

4-323. SAME -- COMMENCEMENT OF PROCEEDINGS.

(A) COMMENCEMENT.

SUBJECT TO THE PROVISIONS OF THIS SECTION, THE COMMISSION SHALL COMMENCE PROCEEDINGS UNDER § 4-322 OF THIS SUBTITLE ON THE COMPLAINT OF A MEMBER OR OF ANY OTHER PERSON.

(B) FORM AND FILING OF COMPLAINT.

(1) A COMPLAINT SHALL:

(I) BE IN WRITING;

(II) STATE SPECIFICALLY THE FACTS ON WHICH THE COMPLAINT IS BASED; AND

(III) BE FILED WITH THE COMMISSION.

(2) IF A COMPLAINT IS MADE BY ANY PERSON OTHER THAN A MEMBER OF THE COMMISSION, THE COMPLAINT SHALL BE MADE UNDER OATH BY THE PERSON WHO FILES THE COMPLAINT.

(3) A COMPLAINT MAY BE ACCOMPANIED BY DOCUMENTARY OR OTHER EVIDENCE.

(C) INVESTIGATION.

THE COMMISSION SHALL INVESTIGATE EACH COMPLAINT FILED WITH THE COMMISSION IF THE COMPLAINT:

(1) ALLEGES FACTS THAT ESTABLISH A PRIMA FACIE CASE THAT IS GROUNDS FOR DISCIPLINARY ACTION UNDER § 4-322 OF THIS SUBTITLE; AND

(2) MEETS THE REQUIREMENTS OF THIS SECTION.

(D) FINDINGS AND DISPOSITION AFTER INVESTIGATION.

(1) ON CONCLUSION OF THE INVESTIGATION, THE COMMISSION SHALL DETERMINE IF THERE IS A REASONABLE BASIS TO BELIEVE THAT THERE ARE GROUNDS FOR DISCIPLINARY ACTION UNDER § 4-322 OF THIS SUBTITLE AGAINST THE APPLICANT OR LICENSEE.

(2) (I) IF THE COMMISSION FINDS A REASONABLE BASIS AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL ACT ON THE COMPLAINT AS PROVIDED UNDER § 4-325 OF THIS SUBTITLE.

(II) IF THE COMMISSION DOES NOT FIND A REASONABLE BASIS AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL DISMISS THE COMPLAINT.