

(III) NOTICE OF THE RIGHT TO REFUSE TO RESPOND IF A RESPONSE MIGHT TEND TO BE INCRIMINATING; AND

(IV) NOTICE THAT THE MATTER HAS BEEN REFERRED TO A PROSECUTORIAL AGENCY.

(D) (1) UPON COMPLETION OF THE INVESTIGATION, THE SECRETARY SHALL DETERMINE WHETHER A VIOLATION OF § 12G HAS OCCURRED.

(2) IF THE SECRETARY DETERMINES THAT A VIOLATION HAS NOT OCCURRED, THE COMPLAINT SHALL BE DISMISSED.

~~(3) UPON DETERMINING THAT A VIOLATION HAS OCCURRED, THE SECRETARY MAY~~

~~(i) TAKE ANY CORRECTIVE ACTION NECESSARY TO ELIMINATE FROM THE OFFICIAL STATE PERSONNEL RECORD OF THE COMPLAINANT ANY DETRIMENT RESULTING FROM THE VIOLATION,~~

~~(ii) HIRE, REINSTATE, OR TERMINATE THE SUSPENSION OF THE COMPLAINANT,~~

~~(iii) AWARD BACK PAY TO THE DATE OF THE VIOLATION, AND~~

~~(iv) TAKE APPROPRIATE ACTION WITH RESPECT TO THE EMPLOYEE OF THE APPOINTING AUTHORITY FOUND TO HAVE CAUSED THE VIOLATION.~~

(3) UPON DETERMINING THAT A VIOLATION HAS OCCURRED, THE SECRETARY SHALL TAKE REMEDIAL ACTION CONSISTENT WITH THE PURPOSES OF THIS ARTICLE, INCLUDING BUT NOT LIMITED TO:

(I) ELIMINATING FROM THE COMPLAINANT'S STATE PERSONNEL RECORD ANY DETRIMENTAL INSERTION RESULTING FROM THE VIOLATION;

(II) HIRING, REINSTATING, PROMOTING, OR TERMINATING THE SUSPENSION OF THE COMPLAINANT;

(III) AWARDED BACK PAY TO THE DATE OF THE VIOLATION; OR

(IV) MAKING APPROPRIATE RECOMMENDATIONS TO THE APPOINTING AUTHORITY WITH RESPECT TO DISCIPLINARY ACTION AGAINST THE EMPLOYEE FOUND TO HAVE CAUSED THE VIOLATION.

12-I.

(A) THE SECRETARY SHALL HOLD A HEARING CONSISTENT WITH THE PROCEDURAL STANDARDS OF THE ADMINISTRATIVE PROCEDURE ACT, ARTICLE 41, §§ 252 THROUGH 254, WHEN:

(1) THE COMPLAINANT OR THE APPOINTING AUTHORITY CHALLENGES THE FINDINGS OF THE SECRETARY'S INITIAL INVESTIGATION OF A COMPLAINT;