

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF BARBER EXAMINERS [49 PA. CODE CH. 3]

Fees

The State Board of Barber Examiners (Board) adopts amendments to § 3.103 (relating to fees) by revising certain application fees to read as set forth in Annex A.

Notice of proposed rulemaking was published at 29 Pa.B. 5521 (October 23, 1999). Publication was followed by a 30-day public comment period during which the Board received no comments from the general public.

Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not comment.

A. *Effective date*

The amendment will be effective upon publication in the *Pennsylvania Bulletin*.

B. *Statutory Authority*

The amendment is authorized under section 14 of the Barber License Law (63 P. S. § 564).

C. *Response to IRRC and HPLC Comments*

The HPLC questioned why the fees would be rounded up and are not the actual cost of services as estimated by the Board. IRRC requested that the Bureau of Professional and Occupational Standards (Bureau) and the Board: (1) itemize the overhead cost to be recouped by the fees; and (2) reexamine the method that is used to determine the administrative overhead factor for each fee.

IRRC commented that although the Bureau's method was reasonable, there was no assurance that the fees would recover the actual overhead cost because the charge was not related to the service, and because the charge was based on the actual rather than the projected expenditures. IRRC also commented that there was no certainty that the projected revenues would meet or exceed projected expenditures, as required under the boards' enabling statute.

In computing overhead charges, the boards and the Bureau include expenses resulting from service of support staff operations, equipment, technology initiatives or upgrades, leased office space and other sources not directly attributable to a specific board. Once determined, the Bureau's total administrative charge is apportioned to each board based upon that Board's share of the total active licensee population. In turn, the board's administrative charge is divided by the number of active licensees to calculate a "per application" charge which is added to direct personnel cost to establish the cost of processing. The administrative charge is consistently applied to every

application regardless of how much time the staff spends processing the application.

This method of calculating administrative overhead to be apportioned to fees for services was first included in the biennial reconciliation of fees and expenses conducted in 1988-89. In accordance with the regulatory review, the method was approved by the Senate and House Standing Committees and IRRC as reasonable and consistent with the legislative intent of statutory provisions which require the Board to establish fees which meet or exceed expenses.

IRRC suggested that within each Board, the administrative charge should be determined by the amount of time required to process each application. For example, an application requiring 1/2 hour of processing time would pay one-half as much overhead charge as an application requiring 1 hour of processing time. The Bureau concurs with IRRC that by adopting this methodology the Bureau and the boards would more nearly and accurately accomplish their objective of setting fees that cover the cost of the service. Therefore, in accordance with IRRC's suggestions, the Bureau conducted a test to compare the resulting overhead charges obtained by applying IRRC suggested time factor versus the current method.

This review of the boards' operation showed that approximately 25% of staff time was devoted to providing services described in the regulations. The current method recouped 22% to 28% of the administrative overhead charges versus the 25% recouped using a ratio-based time factor. However, when the time factor is combined with the licensing population for each board, the resulting fees vary widely even though different licensees may receive the same services. For example, using the time-factor method to issue a verification of licensure would cost \$34.58 for a landscape architect as compared with a cost of \$10.18 for a cosmetologist. Conversely, under the Bureau method the administrative overhead charge of \$9.76 represents the cost of processing a verification application for all licensees in the Bureau. Also, the Bureau found that employing a time factor in the computation of administrative overhead would result in a different amount of overhead charge being made for each fee proposed.

With regard to IRRC's suggestions concerning projected versus actual expenses, the boards note that the computation of projected expenditures based on amounts actually expended has been the basis for biennial reconciliations for the past 10 years. During these 5 biennial cycles, the experience of both the boards and the Bureau has been that established and verifiable data can be substantiated by collective bargaining agreements, pay scales and cost benefit factors. This method has provided a reliable basis for fees. Also, the fees are kept at a minimum for licensees, but appear adequate to sustain the operations of the boards over an extended period. Similarly, accounting, recordkeeping and swift processing of applications, renewals and other fees were the primary basis for "rounding up" the actual costs to establish a fee. This rounding up process has in effect resulted in the necessary but minimal cushion or surplus to accommodate unexpected needs and expenditures.

For these reasons, the Board has not made changes in the method by which it allocates administrative expenditures and the resulting fees will remain as proposed.

The HPLC noted that there was a significant increase in expenditures from 1996-97 to 1997-98 and has re-

quested an explanation for the increase and an itemized list of income and expenditures for the fiscal years listed on the Regulatory Analysis Form.

The itemized expenditures are as follows:

<i>Cost Center</i>	<i>FY96-97 Actual Expenditures</i>	<i>FY97-98 Actual Expenditures</i>	<i>FY98-99 Budgeted</i>
BPOA Administration	28,881.63	13,349.64	21,000.00
Commissioner's Office	11,236.16	12,080.79	13,000.00
Law Enforcement (BEI)	101,618.00	160,027.52	154,000.00
Board Member Expenses	27,529.36	25,287.34	23,000.00
Test Administration	10.00	0.17	20.00
Hearing Expenses	7,815.79	5,789.35	5,000.00
Central Support Services	34,076.99	35,280.39	41,500.00
Board Administration	27,742.23	39,976.71	30,000.00
Public Information Office	1,293.21	2,050.96	2,000.00
Legislative & Regulatory Analysis	601.79	832.35	1,000.00
Legal Office	72,974.54	53,148.87	54,480.00
Rolled Expenditures	<u>1,643.74</u>	<u>(461.73)</u>	<u>0.00</u>
TOTAL BOARD COSTS:	<u>315,423.44</u>	<u>347,362.36</u>	<u>345,000.00</u>

<i>Revenue Source</i>	<i>FY96-97 Actual Revenue</i>	<i>FY97-98 Actual Revenue</i>	<i>FY98-99 Actual Revenue</i>
Renewals	36,862.00	687,075.45	51,738.79
Applications	13,465.00	19,811.00	10,990.00
Letters of Good Standing/Certifications	696.00	745.00	570.00
Changes	35.00	0.00	0.00
Fines	1,700.00	1,385.00	2,800.00
Act 48	<u>2,504.00</u>	<u>5,255.00</u>	<u>7,900.00</u>
TOTAL REVENUE:	<u>55,262.00</u>	<u>714,271.45</u>	<u>73,998.79</u>

As the chart shows, the major increase in expenditures was in law enforcement. This increase was due to an accounting change that more accurately reflected the time spent by inspectors and investigators as they worked on particular board-related activity. The prior time keeping method was based on an average amount of time spent for inspections rather than the actual time.

Both the HPLC and IRRC questioned the need to increase the fee for application of licensure of barber schools from \$100 to \$280 and why it would be necessary for the Board to take a 1/2 hour of time to discuss and vote on an application.

The Board notes that this fee has not changed since at least 1986. The large increase is due partly to the increased costs for the Bureau of Enforcement and Investigation (BEI) and partly because of a change in procedure. Originally, the application was not presented to the Board until after the inspection and other reviews were completed. Consequently, if the basic requirements were not met, the Board wasted time discussing an application for a school that might not qualify for licensure. Under the new procedure, the Board reviews the qualifications prior to the inspection so that any deficiencies are communicated prior to the inspection. While the fee increase is substantial, it is not as large as it would have been under the old review procedure.

Finally, the Board deletes from final rulemaking a new fee for certification of examination scores. This fee was

questioned by the HPLC. Upon review of staff activities, it was determined that certification of scores is not required.

The HPLC also noted a typographical error on the fee report form for application of barber school. A corrected fee report form reflecting the \$280 fee is attached to this final-form rulemaking package.

D. Compliance with Executive Order 1996-1

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final-form regulations address a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

E. Fiscal Impact and Paperwork Requirements

The amendment will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The fees will have a modest fiscal impact on those members of the private sector who apply for services from the Board. The amendments will impose no additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

F. Sunset Date

The Board continuously monitors the cost effectiveness of its regulations. Therefore, no sunset date has been assigned.

G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 5521 to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee.

In preparing this final-form regulation, the Board has considered the comments received from the Committees, IRRC and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), this final-form regulation was approved by the HPLC on November 13, 2000, and deemed approved by the SCP/PLC on November 20, 2000. IRRC met on December 14, 2000, and approved the final-form regulation in accordance with section 5.1(e) of the Regulatory Review Act.

Further Information

Individuals who need information about the regulation may contact Sara Sulpizio, Administrative Assistant, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105- 2649, (717) 783-3402.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 5521.
- (4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

The Board orders that:

- (a) The regulations of the Board, 49 Pa. Code Chapter 3, are amended by amending § 3.103 to read as set forth in Annex A.
- (b) The Board shall submit a copy of this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Board shall certify this order and Annex A and shall deposit them with the Legislative Reference Bureau as required by law.
- (d) The amendment shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

RICHARD SCIORILLO,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 30 Pa.B. 6964 (December 30, 2000).)

Fiscal Note: Fiscal Note 16A-422 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 3. STATE BOARD OF BARBER EXAMINERS

§ 3.103. Fees.

The schedule of fees charged by the Board is as follows:

Licensing examination for barber—complete	\$87
Licensing examination for barber—practical only . .	\$87
Licensing examination for barber—theory only	\$87
Licensing examination for barber—endorsement candidate	\$87
Licensing examination for barber teacher—complete	\$87
Licensing examination for barber teacher—practical only	\$87
Licensing examination for barber teacher—theory only	\$87
Licensing examination for barber shop manager . . .	\$87
Licensure of barber, barber shop manager or barber teacher	\$10
Licensure of barber by reciprocity	\$20
Licensure of barber shop	\$55
Licensure of barber school	\$280
Biennial renewal of barber license	\$42
Biennial renewal of barber shop manager license . .	\$62
Biennial renewal of barber teacher license	\$67
Biennial renewal of barber shop license	\$72
Biennial renewal of barber school license	\$112
Change in barber shop—inspection required	\$55
Change in barber shop—no inspection required . . .	\$15
Reinspection after first fail—new or change (shop or school)	\$40
Verify license/permit/registration	\$15

[Pa.B. Doc. No. 01-346. Filed for public inspection March 2, 2001, 9:00 a.m.]

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties

The Commissioner of Professional and Occupational Affairs (Commissioner) amends Chapter 43b (relating to Commissioner of Professional and Occupational Affairs) to read as set forth in Annex A.

The amendments are made under the authority of section 5(a) of the act of June 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)).

Notice of proposed rulemaking was published at 29 Pa.B. 4437 (August 21, 1999) following which the Commissioner accepted public comment for 30 days. Comments were received from the Pennsylvania Dental Association. Suggestions and comments were also submitted by the Independent Regulatory Review Commission (IRRC) and the House Committee on Professional Licensure (House Committee).

Comments submitted by IRRC and the House Committee related to the clarity and consistency of the regula-

tions. First, IRRC suggested that § 43b.3 (relating to procedures) be amended to reflect the additional schedules of civil penalties proposed in this regulation. Both the House Committee and IRRC commented on an inconsistency between § 43b.7 (relating to schedule of civil penalties—pharmacists and pharmacies). In particular, the description of violations in proposed rulemaking was not consistent with the existing subsections of the State Board of Pharmacy regulations. IRRC also commented that the penalty column under § 43b.12a (relating to schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies) was missing the word “action” after the word “formal.” In addition, IRRC suggested that § 43b.13a (relating to schedule of civil penalties—engineers, land surveyors and geologists) be consolidated and clearly establish that the violation is for representing oneself to be an engineer, land surveyor or geologist on a sign, advertisement, letterhead or card, without being licensed or registered. The Commissioner has implemented all of these suggestions.

The House Committee commented that the civil penalty for practicing on a lapsed license is not uniform among the various licensing boards. The House Committee requested an explanation as to why the Boards would assess different penalties for the same offense. The explanation for this is that each board has independent authority to implement its own schedule of penalties, and therefore, approved its own schedule of civil penalties. The Commissioner perceives no special need for uniformity among all licensing boards in the Bureau of Professional and Occupational Affairs (Bureau) for operating without a personal or facility license and notes the varying degrees of harm to the public.

The Pennsylvania Dental Association (PDA) commented on the proposed civil penalty for dentists, dental hygienists and expanded function dental assistants for practicing on a lapsed license/certificate, expressing concern that dentists who have made a good faith effort to comply with proposed rulemaking, but are denied a license on the grounds of noncompliance with these proposed rulemaking, would be subject to penalties. The State Board of Dentistry (Board) noted that section 10.1 of the Dental Law (63 P. S. § 129.1), authorizes the Board to levy a civil penalty of up to \$1,000 on any current licensee who practices without being properly licensed or certified to do so. As such, licensees are already subject to a \$1,000 civil penalty. Enforcement of these regulations for practicing on a lapsed license, which also constitutes unlicensed practice, will not be instituted until they are published as final. Disciplinary action will be taken based upon non-compliance with regulations or section 10.1 of the Dental Law.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Bureau submitted a copy of the notice of proposed rulemaking, published at 29 Pa.B. 4437 to IRRC and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

In compliance with section 5(c) of the Regulatory Review Act, the Bureau also provided IRRC and the Committees with copies of the comments received. In preparing these final-form regulations, the Bureau has considered the comments received from IRRC, the Committees and the public.

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(d)), these final-form regulations were approved by the House Committee on October 3, 2000, and approved by the Senate Committee on October 9, 2000. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 19, 2000, and approved the final-form regulations.

Fiscal Impact

Professional licensing statutes require each board and commission to be self-supporting. Revenues must be generated by fees paid by licensees and must meet or exceed budgeted expenditures.

A board's disciplinary duties consist of investigating complaints, inspecting licensed facilities, and meting out appropriate sanctions. Although the boards are not supported by General Fund tax revenues, members of the regulated community are assessed a biennial renewal fee which finances a board's operations, including the disciplinary function.

Licensees are impacted individually when they are found guilty of violating a board's act or regulations and a fine is levied. A licensee who disputes charges brought against him, including those filed as civil penalty citations under the act of June 2, 1993 (P. L. 345, No. 48) may request a hearing before a hearing examiner or appeal a decision to the appropriate board. The more resources and time expended by personnel of the Department to dispose of disciplinary cases, the greater the impact of the disciplinary function upon a board's operating costs.

Paperwork Requirements

The amendments will not necessitate any legal, accounting, reporting or other paperwork requirements.

Statutory Authority

The amendments are authorized under section 5(a) of the act of June 2, 1993, which provides the Commissioner with authority to promulgate regulations adopting a schedule of civil penalties, after consultation with the licensing boards and commissions, for: (1) operating without a current and valid license, registration, certification or permit; and (2) violating a licensing board or commission act or regulation relating to the conduct or operation of a business or facility licensed by a licensing board or commission.

Contact Person

Individuals who desire information are invited to submit inquiries to Commissioner Dorothy Childress, P. O. Box 2649, Harrisburg, PA 17105-2649.

Findings

The Bureau finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) These amendments do not enlarge the purpose of proposed rulemaking published at 29 Pa.B. 4437.
- (4) These amendments are necessary and appropriate for administration and enforcement of the authorizing acts identified in this Preamble.

Order

The Commissioner of the Bureau orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by amending §§ 43b.3 and 43b.7; deleting Statements of Policy in §§ 43b.10—43b.14; and adding §§ 43b.10a—43b.14a to read as set forth in Annex A with ellipses referring to the existing text of the regulations.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall become effective immediately upon publication in the *Pennsylvania Bulletin*.

DOROTHY CHILDRESS,
Commissioner

Fiscal Note: Fiscal Note 16-20 remains valid for the final adoption of the subject regulations.

§ 43b.7. Schedule of civil penalties—pharmacists and pharmacies.

**Violation under
49 Pa. Code
Chapter 27**

Title/Description	Civil Penalty
* * * * *	
Section 27.15 Sanitary standards	
(a) Pharmacy not in good repair or not in clean and orderly condition.	\$250
(b) Violation of health and sanitation statutes of the Commonwealth and of the municipality and county where pharmacy is located.	\$250
(c) Waste disposal violations	\$250
(d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects	\$250
(e) Plumbing not functional	\$250
(f) Unauthorized items in prescription area	\$250
Section 27.16 Construction requirements—	
(b)(4) Lack of telephone	\$250
(5) Lack of required sanitary facilities	\$250
(7) Television set in prescription area not intended for pharmacy instructional use	\$500
(8) Drugs accessible to unauthorized persons; animals unrelated to pharmacy security in prescription area	\$250
* * * * *	
Section 27.31 Biennial renewal—(c) practicing on a lapsed license or permit	0-4 months—\$50 per month; over 4 months—8 months—\$100 per month; over 9 months—12 months—\$200 per month; over 1 year—formal action
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Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL**

§ 43b.3. Procedures.

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(b) *Citations.*

(1) If an inspection reveals a violation of a statute or a regulation for which a civil penalty has been established under the schedules in §§ 43b.4—43b.14a, the authorized agent may prepare a citation indicating the violations found and the penalties imposed. A copy of the citation will be provided to the respondent.

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§ 43b.10. (Reserved).**§ 43b.10a. Schedule of civil penalties—accountants.****STATE BOARD OF ACCOUNTANCY**

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 9.8b(b)	Completion of continuing education hours after end of reporting period but before start of next license biennium (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 9.12(a)	Unlawful use of “certified public accountant,” “CPA” or similar representation by person never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of “certified public accountant,” “CPA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(c)	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm never licensed	1st offense—\$500* 2nd offense—formal action
	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(j)	Unlawful use of “public accountant,” or “PA” or similar representation by person never licensed	1st offense \$500* 2nd offense—formal action
	Unlawful use of “public accountant,” or “PA” or similar representation by person not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$500 2nd offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association or organization of CPA’s or PA’s by person or firm never licensed	1st offense—\$250* 2nd offense—formal action
	Unlawful representation of membership in professional society, association or organization of CPA’s or PA’s by person or firm not currently licensed	1st offense—up to 90 days past renewal deadline—warning; 90 days to 180 days past renewal deadline—\$250 2nd offense—formal action

**Violation under
49 Pa. Code,
Chapter 11**

Violation Under 63 P. S.	Title/Description	Civil Penalty
Section 11.62(a)(2)	Failure to complete 20 hours of continuing education each year (assumes no other continuing education violation)	1st offense—\$150 2nd offense—formal action
Section 11.68(b)	Failure to timely submit documentation of continuing education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd offense—formal action

*The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct

§43b.11. (Reserved).**§ 43b.11a. Schedule of civil penalties—architects.****STATE ARCHITECTS LICENSURE BOARD**

Violation Under 63 P. S.	Violation Under 49 Pa. Code Chapter 9	Description Violation	Penalties
§ 34.12(a)	N/A	Architect impressing his seal or knowingly permitting it to be impressed on drawings, specifications or other design documents which were not prepared by him or under his personal supervision.	1st offense—\$1,000 2nd offense—formal action

Violation Under 63 P. S.	Violation Under 49 Pa. Code Chapter 9	Description of Violation	Penalties
§ 34.12(a)	N/A	Anyone impressing an architect's seal or knowingly permitting it to be impressed on drawings, specifications or other design documents after the architect's certificate has expired, or has been revoked, annulled or suspended.	1st offense—\$1,000 2nd offense—formal action
§ 34.13(h)	§ 9.163	Engaging in the practice of architecture as a professional association, partnership, professional corporation, or business corporation without first receiving the written approval of the Board.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
§ 34.18(a) and (b)	§ 9.171	Use of the word "architect" or "architects" in the surname, word or business title implying that an individual or business is engaged in the practice of architecture, without possessing current and proper licensing by the Board.	1st offense—\$1,000 2nd offense—formal action

§ 43b.12. (Reserved).

§ 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies.

STATE BOARD OF AUCTIONEER EXAMINERS

Violation Under 63 P. S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
Sections 734.3(a) and 734.20(a)(9)	N/A	Auctioneer or apprentice auctioneer operating on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.3(a) and 734.20(a)(9)	N/A	Engaging in unlicensed auctioneering activities in this Commonwealth.	1st offense—\$1,000 2nd offense—formal action
Sections 734.9(a) and 734.20(a)(9)	N/A	Operating an unlicensed auction house in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.10(a) and 734.20(a)(9)	N/A	Operating as an unlicensed auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.9(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction house in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.10(d) and 734.20(a)(9)	N/A	A licensed auctioneer operating an unregistered auction company in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.9(a) and 734.20(a)(9)	N/A	Operating an auction house on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.10(a) and 734.20(a)(9)	N/A	Operating an auction company on a lapsed license in this Commonwealth.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Section 734.20(a)(12)	N/A	Failure of an auctioneer to establish or maintain an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.21 and 734.20(a)(9)	N/A	Failure of an auctioneer to immediately deposit gross auction sale proceeds into an escrow account.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.17 (a) and 734.20(a)(9)	N/A	Failure of an auctioneer to enter into a written contract with the owner or consignor of the property to be sold at auction prior to the auction sale.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.17(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to keep contracts on file in the office of the auctioneer.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

Violation Under 63 P. S.	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
Sections 734.16(b) and 734.20(a)(9)	N/A	Failure or refusal of an auctioneer to permit inspection of auction sale records at all reasonable times by 3rd offense—formal action BEI inspectors or investigators.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action
Sections 734.18(a) and 734.20(a)(9)	N/A	Failure of an auctioneer to display auctioneer license in the auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
Sections 734.18(b) and 734.20(a)(9)	N/A	Failure of an apprentice auctioneer to display the apprentice auctioneer license in the apprentice 3rd offense—formal action auctioneer's office.	1st offense—\$250 2nd offense—\$500 3rd offense—formal action
Section 734.20(a)(10)	§ 1.31(c) and (d)	Failure of a sponsor to either directly supervise the apprentice while the apprentice is conducting an auction or to provide for appropriate substitute supervision of the apprentice by a qualified auctioneer.	1st offense—\$500 2nd offense—\$1, 000 3rd offense—formal action
Sections 734.20(a)(10)	§ 1.31(e)	Apprentice auctioneer conducting an auction sale without direct supervision by either the sponsor or an authorized substitute sponsor.	1st offense—\$500 2nd offense—\$1,000 3rd offense—formal action

§ 43b.13. (Reserved).

§ 43b.13a. Schedule of civil penalties—engineers, land surveyors and geologists.

STATE REGISTRATION BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS AND GEOLOGISTS

Violation Under 63 P. S.	Title/Description	Penalties
Section 150(b)	Representing oneself as an engineer, land surveyor or geologist on sign, advertisement, letterhead or card, without being licensed or registered	1st offense—\$1,000 2nd offense—formal action
Section 151(e)	Biennial renewal—Practicing on a lapsed license or registration	1st offense— Up thru 5 months—\$500 6 months thru 1 year—\$1,000 over 1 year—formal action 2nd offense—formal action

§ 43b.14. (Reserved).

§ 43b.14a. Schedule of civil penalties—dentists, dental hygienists and expanded function dental assistants.

STATE BOARD OF DENTISTRY

Violation under 49 Pa. Code	Title/Description	Civil Penalty
§ 33.105(b)	Practicing on a lapsed license/certificate	1st offense— Dentists—\$100/month Dental hygienists— \$50/month Expanded function dental assistants—\$25/month 2nd offense—formal action

[Pa.B. Doc. No. 01-347. Filed for public inspection March 2, 2001, 9:00 a.m.]