

(C) RIGHT TO COUNSEL.

THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(D) EX PARTE HEARINGS.

IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of Art. 43, § 609(b).

Subsection (d) of this section is new language added to clarify that the Board may proceed with the ex parte hearing if the accused person has been given due notice.

In subsection (a) of this section, the introductory phrase, "except as otherwise provided in the Administrative Procedure Act", is new language added to clarify that the Board may summarily take action against an individual under certain circumstances. See Art. 41, § 250A(c) of the Code.

As to subsection (a) of this section, the first sentence of present Art. 43, § 609(b) does not require expressly a hearing before the Board may deny a license, temporary license, or restricted license, reprimand a licensee or holder of a temporary license or restricted license, or place a licensee or holder of a temporary license or restricted license on probation under § 13-315 of this subtitle. However, in conformity with other specific present provisions of Art. 43, and to meet fundamental requirements of fairness, this section is revised to clarify that the hearing requirements of this section and, consequently, the review procedures of § 13-317 of this subtitle apply to any proceeding under § 13-315 of this subtitle.

The reference in subsection (b) of this section to the Administrative Procedure Act is standard language added to this and, where necessary, corresponding sections of other titles of this article. It demonstrates clearly the intended application of the Administrative Procedure Act, Art. 41, § 244 et seq. of the Code, to the procedures for the administrative hearings under this section.