

(2) THE EXECUTIVE DIRECTOR OF THE COMMISSION; AND

(3) THE ASSISTANT DIRECTOR OF THE COMMISSION.

(D) SPECIFIC NOTICE REQUIREMENTS.

(1) AT LEAST 10 DAYS BEFORE THE HEARING, THE HEARING NOTICE TO BE GIVEN TO THE INDIVIDUAL SHALL BE:

(I) SERVED PERSONALLY ON THE INDIVIDUAL; OR

(II) SENT BY CERTIFIED MAIL TO THE LAST KNOWN BUSINESS ADDRESS OF THE INDIVIDUAL.

(2) IF THE INDIVIDUAL IS AN ASSOCIATE REAL ESTATE BROKER OR A REAL ESTATE SALESPERSON, AT LEAST 10 DAYS BEFORE THE HEARING THE COMMISSION SHALL GIVE NOTICE OF THE HEARING TO EACH REAL ESTATE BROKER WITH WHOM THE ASSOCIATE REAL ESTATE BROKER OR THE REAL ESTATE SALESPERSON IS AFFILIATED BY SENDING NOTICE BY CERTIFIED MAIL TO THE LAST KNOWN BUSINESS ADDRESS OF THE REAL ESTATE BROKER.

(E) RIGHT TO COUNSEL.

THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(F) FAILURE OR REFUSAL TO APPEAR.

IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE COMMISSION MAY HEAR AND DETERMINE THE MATTER.

SUBCOMMITTEE COMMENT: Subsections (a) through (e) of this section are new language derived without substantive change from the first and third through seventh sentences of former Art. 56, § 225(a) and § 221(b), except as it related to filing an application.

Subsection (f) of this section is new language added to clarify that, after the accused person has been given proper notice, the Commission may proceed with a hearing even if the accused person fails to appear.

In subsection (a) of this section, the introductory exception is new language added to clarify that the Commission may summarily take action against an individual under certain circumstances. See SG § 10-405(b).

The express inclusion of the power to reprimand a licensee in § 4-322 of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Commission may reprimand.