

expressly a duty that formerly was only implied.

4-612. DENIALS, SUSPENSIONS, AND REVOCATIONS.

THE SECRETARY MAY DENY A LICENSE TO ANY APPLICANT OR SUSPEND OR REVOKE A LICENSE IF THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER; OR

(2) VIOLATES OR FAILS TO MEET THE REQUIREMENTS OF THIS SUBTITLE OR ANY RULE OR REGULATION ADOPTED UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the first sentence of former Article 43, § 207.

Item (1) of this section is new language added to state a fundamental ground for disciplining a licensee or denying an application for a license. For an example of such a provision in the former law, see former Article 43, § 810A(k)(1) -- now § 6-415(1) of this article.

Item (2) of this section is new language derived from the reference in the first clause of the first sentence of former Article 43, § 207 to "the power to deny ... revoke or suspend" a license. Because the former provision was silent as to the grounds justifying denial, revocation, or suspension, item (2) states fundamental grounds for denial, revocation, or suspension. This revision is called to the attention of the General Assembly.

4-613. HEARINGS.

(A) RIGHT TO A HEARING.

EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE SECRETARY TAKES ANY ACTION UNDER §§ 4-609 OR 4-612 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE DEPARTMENT.

(B) APPLICATION OF ADMINISTRATIVE PROCEDURE ACT.

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

(C) NOTICE OF HEARING.