

(1) THE STATE OFFICER OR STATE EMPLOYEE SUBMITS TO THE BOARD A WRITTEN APPLICATION FOR REIMBURSEMENT; AND

(2) THE ATTORNEY GENERAL CERTIFIES THAT:

(I) THE APPLICANT RETAINED COUNSEL;

(II) THE APPLICANT GAVE THE ATTORNEY GENERAL WRITTEN NOTICE PROMPTLY AFTER COUNSEL WAS RETAINED; AND

(III) AFTER REVIEW OF THE EVIDENCE AND OTHER INFORMATION, THE ATTORNEY GENERAL OR A DESIGNEE APPOINTED UNDER THIS SECTION MADE THE FOLLOWING DETERMINATIONS:

1. IN CONNECTION WITH THE MATTER UNDER CRIMINAL INVESTIGATION, THE APPLICANT DISCHARGED THE PUBLIC RESPONSIBILITIES IN GOOD FAITH, DID NOT ENGAGE IN UNLAWFUL CONDUCT, AND WAS REASONABLE IN RETAINING COUNSEL AND INCURRING THE EXPENSES FOR WHICH REIMBURSEMENT IS SOUGHT; OR

2. IN CONNECTION WITH THE MATTER THAT WAS THE SUBJECT OF CRIMINAL CHARGES, THE APPLICANT DISCHARGED THE PUBLIC RESPONSIBILITIES IN GOOD FAITH AND INCURRED REASONABLE EXPENSES.

(B) EXCEPTION.

NOTWITHSTANDING SUBSECTION (A)(2)(II) OF THIS SECTION, THE BOARD OF PUBLIC WORKS MAY PROVIDE REIMBURSEMENT TO AN APPLICANT WHO FAILS TO GIVE THE ATTORNEY GENERAL NOTICE PROMPTLY AFTER COUNSEL IS RETAINED IF THE BOARD DETERMINES THAT THE FAILURE IS FOR GOOD CAUSE.

(C) DESIGNEE.

IF THE ATTORNEY GENERAL BELIEVES THAT IT WOULD BE INAPPROPRIATE FOR THE ATTORNEY GENERAL TO MAKE THE DETERMINATIONS UNDER SUBSECTION (A)(2)(III) OF THIS SECTION, THE ATTORNEY GENERAL OR THE BOARD OF PUBLIC WORKS MAY DESIGNATE OTHER COUNSEL TO CARRY OUT THAT DUTY.

(D) REVIEW PROHIBITED.

THE DETERMINATIONS OF THE ATTORNEY GENERAL OR DESIGNEE UNDER THIS SECTION ARE NOT SUBJECT TO JUDICIAL REVIEW.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 32A, § 12-1(d), (e), the second sentence and the first clause of the first sentence of (b), the second sentence and first clause of the first sentence of (c), and the second sentence of (g), as that sentence related to the Attorney General.