

DESIGNEE shall make available to the prosecuting authority all pertinent evidence under his control.

(3) Whenever the Secretary, OR GOVERNOR'S DESIGNEE, refers any evidence of criminal conduct, he shall notify the individual alleged to have engaged in the conduct. This notice shall contain:

- (i) A statement of the allegation;
- (ii) Notice of the right to obtain legal representation;
- (iii) Notice of the right to refuse to respond if a response might tend to be incriminating; and
- (iv) Notice that the matter has been referred to a prosecutorial agency.

(d) (1) Upon completion of the investigation, the Secretary, OR GOVERNOR'S DESIGNEE, shall determine whether a violation of § 12G has occurred.

(2) If the Secretary, OR GOVERNOR'S DESIGNEE, determines that a violation has not occurred, the complaint shall be dismissed.

(3) [Upon determining that a violation has occurred,] IF THE SECRETARY, OR GOVERNOR'S DESIGNEE, DETERMINES THAT A VIOLATION HAS OCCURRED, the Secretary shall take remedial action consistent with the purposes of this article, including but not limited to:

- (i) Eliminating from the complainant's State personnel record any detrimental insertion resulting from the violation;
- (ii) Hiring, reinstating, promoting, or terminating the suspension of the complainant;
- (iii) Awarding back pay to the date of the violation; or
- (iv) Making appropriate recommendations to the appointing authority with respect to disciplinary action against the employee found to have caused the violation.

12-I.

(a) The Secretary, OR GOVERNOR'S DESIGNEE OTHER THAN THE DESIGNEE WHO HAS CONDUCTED THE INVESTIGATION UNDER § 12H OF THIS ARTICLE, shall hold a hearing consistent with the procedural standards of the Administrative Procedure Act, Article 41, §§ 252 through 254, when: