

PRINCE GEORGE'S COUNTY

SHALL HAVE THE RIGHT TO ISSUE SUBPOENAS, ADMINISTER OATHS, AND EXAMINE WITNESSES. THE HEARING SHALL BE EXPEDITIOUSLY CONDUCTED, AND UPON SUCH HEARING, THE BOARD SHALL DETERMINE THE ISSUES THEREON AND SHALL MAKE AND FILE AN ORDER IN ITS OFFICE STATING SUCH DETERMINATION AND FORTHWITH SERVE A COPY OF SUCH ORDER, TOGETHER WITH NOTICE OF FILING, UPON THE PUBLIC BODY INTERESTED, AND THE PARTIES TO SUCH PROCEEDING, EITHER PERSONALLY OR BY MAIL.

(E) NOTWITHSTANDING ANY OTHER PROVISION TO THE CONTRARY HEREIN, THE BOARD SHALL HAVE THE AUTHORITY TO MAKE THE FINAL DETERMINATION AS TO THE AMOUNT OF RESTITUTION AND MAY ASSESS LIQUIDATED DAMAGES FOR VIOLATIONS OF THE PROVISIONS OF THIS ACT IF IT DEEMS PROPER TO DO SO UNDER THE CIRCUMSTANCES. IN ASSESSING LIQUIDATED DAMAGES, THE BOARD SHALL CONSIDER THE EMPLOYERS REASONS FOR VIOLATION.

(1) WHERE THE VIOLATION WAS DUE TO INDIFFERENCE, POOR BOOKKEEPING PRACTICES, NONFEASANCE OR NEGLIGENCE, THE BOARD SHALL ASSESS THE MAXIMUM ASSESSMENT PROVIDED THEREFORE IN THIS ACT.

(2) WHERE THE EMPLOYER ASSERTS, PRIOR TO OR WITHIN 5 WORKING DAYS AFTER NOTICE OF VIOLATION, A REASONABLE LEGAL BASIS FOR HIS POSITION, THE BOARD SHALL NOT ASSESS ANY DAMAGES.

(3) IN ALL OTHER CASES, THE BOARD SHALL WEIGH THE REASONS AND LEGAL ARGUMENTS ADVANCED BY THE EMPLOYER AND ASSESS THE DAMAGES IN ACCORDANCE TO THE DEGREE OF JUSTIFICATION GIVEN FOR THE VIOLATION.

(F) UPON THE ENTRY AND SERVICE OF THE BOARD ORDER, THE PUBLIC BODY SHALL PAY TO THE WORKMEN AND APPRENTICES THE FULL AMOUNT OF WAGES DUE AND SHALL SATISFY THE LIQUIDATED DAMAGES, AS DETERMINED BY THE BOARD, FROM THE MONIES DUE THE CONTRACTOR AND SUB-CONTRACTOR.

(G) IT SHALL BE LAWFUL FOR ANY CONTRACTOR TO WITHHOLD FROM ANY SUB-CONTRACTOR UNDER HIM SUFFICIENT SUMS TO COVER ANY AMOUNTS OF MONEY WITHHELD FROM HIM PURSUANT TO THIS SECTION BY THE AWARDING BODY ON ACCOUNT OF SAID SUB-CONTRACTOR'S FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT, AND IF PAYMENT HAS ALREADY BEEN MADE TO HIM, THE CONTRACTOR MAY RECOVER SAID SUMS FROM HIM IN A SUIT AT LAW.

(H) FOLLOWING INVESTIGATION AS PROVIDED HEREIN, THE BOARD SHALL FILE WITH THE DIRECTOR OF PUBLIC WORKS A LIST OF THE CONTRACTORS AND SUB-CONTRACTORS WHOM IT FINDS HAVE WILLFULLY VIOLATED THIS ACT, AND SUCH CONTRACTORS OR SUB-CONTRACTORS SHALL BE PROHIBITED FROM CONTRACTING