

GROUNDS TO BELIEVE THAT A VIOLATION OR DANGER EXISTS, HE SHALL NOTIFY ~~THE EMPLOYER AND~~ THE EMPLOYEE OR REPRESENTATIVE OF THE EMPLOYEES IN WRITING OF SUCH DETERMINATION.

(D) PRIOR TO OR DURING ANY INSPECTION OF A PLACE OF EMPLOYMENT, ANY EMPLOYEES OR AUTHORIZED REPRESENTATIVE OF EMPLOYEES EMPLOYED IN SUCH PLACE OF EMPLOYMENT MAY NOTIFY THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE, IN WRITING, OF ANY VIOLATION OF THIS SUBTITLE WHICH THEY HAVE REASON TO BELIEVE EXISTS IN SUCH PLACE OF EMPLOYMENT. THE COMMISSIONER SHALL, BY RULE OR REGULATION, ESTABLISH PROCEDURES FOR INFORMAL REVIEW OF ANY REFUSAL TO ISSUE A CITATION WITH RESPECT TO ANY SUCH ALLEGED VIOLATION AND SHALL FURNISH THE EMPLOYEES OR REPRESENTATIVE OF EMPLOYEES REQUESTING SUCH REVIEW A WRITTEN STATEMENT OF THE REASONS FOR THE COMMISSIONER'S FINAL DISPOSITION OF THE CASE.

(E) IF AFTER INSPECTION OF ANY PLACE OF EMPLOYMENT, THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE SHALL DETERMINE THAT ANY MACHINERY, APPARATUS, DEVICES OR MECHANICAL EQUIPMENT OR ANY PART THEREOF IS IN VIOLATION OF ANY STANDARD PROMULGATED UNDER THIS SUBTITLE, AND THAT THERE IS A SUBSTANTIAL PROBABILITY THAT DEATH OR SERIOUS PHYSICAL HARM COULD RESULT FROM ITS CONTINUED USE, NOTICE THEREOF SHALL BE GIVEN IN WRITING TO THE EMPLOYER OR AGENT IN CHARGE OF SUCH OPERATION. A COPY OF THE NOTICE SHALL BE ATTACHED TO SUCH MACHINERY, APPARATUS, DEVICE OR MECHANICAL EQUIPMENT, THE USE OF WHICH SHALL THEREAFTER BE PROHIBITED. SUCH NOTICE SHALL NOT BE REMOVED UNTIL THE MACHINERY, APPARATUS, DEVICE OR MECHANICAL EQUIPMENT IS MADE SAFE AND THE REQUIRED SAFEGUARDS ARE PROVIDED. ANY PERSON AGGRIEVED BY A DECISION OF THE COMMISSIONER MADE PURSUANT TO THE PROVISIONS OF THIS SUBSECTION MAY COMMENCE AN ACTION IN THE CIRCUIT COURT OF THE POLITICAL SUBDIVISION IN WHICH THE PLACE OF EMPLOYMENT IS SITUATE, AGAINST THE COMMISSIONER, TO VACATE OR MODIFY SUCH DECISION ON THE GROUND THAT IT IS UNLAWFUL OR UNREASONABLE. THE FILING OF ANY SUCH ACTION AGAINST THE COMMISSIONER SHALL NOT ACT AS A STAY OF THE DECISION OF THE COMMISSIONER, EXCEPT THAT THE COURT, AFTER NOTICE TO THE COMMISSIONER AND HEARING, MAY GRANT A STAY UPON SUCH CONDITION OR SUCH SECURITY OR BOND AS MAY, IN ITS DISCRETION, SEEM PROPER.

(F) IT SHALL BE UNLAWFUL FOR ANY PERSON TO GIVE ADVANCE NOTICE OF ANY INSPECTION TO BE CONDUCTED UNDER THIS SUBTITLE, WITHOUT THE WRITTEN APPROVAL OF THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE.

36. CITATIONS.

(A) IF, UPON INSPECTION OR INVESTIGATION, THE COMMISSIONER OR HIS AUTHORIZED REPRESENTATIVE, IS OF THE OPINION THAT AN EMPLOYER HAS VIOLATED ANY DUTY IMPOSED UPON HIM BY THIS SUBTITLE, OR ANY RULE,