

MCNTGOMERY COUNTY

ORDER SUCH FURTHER INVESTIGATION AS IT DEEMS APPROPRIATE.

93A-36. EXECUTIVE DIRECTOR ACTION; VIOLATION OF CHAPTER OR DEFECTIVE TENANCY FOUND.

IF THE EXECUTIVE DIRECTOR, IN INVESTIGATING A COMPLAINT, DETERMINES THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED OR A DEFECTIVE TENANCY EXISTS, HE SHALL ATTEMPT TO CONCILIATE THE MATTER BY METHODS OF INITIAL CONFERENCE AND PERSUASION WITH ALL INTERESTED PARTIES AND SUCH REPRESENTATIVES AS THE PARTIES MAY CHOOSE TO ASSIST THEM. IN ATTEMPTING SUCH CONCILIATION, HE MAY UTILIZE THE GOOD OFFICES OF THE COMMISSION. CONCILIATION CONFERENCES SHALL BE INFORMAL AND CONFIDENTIAL AND NOTHING SAID OR DONE DURING SUCH INITIAL CONFERENCES SHALL PREJUDICE THE RIGHTS OF THE PARTIES.

93A-37. CONCILIATED COMPLAINTS.

(A) IF A COMPLAINT IS CONCILIATED, THE TERMS OF CONCILIATION AGREED TO BY THE PARTIES MAY BE REDUCED TO WRITING AND INCORPORATED INTO A CONSENT AGREEMENT TO BE SIGNED BY THE PARTIES. THE AGREEMENT SHALL BE FOR CONCILIATION PURPOSES ONLY AND DOES NOT CONSTITUTE AN ADMISSION BY ANY PARTY THAT A VIOLATION OF THIS CHAPTER HAS OCCURRED OR A DEFECTIVE TENANCY EXISTS. CONSENT AGREEMENTS SHALL BE SIGNED ON BEHALF OF THE COMMISSION BY ITS CHAIRMAN, OR HIS DESIGNEE.

(B) IT SHALL BE A VIOLATION OF THIS CHAPTER TO FAIL TO ADHERE TO ANY PROVISION CONTAINED IN A CONSENT AGREEMENT. ANY FAILURE BY THE COMMISSION TO ENFORCE A VIOLATION OF ANY PROVISION OF A CONSENT AGREEMENT SHALL NOT CONSTITUTE A WAIVER OF ANY RIGHTS OF THE NONVIOLATING PARTY OR THE COMMISSION CONTAINED IN SUCH AGREEMENT.

93A-38. FAILURE TO CONCILIATE COMPLAINTS.

IF THE EXECUTIVE DIRECTOR (I) FAILS TO CONCILIATE A COMPLAINT AFTER THE PARTIES HAVE, IN GOOD FAITH, ATTEMPTED SUCH CONCILIATION OR (II) FAILS TO EFFECT AN INFORMAL CONCILIATION AGREEMENT OR FORMAL CONSENT AGREEMENT OR (III) DETERMINES THAT A COMPLAINT IS NOT SUSCEPTIBLE OF CONCILIATION, HE SHALL NOTIFY THE COMMISSION IMMEDIATELY AND THE COMMISSION MAY THEREAFTER SCHEDULE A HEARING TO DETERMINE WHETHER A