

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

**4101:16-1-06      Disciplinary action against a licensee.**

- (A) The appropriate specialty sections may suspend, revoke, or refuse to issue any license; impose additional continuing education hours; or fine an applicant or licensee or any combination thereof upon a finding by the appropriate specialty section that the applicant or licensee has done any of the following:
- (1) Been convicted of or pleaded guilty to a crime of moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;
  - (2) Been convicted of or pleaded guilty to one or more of the following disqualifying offenses:
    - (a) Forgery (R.C. 2913.31);
    - (b) Trademark counterfeiting (R.C. 2913.34);
    - (c) Fraud (R.C. 2913.40, R.C. 2913.42, R.C. 2913.45, R.C. 2913.47, R.C.2913.48, or R.C. 2913.49);
    - (d) Receiving stolen property (R.C. 2913.51);
    - (e) Bribery (R.C. 2929.02);
    - (f) Theft in office (R.C. 2921.41);
    - (g) Having an unlawful interest in a public contract (R.C. 2921.42)
    - ~~(h) Soliciting or accepting improper compensation (R.C. 2921.43);~~
    - ~~(h)~~ Engaging in a pattern of corrupt activity (R.C. 2929.32);
    - ~~(i)~~ Money laundering (R.C. 1315.55(A));
    - ~~(k)~~ Criminal negligence (R.C. 2901.21).
  - (3) Violated any provisions of Chapter 4740. of the Revised Code;
  - (4) Violated any rules adopted pursuant to Chapter 4740. of the Revised Code;
  - (5) Obtained or attempted to obtain a license or a renewal of such license pursuant to Chapter 4740. of the Revised Code by means of fraud, deception, or misrepresentation;
  - (6) Obtained an order, ruling, or authorization from any section of the Ohio construction industry licensing board by means of fraud, deception, or misrepresentation;
  - (7) Engaged in fraud, misrepresentation, or deception in the conduct of business;
  - (8) Transferred the person's license to another person or entity without the approval of the appropriate specialty section;
  - (9) Allowed the person's license to be used by an unlicensed person or entity;
  - (10) Failed to comply with the disciplinary sanction imposed by the appropriate specialty section;
  - (11) Upon notice to the appropriate specialty section that a municipality or any other governmental agency has suspended or revoked the local contracting license or registration of an individual or entity holding

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

a license pursuant to Chapter 4740. of the Revised Code; or

- (12) Failed ~~edure~~ to maintain required contractor liability insurance throughout the license year, unless the license has properly been placed in an inactive status.
- (B) The appropriate specialty sections shall direct the administrative section to refuse to issue any license upon a finding by the appropriate speciality section that the applicant has done any of the following:
  - (1) Been found guilty of a crime ~~involving-of~~ moral turpitude or a disqualifying offense as those terms are defined in section 4776.10 of the Revised Code;
  - (2) Had another person take the required examination for the applicant; or
  - (3) Failed to pass the required examination.
- (C) The appropriate specialty section shall hold an adjudication hearing to determine whether a license is to be revoked or suspended or whether the licensee shall be fined or ordered to complete additional continuing education courses or any combination thereof. The appropriate specialty section shall notify the licensee in writing of its order.
- (D) A ~~licensee-party~~ adversely affected by an adjudication order issued pursuant to this rule shall have a right of appeal pursuant to section 119.12 of the Revised Code.