

4717-12-01

Forfeitures.

(A) For purposes of division (A)(9) of section 4717.04 of the Revised Code, the board may impose a forfeiture for the following types of conduct, which constitute violations of Chapter 4717 of the Revised Code. The licensee shall pay to the executive director of the board the full amount of the forfeiture by certified check made payable to the board, and received within the time period set forth in section 4717.15 of the Revised Code. The amount of the forfeiture shall be in accordance with the following schedule:

(1) For obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.

(b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.

(2) For purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23 of the Revised Code; division (B)(1) or (B)(2), (C)(1) or (C) (2), (D), (E), or (F)(1) or (F)(2), or divisions (H) to (K) of section 4717.26 of the Revised Code; division (D)(1) of section 4717.27 of the Revised Code; or division (A) to (C) of section 4717.28 of the Revised Code, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of five hundred dollars to a maximum fine of five thousand dollars.

(b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.

(3) For committing unprofessional conduct, the board may impose a fine as follows:

(a) For a first offense, a minimum fine of five hundred dollars to a maximum fine of five thousand dollars.

(b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.

(4) For knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision, the board may impose a fine as follows:

- (a) For a first offense, a minimum fine of two thousand five hundred dollars to a maximum fine of five thousand dollars.
 - (b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.
- (5) For refusing to promptly submit the custody of a dead human body upon the express oral or written order of the person legally entitled to the body, the board may impose a fine as follows:
 - (a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.
 - (b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.
- (6) For transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another without notifying the board, the board may impose a fine as follows:
 - (a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.
 - (b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.
- (7) For misleading the public using false or deceptive advertising, the board may impose a fine as follows:
 - (a) For a first offense, a minimum fine of one thousand dollars to a maximum fine of five thousand dollars.
 - (b) For a second or subsequent offense, a minimum fine of seven thousand five hundred dollars to a maximum fine of ten thousand dollars.
- (B) If the licensee fails to remit the forfeiture or request a hearing, the board shall issue an order according to RC 4717.15(B).

Effective: 04/10/2011
R.C. 119.032 review dates: 04/10/2016

CERTIFIED ELECTRONICALLY

Certification

03/31/2011

Date

Promulgated Under: 119.03
Statutory Authority: 4717.04
Rule Amplifies: 4717.15
Prior Effective Dates: 11-10-05