

4713-1-10

Inspection and investigation.

- (A) To better protect the general public and to ensure compliance with Chapters 4709. and 4713. of the Revised Code and the rules promulgated thereunder, the board may inspect or investigate the following:
- (1) Any salon, barber shop, school, tanning facility, continuing education provider or location in which the practice of cosmetology or barbering is practiced or taught, or tanning takes place;
 - (2) Any licensee, boutique services registration holder, or permit or certificate holder; or
 - (3) Any person acting as a licensee, boutique services registration holder, or permit or certificate holder.
- (B) The inspector may inspect or investigate persons holding a license, boutique services registration, or permit or certificate, or the facilities in which the licensee holders, boutique services registration holders, and permit or certificate holders work without prior notice in order to ensure compliance with the board's laws and rules.
- (1) Salons, barber shops, schools, and tanning facilities shall be inspected at least once every two years.
 - (a) When an inspector finds violations, the inspector shall do a follow-up inspection to determine if the licensee, permit holder, or boutique services registration holder has corrected the violations.
 - (2) The salon, barber shop, school, or facility to be inspected shall be randomly chosen; and
 - (3) Assignments to inspect salons, barber shops, schools, and facilities shall be made according to the policy of the board.
 - (4) The board inspectors shall make reasonable inspections or investigations during the normal business hours of the salon, barber shop, school or tanning facility or at the location where a branch of the cosmetology or barbering profession is being practiced or demonstrated or taught.
 - (5) If the salon, barber shop, school, tanning facility, or other location is "open for business" or has no hours of operation posted, the inspector may conduct an inspection or investigation whether the doors are locked or unlocked.

- (C) If a complaint is filed, an inspector shall be assigned to investigate the complaint.
- (D) After any inspection or investigation, the inspector shall issue a report ~~that shall be signed and posted in the salon, barber shop, school, tanning facility, or other location issued a temporary event salon license~~ of the inspection or investigation on forms provided by the board.
- ~~(1) The board inspector who has conducted a reasonable inspection or an investigation shall prepare a report of the inspection or investigation on forms provided by the board;~~
- ~~(2)~~(1) The inspector shall sign the report.
- ~~(3)~~(2) The owner, manager, or individual authorized by the owner to sign shall also sign the report.
- ~~(4)~~(3) A copy of the report shall be left with or electronically-mailed to the owner, manager, or the individual authorized to physically sign or electronically sign the document. Inspection reports that are electronically-mailed shall be mailed to the electronic mailing address of record.
- ~~(5)~~(4) The report shall be ~~posted near the license of the facility until the next inspection report is issued, and in a position easily seen by the clients of the salon, barber shop, school, or tanning facility. At a location, the report shall remain posted for the duration of the event~~made available by the facility upon request.
- ~~(6)~~(5) Should the inspector find violations committed by individuals in the facility, the individuals shall be ~~given~~issued ~~a copy of thea separate~~ inspection or investigation report that complies with the requirements of paragraphs (D) to (D)(3) of this rule.
- (E) Persons being investigated or inspected shall cooperate with the board inspector or investigator.
- (F) Should the board decide to issue a notice of hearing or opportunity for hearing based upon the cited violations, the board shall follow the procedure for administrative hearings as set forth in Chapter 119. of the Revised Code.
- (1) Any fines or other punishment shall be as authorized in Chapters 4709. and 4713. of the Revised Code.

- (2) A notice of violation shall be sent to the salon or barber shop owner or school director, as well as to the salon, barber shop, individual licensee, boutique services registration holder, permit or certificate holder, or unlicensed individual cited for violations.
- (G) The board grants the authority to the executive director to oversee the inspection and investigation process and to initiate disciplinary proceedings pursuant to Chapters 4709. and 4713. of the Revised Code for any violation of Chapters 4709. and 4713. of the Revised Code and the rules promulgated thereunder, including taking the following actions:
- (1) To issue notices of hearing and opportunity for hearing in accordance with Chapter 119. of the Revised Code, and
 - (2) To oversee any disciplinary proceedings permitted in Chapters 4709. and 4713. of the Revised Code against licensed persons, boutique services registration holders, or unlicensed individuals practicing cosmetology, a branch of cosmetology, or barbering, individuals operating a tanning facility, or continuing education or tanning operator certificate provider for failing to follow the law and rules of the board.