

(II) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS BASED.

(2) IF THE COMPLAINT IS MADE BY ANY INDIVIDUAL OTHER THAN A MEMBER OF THE BOARD, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE INDIVIDUAL WHO SUBMITS THE COMPLAINT.

(C) IF THE BOARD FINDS THAT THE COMPLAINT ALLEGES FACTS THAT ARE ADEQUATE GROUNDS FOR ACTION UNDER § 8.5-310 OF THIS SUBTITLE, THE BOARD SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 8.5-312 OF THIS SUBTITLE. IF THE BOARD DOES NOT MAKE THAT FINDING, IT SHALL DISMISS THE COMPLAINT.

8.5-312.

(A) (1) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 8.5-310 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(2) A HEARING SHALL BE HELD:

(I) IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD; AND

(II) WITHIN A REASONABLE TIME NOT TO EXCEED 6 MONTHS AFTER THE COMPLAINT IS MADE.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

(D) AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A COPY OF THE COMPLAINT SHALL BE:

(1) SERVED PERSONALLY ON THE INDIVIDUAL; OR

(2) SENT BY MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL.

(E) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(F) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.