

SUBCOMMITTEE COMMENT: This section is new language derived without substantive change from the first clause of the first sentence of former Art. 56, § 224(a).

In subsection (b)(1)(ii) and (iii) of this section, new language is added to state expressly provisions that only were implied in the former law.

In subsection (b)(2) of this section, the requirement that a claim be "made under oath" is substituted for the former requirement that a complaint be "verified"; see § 1-102 of this article.

Also in subsection (b)(2) of this section, standard language is added to clarify that if a member of the Commission makes a complaint to the Commission, the complaint need not be made under oath.

In subsection (d) of this section, new language is added to state expressly the steps that the Commission is required to take following the conclusion of an investigation to determine whether to act on or dismiss a complaint.

Defined terms: "Commission" § 4-101
"Person" § 1-101

4-324. PENALTY INSTEAD OF SUSPENSION OR REVOCATION OR IN ADDITION TO SUSPENSION OR REVOCATION.

(A) IMPOSITION OF PENALTY.

IF AFTER A HEARING UNDER § 4-325 OF THIS SUBTITLE THE COMMISSION FINDS THAT THERE ARE GROUNDS UNDER § 4-322 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE, THE COMMISSION MAY IMPOSE A PENALTY NOT EXCEEDING \$2,000 FOR EACH VIOLATION:

- (1) INSTEAD OF SUSPENDING OR REVOKING THE LICENSE; OR
- (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

(B) FACTORS FOR CONSIDERATION.

TO DETERMINE THE AMOUNT OF THE PENALTY IMPOSED UNDER SUBSECTION (A) OF THIS SECTION, THE COMMISSION SHALL CONSIDER:

- (1) THE SERIOUSNESS OF THE VIOLATION;
- (2) THE HARM CAUSED BY THE VIOLATION;
- (3) THE GOOD FAITH OF THE LICENSEE; AND