

**CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

**SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION
OF CIVIL PENALTIES AND PROCEDURES
FOR APPEAL**

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Authority

The provisions of this Chapter 43b issued under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)), unless otherwise noted.

Source

The provisions of this Chapter 43b adopted December 12, 1997, effective December 13, 1997, 27 Pa.B. 6467, unless otherwise noted.

§ 43b.1. Purpose.

The purpose of this chapter is to adopt a schedule of civil penalties, procedures for their imposition and procedures for appeal for persons operating without a current, registered, unsuspended and unrevoked license, registration, certificate or permit. The schedule of civil penalties also includes penalties imposed for violating provisions of statutes and regulations of the licensing boards and relating to the conduct or operation of a business or facility as licensed by a licensing board in the Bureau.

§ 43b.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. §§ 2201—2207).

Authorized agent—An individual authorized by the Bureau to issue citations in accordance with the act.

Bureau—The Bureau of Professional and Occupational Affairs under the Commissioner within the Department of State.

Commissioner—The Commissioner of Professional and Occupational Affairs.

Formal action—Written charges initiated by the filing of an order to show cause as provided for under 1 Pa. Code § 35.14 (relating to orders to show cause).

§ 43b.3. Procedures.

(a) *Inspections/investigations.* Authorized agents may conduct inspections and investigations for the purpose of ascertaining compliance with statutory provisions and regulations of licensing boards and commissions relating to required licensure and the conduct or operation of a business or facility.

(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 this chapter, 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.

(2) The citation shall be made on a form approved by the Bureau.

(3) Within 10 days of the date of the issuance of the citation, the respondent shall enter one of the following:

(i) A plea to admit to the violation and remit payment of the civil penalty to the Bureau.

(ii) A plea to deny the violation and request a hearing to contest the imposition of a civil penalty.

(4) Failure to respond to the citation in the manner specified in paragraph (3) within 10 days will result in the entry of a default judgment against the respondent for the full amount of the civil penalty and may result in additional disciplinary action.

(5) The civil penalties shall be paid by certified check or cashier's check or money order and made payable to the "Commonwealth of Pennsylvania," and mailed to: Commonwealth of Pennsylvania, Department of State, Complaints Office—Citations, Post Office Box 2649, Harrisburg, Pennsylvania 17105-2649.

(c) *Citation hearings.*

(1) Citation hearings shall be conducted by a hearing examiner in compliance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

(2) If a violation is found, the hearing examiner shall impose the full amount of the civil penalty as charged in the citation and as authorized by the schedules in this chapter.

(d) *Appeals.* A decision by a hearing examiner may be appealed by any party by filing an application for review with the appropriate licensing Board within 20 days of the mailing date of the order. An application for review shall set forth with specificity the grounds for appeal. The Board will review the record established before the hearing examiner and in its discretion receive additional evidence.

(e) *Miscellaneous.* This section supplements 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedures).

Source

The provisions of this § 43b.3 amended March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (307368) to (307369) and (274975).

§ 43b.4. Schedule of civil penalties—barbers and barber shops.

STATE BOARD OF BARBER EXAMINERS

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 551	Practicing without a license	1st offense—\$500 2nd offense—Formal action
Section 558	Availability of current license on premises	1st offense—\$150 2nd offense—\$500

**Violation
under
63 P. S.**

	Title/Description	Civil Penalty
Section 558	Practicing on a lapsed or expired license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 562(a)(2)	Operating a business or facility on a lapsed or expired permit or license	1st offense—Up to 90 days—Warning; 90 days to 1 year—\$250; from 1 year to 2 years—\$500; over 2 years—\$1,000 2nd offense—Formal action
Section 559	Failure to employ licensed persons	1st offense—\$500 for each individual unlicensed barber 2nd offense—Formal action
Section 560	Opening shop for business before shop inspected and approved	1st offense—\$200 2nd offense—Formal action
Section 560	Failure to file application when taking over as owner of existing shop	1st offense—\$500 2nd offense—Formal action
Section 562	Operating an establishment without supervision of designated manager barber or other designated licensee	1st offense—\$250 2nd offense—Formal action
Section 560	Operating a business or facility without a permit or license	1st offense—\$500 2nd offense—Formal action
Section 563(a)	Licensee practicing in place other than licensed shop	1st offense—\$500 2nd offense—Formal action

**Violation Under
49 Pa. Code
Chapter 3**

	Title/Description	Civil Penalty
Section 3.51(a)	Failure to obtain new shop license when shop moves	1st offense—\$500 2nd offense—Formal action
Section 3.51(b)	Failure to register trade name	1st offense—\$100 2nd offense—Formal action
Section 3.54	Failure to meet minimum equipment requirements	1st offense—\$100 2nd offense—Formal action
Section 3.55	Failure to meet minimum maintenance and sanitation requirements	1st offense—\$100 2nd offense—Formal action
Section 3.85	School equipment does not meet requirements	1st offense—\$100 2nd offense—Formal action
Section 3.86	School maintenance and sanitation requirements not met	1st offense—\$250 2nd offense—Formal action
Section 3.89	School advertising requirements not met	1st offense—\$250 2nd offense—Formal action

Source

The provisions of this § 43b.4 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (274975) to (274977).

§ 43b.5. Schedule of civil penalties—cosmetologists, manicurists, cosmeticians, shops.

STATE BOARD OF COSMETOLOGY

**Violation
Under
63 P. S.**

	Title/Description	Civil Penalty
Section 508	Practicing without a license	1st offense—\$500 2nd offense—Formal action

**Violation
Under
63 P. S.**

	Title/Description	Civil Penalty
Section 508	Maintaining an unlicensed shop	1st offense—\$500 2nd offense—Formal action
Section 514	Practice in place other than licensed shop	1st offense—\$500 2nd offense—Formal action
Section 519(a)	Owner employing unlicensed employees	1st offense—\$500 for each unlicensed individual 2nd offense—Formal action
Section 524	Availability of current licenses and permits on the premises	1st offense—\$100 2nd offense—\$250

**Violation Under
49 Pa. Code
Chapter 7**

	Title/Description	Civil Penalty
Section 7.43	Practice on lapsed license	1st offense—Up to 90 days—Warning; 90 days or more—\$250 2nd offense—Formal action
Section 7.62	Operating without manager	1st offense—\$100 2nd offense—\$250
Sections 7.64(a)	Manager employing unlicensed persons	1st offense—\$500 for each unlicensed individual 2nd offense—Formal action
Sections 7.71— 7.79	Physical requirements for beauty shop	1st offense—\$50 for each violation 2nd offense—\$100 for each violation
Section 7.82	Failure to maintain record of services rendered outside a shop	1st offense—\$50 2nd offense—\$250
Section 7.92	Failure to sterilize equipment	1st offense—\$100 2nd offense—\$250
Section 7.93	Unsanitary use of towels	1st offense—\$100 2nd offense—\$250

**Violation Under
49 Pa. Code
Chapter 7**

	Title/Description	Civil Penalty
Section 7.94	Unsanitary use of supplies	1st offense—\$100 2nd offense—\$250
Section 7.101	Electrical appliances not properly installed/grounded	1st offense—\$50 2nd offense—\$250
Section 7.114	School equipment and supplies not sufficient for student enrollment	\$50/each item missing
Section 7.117	Failure to employ supervisor	1st offense—\$500 2nd offense—Formal action
Section 7.118(a)	Unlicensed teachers	1st offense—\$500 2nd offense—Formal action
Section 7.118(b)	Availability of instructor license on the premises	1st offense—\$100 2nd offense—\$250
Section 7.118(c)	Failure to employ at least one full time instructor	1st offense—\$100 2nd offense—\$250
Section 7.118(d)	Allowing student-teacher ratio to exceed 25:1	1st offense—\$100 2nd offense—\$250
Section 7.119	Failure to maintain student records	1st offense—\$250 2nd offense—Formal action
Section 7.119a	Failure to obtain notarized transcript; failure to obtain verification from other state	1st offense—\$50 2nd offense—\$250
Section 7.120	Work done by students on public; failure to post notices; failure to post sign	1st offense—\$100 2nd offense—\$250
Section 7.121	Failure to advertise licensee name or student work	1st offense—\$100 2nd offense—\$250
Section 7.134	Apprentice reports—failure to submit to board	1st offense—\$100 2nd offense—\$250

§ 43b.6. Schedule of civil penalties—funeral directors and funeral establishments.

STATE BOARD OF FUNERAL DIRECTORS

Violation

Under

63 P. S.

	Title/Description	Civil Penalty
Section 479.6	Failure to display licenses conspicuously	1st offense—\$50 2nd offense—\$250
Section 479.13	Practice without license	Any offense—\$1,000

Violation Under

49 Pa. Code

Chapter 13

	Title/Description	Civil Penalty
Section 13.83	Requirements for advertising of name of licensee	1st offense—\$100 2nd offense—\$250
Section 13.194	Operating funeral establishment without Board approval	Any offense—\$1,000
Section 13.171	Use of preparation room for purposes other than embalming or caring for remains	1st offense—\$100 2nd offense—Formal action
Section 13.174	Preparation room facility and equipment requirements	1st offense—\$100 per violation 2nd offense—\$250 per violation
Section 13.182	Improper disposal of waste products including biohazardous waste	1st offense—\$100 2nd offense—\$500
Section 13.193	Advertising name of permanent supervisor	1st offense—\$100 2nd offense—\$250
Section 13.224	Failure to comply with reporting requirements for prepaid burial contracts	1st offense—\$100 2nd offense—Formal action
Section 13.225	Failure to file affidavit for prepaid burial account	1st offense—\$100 2nd offense—Formal action
Section 13.231	Practicing on a lapsed license	Up to 60 days—1st offense—Warning 60 days or more—\$500 2nd offense—Formal action

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

STATE BOARD OF PHARMACY

Violation Under

49 Pa. Code

Chapter 27

	Title/Description	Civil Penalty
Section 27.11	Pharmacy Permit— (a) Lack of permit showing accurate and current information as to name and address of pharmacy and name of pharmacist manager (b) Display, advertise or use a name other than registered name (g) Failure to notify Board of change in pharmacist manager or operation of pharmacy without pharmacist manager.	\$100 1st offense—\$100 2nd offense—\$100 1st offense—\$50 per month or part of month; Formal action if no compliance within 60 days after receiving citation 2nd offense—same as 1st offense
Section 27.14	Supplies— (b) Expired drugs (c) Failure to maintain equipment and miscellaneous supplies	1st offense—Under 1 year old—\$250 1st offense—Over 1 year old—\$500 2nd offense—\$1,000 \$100 each
Section 27.15	Sanitary standards (a) Pharmacy not in good repair or not in clean and orderly condition. (b) Violation of health and sanitation statutes of the Commonwealth and of the municipality and county where pharmacy is located. (c) Waste disposal violations (d) Prescription area not dry, well ventilated and well lighted; not free from rodents or insects (e) Plumbing not functional	\$250 \$250 \$250 \$250 \$250

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

	Title/Description	Civil Penalty
	(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 27.18	Standards of practice—	\$100
	(a) Unsuitable containers	
	(b) Lack of required information on prescriptions	\$100
	(d) Lack of required information on container labels	\$100
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

**Violation Under
28 Pa. Code
Chapter 25**

	Title/Description	Civil Penalty
Section 25.55(d)	Improper generic substitution	
	Five to nine	\$250
	10 or more	\$500
Section 25.55(e)	Failure to refill prescription with the identical product without authorization from prescriber and patient	\$100

Violation Under**28 Pa. Code****Chapter 25**

	Title/Description	Civil Penalty
Section 25.56(a)	Improper filing of Schedule II prescriptions	\$100
Section 25.56(b)	Improper filing of Schedule III, IV, V prescriptions	\$100
Section 25.63(b)	Inadequate security for controlled substances	\$250
Section 25.92	Lack of lot numbers required on stock items	\$100
Section 25.94	Lack of expiration date on label of dispensed drugs of less than 1 year's potency.	\$100

Source

The provisions of this § 43b.7 amended March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (238356) and (250705) to (250706).

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

STATE BOARD OF PHARMACY**Violation****under****49 Pa. Code****Chapter 27**

	Title/Description	Civil Penalty
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

Source

The provisions of this § 43b.7a adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883.

§ 43b.8. Schedule of civil penalties—real estate and cemetery brokers, real estate schools.

STATE REAL ESTATE COMMISSION

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 455.301	Acting in capacity of cemetery broker or cemetery salesperson without a license	1st offense—\$250 per violation 2nd offense—\$500 per violation
Section 455.601(a)	Failure of licensee to notify Commission of change of location of office of broker or cemetery broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.601(a)	Failure of broker or cemetery broker to maintain sign with licensed name outside office	1st offense—\$250 2nd offense—\$500
Section 455.603	Failure of licensee to notify Commission of change of employing broker within 10 days	1st offense—\$125 2nd offense—\$250
Section 455.604(a)(4)	Use of any trade name or insignia or membership in any real estate association or organization of which the licensee is not a member	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(8)	Placing a “for sale” or “for rent” sign or advertising property without the written consent of the owner	1st offense—\$250 2nd offense—\$500
Section 455.604(a)(16)	Failure to exercise adequate supervision of licensed salesperson or associate broker (when subordinate violates § 455.601(a), 455.603 or 455.604(a)(21))	Same as penalty for underlying offense by subordinate
Section 455.604(a)(21)	Failure of licensee to have current license when performing licensed activity	1st offense—\$250 per month up to \$1,000 2nd offense— Formal action

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 455.604(a)(26)	Failure to include right-of-cancellation information in a time share or campground membership	1st offense—\$500 2nd offense—\$1,000
Section 2205(b)(2)	Aiding and abetting cemetery or real estate sales activities by unlicensed individuals	1st offense—\$250 per individual 2nd offense—\$500 per individual

**Violation Under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.242(a)	Failure of broker or cemetery broker to devote office to transaction of real estate business in privacy	1st offense—\$125 2nd offense—\$250
Section 35.242(b)	Failure of broker or cemetery broker to maintain separate entrance to office located in private residence	1st offense—\$125 2nd offense—\$250
Section 35.242(c)	Failure of broker or cemetery broker to display business name prominently and in permanent fashion outside office	1st offense—\$250 2nd offense—\$500
Section 35.243(a)	Failure of broker or cemetery broker to obtain license before opening branch office	1st offense—\$250 2nd offense—\$500
Section 35.245(a)	Failure of broker, cemetery broker or rental listing referral agent to maintain the current license of employed or affiliated licensees at main office	1st offense—\$125 2nd offense—\$250
Section 35.245(b)	Failure of associate broker, salesperson, associate cemetery broker or cemetery salesperson to conspicuously display current license at office out of which licensee works	1st offense—\$100 2nd offense—\$250

**Violation Under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.245(c)	Failure of broker or cemetery broker to maintain a list of licensees employed or affiliated with the broker or cemetery broker at the branch office out of which each licensee works	1st offense—\$125 2nd offense—\$250
Section 35.285	Failure to provide Commission or its representative with information regarding a franchisor, network or other parent real estate company with which the licensee is or may become affiliated	1st offense—\$250 2nd offense—\$500
Section 35.286(a)	Failure of broker to retain a copy of the written estimate of reasonably foreseeable expenses required under 49 Pa. Code § 35.334 (relating to statements of estimated cost and return)	1st offense—\$250 2nd offense—\$500
Section 35.286(a)(1)	Failure of broker, associate broker or salesperson to retain a copy of the acknowledgement portion of the Consumer Notice	1st offense—\$250 2nd offense—\$500
Section 35.286(b)	Failure of a licensed entity other than an individual to produce its corporate, partnership or association records for examination by the Commission or its authorized representative	1st offense—\$250 2nd offense—\$500
Section 35.290(b)	Failure of a licensee to notify the Commission of disciplinary action taken against the licensee by the real estate licensing authority of another jurisdiction within 30 days of receiving notice of the disciplinary action	1st offense—\$500 2nd offense—\$1,000

**Violation Under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.292(a)(6)	Failure of broker, associate broker or salesperson to provide a copy of the Consumer Notice as required under 63 P. S. § 455.608 (relating to information to be given at initial interview)	1st offense—\$250 2nd offense—\$500
Section 35.301(a)	Advertising the sale or lease of real estate without the authority of the seller or lessor or its agent	1st offense—\$250 2nd offense—\$500
Section 35.301(b)	Publishing information about a rental property if the lessor or property manager expressly stated that the property was not to be included in lists prepared by rental listing referral agents	1st offense—\$250 2nd offense—\$500
Section 35.304	Failure of a licensee who sells or leases his own real estate to disclose in ads for the property that he is a licensee	1st offense—\$250 2nd offense—\$500
Section 35.305(a)	Failure of broker, cemetery broker or rental listing referral agent to advertise or hold himself out to public under business name designated on license	1st offense—\$250 2nd offense—\$500
Section 35.305(b)	Advertising or using a nickname that has not been registered with the Commission	1st offense—\$250 2nd offense—\$500
Section 35.305(c)	Failure of salesperson or associate broker to include the business name and telephone number of the broker in at least equal size as the salesperson's or associate broker's name and telephone number on an advertisement	1st offense—\$250 2nd offense—\$500
Section 35.334	Failure of broker to provide a written estimate of reasonably foreseeable expenses	1st offense—\$250 2nd offense—\$500

**Violation Under
49 Pa. Code
Chapter 35**

	Title/Description	Civil Penalty
Section 35.361(a)	Failure of real estate school to prominently display certificate of approval at main location and copy at satellite location	1st offense—\$125 2nd offense—\$250
Section 35.361(b)	Failure of real estate school to prominently display school's approved name outside each school location	1st offense—\$250 2nd offense—\$500
Section 35.361(c)	Failure of real estate school to prominently display school director's letter of approval at main location and copy at each satellite location	1st offense—\$125 2nd offense—\$250
Section 35.361(d)	Failure of real estate school to prominently display alphabetical list of courses and instructors at each school location	1st offense—\$125 2nd offense—\$250

Source

The provisions of this § 43b.8 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (274983) to (274987).

§ 43b.9. Schedule of civil penalties—vehicle manufacturers, dealers and salespersons.

**STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS
AND SALESPERSONS**

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 818.5(a)	Person or entity engaging in business of vehicle dealer, auction, manufacturer or distributor without license or acting as broker	Each offense— \$1,000
Section 818.5(a)	Person engaging in business as a factory representative or distributor representative without a license	1st offense—\$100 2nd offense—\$500 3rd offense—\$1,000

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 818.5(a)	Individual working as unlicensed salesperson for dealership	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.5(c)	Licensed salesperson working as salesperson for dealership other than for whom salesperson is licensed	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.5(d)	Failure to display license in principal office	1st offense—\$100 2nd offense—\$500 3rd offense—Formal action
Section 818.5(h)	Vehicle auction not posting list of revoked/suspended licensees	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.19(15)	Licensed dealer employing unlicensed salesperson	1st offense—\$500 2nd offense— \$1,000 3rd offense—Formal action
Section 818.19(29)	Wholesale auction permitting unlicensed or revoked or currently suspended dealer or vehicle business to buy, sell or represent vehicle at auction	1st offense—\$250 2nd offense—\$500 3rd offense—\$1,000 Subsequent offense—Formal action
Section 818.19(30)	Dealer permitting revoked or currently suspended salesperson to sell, represent or purchase vehicle at auction	1st offense—\$500 2nd offense—\$1000 3rd offense—Formal action
Sections 818.5(a) and 818.19(27)	Licensed dealer operating an unlicensed branch lot	1st offense—\$1,000 2nd offense— Formal action
Sections 818.5(f)(5), (g)(1) and 818.19(38)	Person with revoked or currently suspended dealer or salesperson license physically present during auctioning of vehicles	Each offense \$1,000

**Violation under
63 P. S.**

	Title/Description	Civil Penalty
Section 818.19(34)	Licensed dealer conducting its business under any name other than its licensed name	1st offense—\$250 2nd offense—\$500 3rd offense—Formal action
Section 818.19(37)	Licensed dealer failing to produce records to an authorized agent of the Board	1st offense—\$500 2nd offense—\$1,000 3rd offense—Formal action

**Violations under
49 Pa. Code
Chapter 19**

	Title/Description	Civil Penalty
Section 19.17	Broker or dealer business identity combined with other businesses	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(1)	Dealer does not have permanent enclosed building	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(2)	Dealership does not have private office	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(i)	Dealer display area for five vehicles or 5,000 square feet	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(ii)	Display lot not graded and surfaced with required material	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(iii)	Display area separated from adjacent parking area	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(3)(iv)	Display area lighted if open evenings	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(5)	Dealer fails to maintain separate telephone line	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(6)	Business sign not permanent or visible to the public	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(7)	Dealership in violation of land use ordinances	1st offense—\$100 2nd offense—\$500
Section 19.18(a)(9)	Failure to post business hours	1st offense—\$100 2nd offense—\$500

Source

The provisions of this § 43b.9 amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (274987) to (274988).

§ 43b.10. [Reserved].**Source**

The provisions of this § 43b.10 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (250712) to (250714).

§ 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

**Violation under
63 P. S.**

	Title/Description	Civil Penalty
	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**

	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

Source

The provisions of this § 43b.10a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227.

§ 43b.11. [Reserved].**Source**

The provisions of this § 43b.11 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (250714) to (250715).

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

Violation under 63 P. S. Chapter 9	Violation under 49 Pa. Code Chapter 9	Title/Description	Civil Penalty
Section 34.12	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 license has been revoked, annulled or suspended.	1st offense— \$1,000 2nd offense— Formal action
Section 34.12	§ 9.142(a)	An architect whose license has expired impressing the architect's seal or knowingly permitting the architect's seal to be impressed on drawings, specifications or other design documents after lapse or expiration of the license.	0 to 6 months' lapse—Warning 6 to 12 months' lapse—\$500 12 to 24 months' lapse—\$1,000 24 months' or greater lapse— Formal action

Violation under 63 P. S. Chapter 9	Violation under 49 Pa. Code Chapter 9	Title/Description	Civil Penalty
Section 34.13(j)	§ 9.163	Engaging in the practice of architecture as a professional association, partnership, professional corporation, limited liability company, limited liability partnership or business corporation without first receiving the written approval of the Board.	0 to 6 months— Warning 6 to 12 months—\$500 12 to 24 months— \$1,000 Over 24 months— Formal action
Section 34.18(a)	§ 9.171	An individual engaging in the practice of architecture or offering to engage in the practice of architecture in this Commonwealth, or using any title, sign, card or device implying that the individual is competent to engage in the practice of architecture without ever having obtained a license to practice architecture in this Commonwealth.	1st offense— \$1,000 2nd offense— Formal action
Section 34.18(a)	§ 9.103	An individual engaging in the practice of architecture or offering to engage in the practice of architecture in this Commonwealth, or using any title, sign, card or device implying that the individual is competent to engage in the practice of architecture during a period when the individual's license issued by the Board is lapsed or expired.	0 to 6 months' lapse—Warning 6 to 12 months' lapse—\$500 12 to 48 months' lapse—\$1,000 48 months' or greater lapse— Formal action

Source

The provisions of this § 43b.11a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227; amended December 22, 2006, effective December 23, 2006, 36 Pa.B. 7833. Immediately preceding text appears at serial pages (274991) to (274992).

§ 43b.12. [Reserved].**Source**

The provisions of this § 43b.12 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial pages (250715) to (250718).

§ 43b.12a. Schedule of civil penalties—auctioneers, apprentice auctioneers, auction houses and auction companies.**STATE BOARD OF AUCTIONEER EXAMINERS**

Violation Under 63 P. S. Chapter 1	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

Violation Under 63 P. S. Chapter 1	Violations Under Title 49 Chapter 1	Description of Violation	Penalties
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

Violation Under 63 P. S. Chapter 1	Violations Under Title 49	Description of Violation	Penalties
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
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 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 auctioneer's office.	1st offense— \$250 2nd offense— \$500 3rd offense— formal action

Violations			
Violation Under 63 P. S. Chapter 1	Under Title 49 Chapter 1	Description of Violation	Penalties
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

Source

The provisions of this § 43b.12a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227.

§ 43b.13. [Reserved].**Source**

The provisions of this § 43b.13 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial page (250719).

§ 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

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 2nd offense—formal action

Source

The provisions of this § 43b.13a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227.

§ 43b.14. [Reserved].**Source**

The provisions of this § 43b.14 adopted November 27, 1998, effective November 28, 1998, 28 Pa.B. 5883; reserved March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227. Immediately preceding text appears at serial page (250720).

§ 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

Source

The provisions of this § 43b.14a adopted March 2, 2001, effective March 3, 2001, 31 Pa.B. 1227.

**§ 43b.15. Schedule of civil penalties—certified real estate appraisers—
statement of policy.**

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Violation under

63 P. S.	Title/Description	Civil Penalty
Section 457.3	Holding oneself out as a State-certified real estate appraiser without current, valid appraiser certification	1st offense—\$500 2nd offense—formal action
Section 457.3	Performing real estate appraisal without current, valid appraiser certification	1st offense—\$500 2nd offense—formal action
Section 457.13	Failing to report multiple certifications on biennial renewal application	1st offense—\$100 2nd offense—\$250
Section 457.13	Failing to report disciplinary action taken by another jurisdiction on the biennial renewal application or within 90 days of disposition, whichever is sooner	1st offense—\$500 2nd offense—\$1,000
Section 458.8	Performing valuation of real property for ad valorem tax purposes without current, valid Certified Pennsylvania Evaluator (CPE) certification	1st offense—\$500 2nd offense—formal action

Violation Under

49 Pa. Code

Chapter 36	Title/Description	Civil Penalty
Section 36.13(a)(3)(iii)	Failing to ensure that appraiser assistant signs appraisal document as assistant to certified real estate appraiser	1st offense—\$250 2nd offense—\$500
Section 36.51	Failing to retain workfile for period required under Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule on recordkeeping	1st offense—\$250 2nd offense—\$500
Section 36.51	Failing to identify type of appraisal report under USPAP Standards Rule 2-2	1st offense—\$250 2nd offense—\$500

**Violation Under
49 Pa. Code**

Chapter 36	Title/Description	Civil Penalty
Section 36.52	Failing to place name, signature, title and appraiser certification number on appraisal report or appraisal agreement	1st offense—\$125 2nd offense—\$250
Section 36.91(c)	Practicing on an expired appraiser certification	1st offense 0—5 mos.—\$250 6—12 mos.—\$500 Over 12 mos.—formal action 2nd offense—formal action
Section 36.265	Failing to place name, signature, title and CPE certification number on appraisal report	1st offense—\$125 2nd offense—\$250
Section 36.271(c)	Practicing on expired CPE certification	1st offense 0—5 mos.—\$250 6—12 mos.—\$500 Over 12 mos.—formal action 2nd offense—formal action

Source

The provisions of this § 43b.15 amended October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.16. Schedule of civil penalties—audiologists, speech-language pathologists and teachers of the hearing impaired—statement of policy.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE AND HEARING

Violation under

63 P. S.

Section 1706

Title/Description

Practicing as an audiologist, speech-language pathologist, or teacher of the hearing impaired on a lapsed license

Civil Penalty

1st offense
0—12 mos.—\$50 per month;
Over 12 months—
formal action
2nd offense—formal action

Source

The provisions of this § 43b.16 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.17. Schedule of civil penalties—nursing home administrators—statement of policy.

STATE BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS

Violation under

63 P. S.

Section 1114.1

Title/Description

Practicing nursing home administration on a lapsed license

Civil Penalty

0 to 12 months—\$80 per month
Over 12 months—
formal action
2nd offense—formal action

Source

The provisions of this § 43b.17 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.18. [Reserved].**Source**

The provisions of this § 43b.18 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809; reserved July 3, 2008, effective July 5, 2008, 38 Pa.B. 3654. Immediately preceding text appears at serial page (325211).

§ 43b.18a. Schedule of civil penalties—nurses.**STATE BOARD OF NURSING**

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 225.4	Practicing professional nursing on a lapsed license	1st offense— 0—12 mos.— \$100 per month up to \$1,000 Over 12 months— Formal action 2nd offense— Formal action
Section 664(4)	Practicing practical nursing on a lapsed license	1st offense— 0—12 mos.— \$75 per month; Over 12 months— Formal action 2nd offense— Formal action
Section 225.4	Holding oneself out as a licensed dietitian-nutritionist on a lapsed license	1st offense— 0—12 months— \$100 per month up to \$1,000 Over 12 months— Formal action 2nd offense— Formal action

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 222(b)	Failure to complete 30 hours of approved continuing education	1st offense— Deficiency of 1—10 hours—\$250 Deficiency of 11—20 hours—\$500 Deficiency of 21—30 hours—\$1,000 2nd offense— Formal action

Authority

The provisions of this § 43b.18a issued under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)).

Source

The provisions of this § 43b.18a adopted July 3, 2008, effective July 5, 2008, 38 Pa.B. 3654.

§ 43b.19. Schedule of civil penalties—occupational therapists and occupational therapy assistants—statement of policy.

STATE BOARD OF OCCUPATIONAL THERAPY EDUCATION AND LICENSURE

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 1506(a)	License Required—Practicing or indicating the ability to practice occupational therapy by person never licensed	0 to 4 months—\$50 per month over 4 months to 8 months—\$100 per month 9 months and over—\$200 per month, up to total of \$1,000
Section 1513(b)	Use of title occupational therapist or licensed occupational therapist or the letters O.T./L., O.T.R./L., L./O.T. or L./O.T.R. by person never licensed or not holding a current license	1st offense—\$500 2nd offense—\$1,000

Violation under 63 P. S.	Title/Description	Civil Penalty
Section 1513(c)	Use of words occupational therapy assistant or licensed occupational therapy assistant or the letters C.O.T.A./L., O.T.A./L., L./C.O.T.A. or L./O.T.A. by person never licensed or not holding a current license.	1st offense—\$500 2nd offense—\$1,000
Section 1515(a)	Renewal of license—Practicing on a lapsed license	0 to 4 months—\$50 per month over 4 months to 8 months—\$100 per month 9 months and over—\$200 per month, up to total of \$1,000

Source

The provisions of this § 43b.19 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.20. Schedule of civil penalties—physicians and other board regulated practitioners—statement of policy.

STATE BOARD OF MEDICINE

Violation under 40 P. S.	Title/Description	Civil Penalty
1303.903(1)	Failure of physician to report to the Board within 60 days of the occurrence of any of those events enumerated in Section 903(1) of the Medical Care Availability and Reduction of Error (Mcare) Act.	Each offense—\$1,000

Source

The provisions of this § 43b.20 adopted October 22, 2004, effective October 23, 2004, 34 Pa.B. 5809.

§ 43b.21. Schedule of civil penalties—veterinarians and veterinary technicians—statement of policy.

STATE BOARD OF VETERINARY MEDICINE

<i>Violation under 63 P. S.</i>	<i>Violation under 49 Pa. Code Chapter 31</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 485.17	N/A	Failure to display current license.	Each offense—\$100
Section 485.21(1)	§ 31.21 Principle 5(c)	Improper advertising of emergency services.	First offense—\$250 Second offense—\$1,000 Subsequent offense—formal action
Sections 485.9(a) and 485.21(1)	§ 31.13	Practicing veterinary medicine on an expired license.	0—6 months—warning 6—24 months—\$500 24—48 months—\$1,000 More than 48 months—formal prosecution
Section 485.21(1)	§ 31.36	Practicing as a veterinary technician on an expired certificate.	0—6 months—warning 6—24 months—\$250 24—48 months—\$500 More than 48 months—formal action

Source

The provisions of this § 43b.21 adopted June 8, 2007, effective June 9, 2007, 37 Pa.B. 2608.

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