

(I) THE APPROPRIATE STATE OR LOCAL AGENCY RESPONSIBLE FOR THE LICENSURE, REGISTRATION, OR CERTIFICATION OF THE EMPLOYER'S FACILITY; AND

(II) THE EMPLOYER.

(E) (1) EXCEPT IN THE CASE WHERE A PERSON WHO IS THE SUBJECT OF AN OUTSTANDING ARREST WARRANT OR CRIMINAL SUMMONS HAS BEEN IDENTIFIED, ALL INFORMATION OBTAINED BY THE DEPARTMENT REGARDING ANY CRIMINAL CHARGES AND THEIR DISPOSITION--

~~(1)--SHALL BE CONFIDENTIAL;~~

~~(2) MAY NOT BE TRANSMITTED OUTSIDE THE DEPARTMENT, EXCEPT AS EXPRESSLY AUTHORIZED UNDER THIS PART VI--AND.~~

~~(3)--MAY NOT BE TRANSMITTED TO ANYONE WITHIN THE DEPARTMENT--EXCEPT AS NEEDED FOR THE PURPOSE OF EVALUATING THE APPLICATION.~~

(2) INFORMATION OBTAINED BY THE EMPLOYER FROM THE DEPARTMENT UNDER THIS PART VI SHALL BE CONFIDENTIAL.

5-565.

(A) IN CONFORMITY WITH THE FOLLOWING PROCEDURES, AN INDIVIDUAL MAY CONTEST THE FINDING OF A CRIMINAL CONVICTION OR PENDING CHARGE REPORTED IN A PRINTED STATEMENT.

(B) IN CONTESTING THE FINDING OF A CONVICTION OR A PENDING CHARGE, THE INDIVIDUAL SHALL CONTACT THE OFFICE OF THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, AND A HEARING SHALL BE CONVENED WITHIN 20 WORKDAYS, UNLESS SUBSEQUENTLY WAIVED BY THE INDIVIDUAL. THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, SHALL RENDER A DECISION REGARDING THE APPEAL WITHIN 5 WORKDAYS OF THE HEARING.

(C) FOR PURPOSES OF THIS PART VI, THE RECORD OF A CONVICTION FOR A CRIME IDENTIFIED IN § 5-564 OF THIS PART VI, OR A COPY THEREOF CERTIFIED BY THE CLERK OF THE COURT OR BY A JUDGE OF THE COURT IN WHICH THE CONVICTION OCCURRED, SHALL BE CONCLUSIVE EVIDENCE OF THE CONVICTION. IN A CASE WHERE A PENDING CHARGE IS RECORDED, DOCUMENTATION PROVIDED BY A COURT TO THE SECRETARY, OR A DESIGNEE OF THE SECRETARY, THAT A PENDING CHARGE FOR A CRIME IDENTIFIED IN § 5-564 OF THIS PART VI WHICH HAS NOT BEEN FINALLY ADJUDICATED SHALL BE CONCLUSIVE EVIDENCE OF THE PENDING CHARGE.

(D) FAILURE OF THE INDIVIDUAL TO APPEAR AT THE SCHEDULED HEARING SHALL BE CONSIDERED GROUNDS FOR DISMISSAL OF THE APPEAL.

5-566.

AN INDIVIDUAL WHO FAILS TO DISCLOSE A CONVICTION OR THE EXISTENCE OF PENDING CHARGES FOR A CRIMINAL OFFENSE OR ATTEMPTED CRIMINAL OFFENSE AS REQUIRED UNDER § 5-563 OF THIS PART VI, SHALL