

(E) 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 Art. 43, § 733(c) and (d).

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.

In subsection (a)(1) of this section, the present reference to the hearing being set "in accord with rules and regulations adopted by the Board" is deleted as unnecessary.

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.

In subsection (c) of this section, "registered mail" is substituted for "certified mail" in light of Art. 1, § 20 of the Code.

In subsection (d) of this section, the present references to the rights to "appear in person", "cross-examine witnesses", and "to produce evidence and witnesses", are deleted as essentially repetitious of rights already provided in the Administrative Procedure Act.

As to subsection (d) 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, § 733(d), it is retained in this section as an express provision.

As to the issuance of subpoenas and administration of oaths for the conduct of a hearing, see Art. 43, § 3 of the Code, which gives these powers to the Secretary or to anyone the Secretary designates.