

MONTGOMERY COUNTY

IN ITS DISCRETION DISMISS SUCH COMPLAINT OR ORDER SUCH FURTHER INVESTIGATION AS MAY BE NECESSARY; PROVIDED, HOWEVER, THAT THE COMMISSION PANEL SHALL NOT DISMISS SUCH COMPLAINT WITHOUT FIRST AFFORDING THE COMPLAINANT AN OPPORTUNITY TO APPEAR BEFORE THE COMMISSION PANEL.

(F) IF, WITH RESPECT TO A MATTER WHICH IS BELIEVED TO INVOLVE A VIOLATION OF THIS ARTICLE, (I) EFFORTS TO CONCILIATE A COMPLAINT AFTER THE PARTIES HAVE, IN GOOD FAITH, ATTEMPTED SUCH CONCILIATION HAVE FAILED, OR (II) EFFORTS TO EFFECT AN INFORMAL CONCILIATION AGREEMENT OR A FORMAL CONSENT AGREEMENT HAVE FAILED, OR (III) A COMPLAINT IS DETERMINED NOT TO BE SUSCEPTIBLE OF CONCILIATION, THE EXECUTIVE SECRETARY SHALL NOTIFY THE COMMISSION PANEL IN WRITING IMMEDIATELY, AND THE COMMISSION PANEL SHALL THEREAFTER SCHEDULE A PUBLIC HEARING TO DETERMINE WHETHER A VIOLATION OF THIS ARTICLE HAS BEEN COMMITTED. THE COMMISSION PANEL SHALL SERVE UPON THE RESPONDENT A STATEMENT OF CHARGES AND A SUMMONS AND SHALL SERVE UPON ALL INTERESTED PARTIES A NOTICE OF THE TIME AND PLACE OF HEARING. IN ADDITION, THE COMMISSION PANEL SHALL HAVE THE POWER TO SUBPOENA ALL WITNESSES IT DEEMS NECESSARY TO SUCH HEARING. THE RESPONDENT OR A DULY AUTHORIZED COUNSEL MAY FILE SUCH STATEMENTS WITH THE COMMISSION PANEL PRIOR TO THE HEARING DATE AS ARE DEEMED NECESSARY IN RESPONSE TO THE CHARGES. THE HEARING SHALL BE OPENED TO THE PUBLIC, EXCEPT THAT THE RESPONDENT OR THE COMPLAINANT MAY REQUEST IN WRITING A PRIVATE HEARING AND THE DETERMINATION OF SUCH REQUEST SHALL BE DISCRETIONARY WITH THE COMMISSION PANEL. THE HEARING SHALL BE HELD NOT LESS THAN FIFTEEN (15) DAYS AFTER SERVICE OF THE STATEMENT OF CHARGES AND SUMMONS. THE SUMMONS SO ISSUED MUST BE SIGNED BY TWO MEMBERS OF THE COMMISSION PANEL AND SHALL REQUIRE THE ATTENDANCE OF NAMED PERSONS AND THE PRODUCTION OF RELEVANT DOCUMENTS AND RECORDS. THE FAILURE TO COMPLY WITH A SUMMONS OR SUBPOENA SHALL CONSTITUTE A VIOLATION OF THIS ARTICLE AND MAY BE ENFORCED UNDER SECTION 27-39. THE INTERESTED PARTIES MAY, AT THEIR OPTION, APPEAR BEFORE THE COMMISSION PANEL IN PERSON OR BY A DULY AUTHORIZED REPRESENTATIVE AND MAY HAVE THE ASSISTANCE OF AN ATTORNEY. THE PARTIES MAY PRESENT TESTIMONY AND EVIDENCE, AND THE RIGHT TO CROSS-EXAMINE WITNESSES SHALL BE PRESERVED. ALL TESTIMONY AND EVIDENCE SHALL BE GIVEN UNDER OATH OR BY AFFIRMATION. THE COMMISSION PANEL SHALL KEEP A FULL RECORD OF THE HEARING, WHICH RECORD SHALL BE PUBLIC AND OPEN TO INSPECTION BY ANY PERSON AND, UPON REQUEST BY ANY PRINCIPAL PARTY TO THE PROCEEDING, THE COMMISSION PANEL SHALL FURNISH SUCH PARTY A COPY OF THE HEARING RECORD, IF ANY, AT SUCH COST AS THE COMMISSION PANEL DEEMS APPROPRIATE.

(G) IF AT THE CONCLUSION OF THE HEARING, THE COMMISSION PANEL SHALL DETERMINE, UPON A PREPONDERANCE OF