

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 in part from Art. 43, § 490(c) and (d)(1).

Subsection (b) of this section 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 administrative hearings under this section.

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 language, "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 (c) of this section, the statement that the individual may appear with counsel is implicit in the scheme of the Administrative Procedure Act; however, since this provision is stated explicitly in present Art. 43, § 490(d)(1), it is retained in this section.

As to the power of the Board to issue subpoenas and administer oaths in connection with a hearing under this section, see § 15-205 of this title.

15-314. SAME -- FINDINGS AND ORDER OF BOARD.

(A) ORDER.

IF THE BOARD FINDS THAT THERE ARE GROUNDS FOR ACTION UNDER § 15-311 OF THIS SUBTITLE, THE BOARD SHALL PASS AN ORDER IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(B) SURRENDER OF REVOKED OR SUSPENDED LICENSE.

(1) IF A LICENSE IS REVOKED OR SUSPENDED, THE HOLDER SHALL SURRENDER IT TO THE BOARD ON DEMAND.