

conduct". Under the definition in present Art. 43, § 791(8), violation of the "code of ethics" is only one of the six present elements of "unethical conduct".) The Commission concluded that if the provisions of present Art. 43, § 791(8) were not interpreted as substantive provisions under this section, all of the provisions except item (vi) would be totally without effect and, therefore, should be deleted in the revision. The Commission chose instead to give effect to the present statute.

The General Assembly also may wish to consider whether the provisions of present Art. 43, § 791(8) should be interpreted as prohibited acts.

The reference under present Art. 43, § 799(a)(4) to the publication of the code of ethics of the Board now appears in § 2-205(2) of this title.

As to the power of the Board to investigate violations of this title and to enforce its provisions, see § 2-312 of this subtitle.

2-314. SAME -- HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 2-313 OF THIS SUBTITLE OR DENIES A LICENSE OR A LIMITED LICENSE FOR ANY OTHER REASON, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) MAILING OF NOTICE REQUIREMENTS.

ANY NOTICE GIVEN UNDER THIS SECTION SHALL BE SENT BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS GIVEN TO THE BOARD BY THE INDIVIDUAL.

(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 Art. 43, § 797(c) and the first sentence of § 807.