

**\*\*\*DRAFT - NOT FOR FILING\*\*\***

**4781-8-03 Denial, revocation, suspension of licenses.**

- (A) The ~~commission~~division may deny, suspend, revoke, or refuse to renew the license of any manufactured home installer for any of the following reasons:
- (1) Failure to meet the requirements for a license or renewal of a license under section 4781.08 of the Revised Code;
  - (2) Failure to meet the continuing education requirements for renewal ~~for~~of a license under section 4781.10 of the Revised Code;
  - (3) Violation of Chapter 4781. of the Revised Code or the rules promulgated thereunder;
  - (4) Misrepresent the applicant's qualifications or makes any misrepresentation in an application for a license or renewal of a license;
  - (5) Installing manufactured homes in Ohio without an active license or without being under the supervision of a licensed manufactured housing installer;
  - (6) Fail to cooperate in an investigation or fail to comply with any final adjudication order of the ~~commission~~division issued pursuant to this chapter;
  - (7) ~~Conviction of a felony or a crime involving moral turpitude;~~Been convicted of a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code. Disqualifying offenses must bear a direct nexus to the employment sought, as determined by the division or the division's designee. Disqualifying offenses include:
    - (a) Forgery (section 2913.31 of the Revised Code);
    - (b) Trademark counterfeiting (section 2913.34 of the Revised Code);
    - (c) Fraud (section 2913.40, 2913.42, 2913.45, 2913.47, 2913.48, or 2913.49 of the Revised Code);
    - (d) Receiving stolen property (section 2913.51 of the Revised Code);
    - (e) Bribery (section 2921.02 of the Revised Code);
    - (f) Theft in office (section 2921.41 of the Revised Code);
    - (g) Having an unlawful interest in a public contract (section 2921.42 of the Revised Code);
    - (h) Soliciting or accepting improper compensation (section 2921.43 of the Revised Code);
    - (i) Engaging in a pattern of corrupt activity (section 2923.32 of the Revised Code);
    - (j) Money laundering (division (A) of section 1315.55 of the Revised Code); or
    - (k) Criminal negligence (section 2901.21 of the Revised Code).
  - (8) Having had a license revoked, ~~suspended,~~ or denied under subdivision (A)(2) through (A)(13) of this rule, by the ~~commission~~division during the preceding two years;

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- (9) Having had a license revoked, suspended, or denied by another state or jurisdiction within the preceding two years;
- (10) Engage in conduct in another state or jurisdiction that would violate Chapter 4781. of the Revised Code if committed in this state;
- (11) Fail to provide written notification of installation to a county treasurer or auditor in violation of division (D) of section 4781.11 of the Revised Code;
- (12) Violation of the code of ethics for manufactured home installers; or
- ~~(13)-(13) Violations of OMHC rules; or~~
- ~~(14)-(13)~~ Fail to supervise an installation of an unlicensed person who is performing work on behalf of the licensee.
- (B) In addition to or in lieu of suspending, revoking, or refusing to renew a manufactured home installer's license for violation of Chapter 4781. of the Revised Code or any rule adopted ~~pursuant thereto~~thereunder, the ~~commission~~division may impose a fine not exceeding one thousand dollars per violation per day.
- (C) Any person whose license or license application has been revoked, suspended, denied, ~~or not renewed~~under this rule, or upon whom a civil penalty is imposed under this rule may request an adjudication hearing on the matter. The request for an adjudication hearing must be received by the ~~commission~~division within thirty days from the date ~~of the notice~~the notice of the action was mailed. The hearing shall be held in accordance with Chapter 119. of the Revised Code. A licensee or applicant adversely affected by an adjudication order issued pursuant to this rule shall have a right to appeal pursuant to section 119.12 of the Revised Code.
- (D) Reapplication after revocation, denial, or suspension.
- (1) Any person whose license has been revoked ~~or denied~~ may apply for a new license two years after the date on which the license was revoked ~~or denied~~.
- (2) Any person whose license has been suspended for a period determined by the ~~commission~~division may apply for renewal of the license within thirty days of the end of the suspension period.
- (3) Any person whose license has been denied under subdivisions (A)(2) through (A)(13) of this rule may apply for a license two years after the date on which the license was denied.
- (E) Upon revocation, ~~or non-renewal~~, the person shall return the license certificate and identification card to the ~~commission~~division within three days after receipt of the notice of ~~suspension~~, revocation or non-renewal.