00

3rd offense: ~~\$300.00~~ \$600.00

2.365. Failing to immediately deposit all non-chemical waste and refuse in covered containers.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$200.00

2.376. Failing to keep any shop waste disposal container clean.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$150.00

2.387. Failing to have sealable plastic bags and sealable rigid containers available for use of

blood or other bodily fluids, and sharp edged materials at all times services are being performed.

1st offense: ~~Warning~~ \$300.00
 2nd offense: ~~\$300.00~~ \$500.00
 3rd offense: ~~\$500.00~~ \$1,000.00

2.398. Failing to keep disinfecting solutions at adequate strength for immediate use at all times a licensed facility is in operation and free of foreign material.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.4039. Failing to discard a disposable emery board, sponge, buffer, or orangewood stick after use on a client or to give the emery board, sponge, buffer, or orangewood stick to the client.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.410. Failing to cleanse and disinfect electrical or mechanical hair clipper blades after use on each client.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.421. Failing in a shop or as a booth renter to provide one or more sanitizers adequate to the number of practitioners, usage requirements or volume of business.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.432. Failing in a shop or as a booth renter to disinfect tools and implements.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.443. Failing to store disinfected or cleaned tools and implements separately from all others.

1st offense: ~~Warning~~ \$100.00

3CSR7

2nd offense: ~~\$100.00~~ \$300.00
3rd offense: ~~\$300.00~~ \$600.00

2.454. Failing to keep roller-storage receptacles and their contents clean and free of foreign material.

1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$300.00
3rd offense: ~~\$300.00~~ \$600.00

2.465. Failing to keep storage drawers for clean tools and implements clean and to use such drawers only for clean tools and implements.

1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$300.00
3rd offense: ~~\$300.00~~ \$600.00

2.476. Failing to keep storage cabinets, work stations, vanities and the inside of microwave ovens or other such equipment clean.

1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$300.00
3rd offense: ~~\$300.00~~ \$600.00

2.487. Failing to use a disposable cover on the head of a client who is trying on a hairpiece or to clean and label used hair goods as "used" prior to resale.

1st offense: ~~Warning~~ \$50.00
2nd offense: ~~\$50.00~~ \$100.00
3rd offense: ~~\$100.00~~ \$200.00

2.498. Having pets in shops, other than fish in an aquarium.

1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$300.00
3rd offense: ~~\$300.00~~ \$600.00

2.5049. Failing to have washable, non-absorbent surfaces on all equipment in all areas of a shop in which hair design, facial technology or manicure services are performed.

1st offense: ~~Warning~~ \$100.00
2nd offense: ~~\$100.00~~ \$200.00
3rd offense: ~~\$200.00~~ \$400.00

2.510. Failing to keep a shop shampoo bowl or sink clean.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$200.00
 3rd offense: ~~\$200.00~~ \$400.00

2.521. Failing to keep equipment in a shop, including upholstery fabrics, clean and in good repair.

1st offense: ~~Warning~~ \$50.00
 2nd offense: ~~\$50.00~~ \$100.00
 3rd offense: ~~\$100.00~~ \$200.00

2.532. Failing to have washable, non-absorbent floor surfaces in the area(s) of a shop in which hair design, facial technology or manicure services are performed.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$200.00
 3rd offense: ~~\$200.00~~ \$400.00

2.543. Allowing hair clippings to accumulate on a licensed facility floor or failing to dispose of hair clippings in a proper container.

1st offense: ~~Warning~~ \$50.00
 2nd offense: ~~\$50.00~~ \$100.00
 3rd offense: ~~\$100.00~~ \$200.00

2.554. Failing to keep a licensed facility's walls, floors, base boards, and ceiling clean and free of excessive spots, mildew, scuff marks, gathered dirt, mold, condensation or peeling paint.

1st offense: ~~Warning~~ \$50.00
 2nd offense: ~~\$50.00~~ \$100.00
 3rd offense: ~~\$100.00~~ \$200.00

2.565. Performing barbering, cosmetology, hair styling, aesthetics or manicure services while suffering from a diagnosed communicable disease or condition in a transmittable form shall result in immediate suspension until the disease or condition is no longer communicable.

2.576. Treating any disease or knowingly serving any client suffering from a communicable disease or condition.

1st offense: \$250.00
 2nd offense: \$500.00
 3rd offense: \$1,000.00 ~~The Board shall summon the practitioner to appear before the Board~~

~~for the assessment of a fine and/or the proposed revocation, suspension or refusal to issue a certificate and/or shop license.~~

2.587. Performing barbering, cosmetology, hair styling, aesthetics ~~facial technology~~ or manicure services without washing one's hands prior to serving each client.

1st offense: ~~Warning~~ \$50.00
 2nd offense: ~~\$25.00~~ \$100.00
 3rd offense: ~~\$50.00~~ \$200.00

2.598. Failing to store chemicals safely to avoid fire, explosion and/or bodily harm to clients and practitioners.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.6059. Failing to mix chemicals in a dispensing area.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$200.00
 3rd offense: \$300.00

2.610. Mixing chemicals near an open flame or other potential source of ignition.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.621. Failing to maintain a sanitary and clean facility free of insects.

1st offense: ~~Warning~~ \$100.00
 2nd offense: ~~\$100.00~~ \$300.00
 3rd offense: ~~\$300.00~~ \$600.00

2.632. Failing to provide continuing education documentation from an approved venue by the Board.

1st offense: License not renewed plus pay all applicable late fees
 2nd offense: License not renewed plus pay all applicable late fees ~~and the board shall summon the practitioner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue license.~~

2.643. Failing to renew Booth Rental Certificate annually.

1st offense: \$10.00 for individual; \$50.00 for the establishment

2nd offense: \$50.00 for individual; \$100.00 for the establishment

3rd offense: \$100.00 for individual; \$200.00 for the establishment ~~The board shall summon the practitioner and/or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue license.~~

2.654. Failing for a shop or shop owner to provide proper/required documentation of an electrical inspection ~~30 days after conditional shop opening approval pending certain documentation.~~

Each Offense: Closure of shop until electrical certificate is provided

~~2.66. Failing to provide a list of current booth renters to the Board office yearly with the shop renewal.~~

~~1st offense: Warning and license not renewed until list provided~~

~~2nd offense: \$100.00 and license not renewed until list provided~~

~~3rd offense: The board shall summon the practitioner and/or shop owner to appear before the Board for assessment of a fine and any other penalties allowed by law including refusal to issue license.~~

2.675. Failing to post individual license ~~and/or photo identification card~~ at the work station the individual is currently working.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$200.00

2.686. Failing to discard files after each use.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$200.00

2.697. Failing to use clean towel (terry or paper) on manicure table for each client.

1st offense: ~~Warning~~ \$50.00

2nd offense: ~~\$50.00~~ \$100.00

3rd offense: ~~\$100.00~~ \$200.00