

SUBCOMMITTEE COMMENT: This section is new language derived without substantive change from former Art. 56, § 224A(a) and the first sentence of (b), as that sentence related to the membership of the hearing board.

Defined terms: "Commission" § 4-101  
 "Consumer member" § 1-101 "Department" § 1-101  
 "Hearing board" § 4-101 "Secretary" § 1-101

#### 4-327. REFERRAL OF CASES; PROCEDURE BEFORE HEARING BOARD.

##### (A) REFERRAL BY COMMISSION.

THE COMMISSION MAY REFER TO A HEARING BOARD FOR A HEARING:

(1) ANY COMPLAINT THAT HAS BEEN FILED WITH THE COMMISSION; AND

(2) ANY MATTER FOR WHICH A HEARING MAY BE REQUIRED UNDER ~~§§ 4-320-AND~~ § 4-328 OR § 4-329 OF THIS SUBTITLE.

##### (B) PROCEDURES.

THE HEARING BOARD MAY EXERCISE THE SAME POWERS AND SHALL CONDUCT A HEARING IN ACCORDANCE WITH THE SAME PROCEDURES APPLICABLE TO THE COMMISSION UNDER § 4-325 OF THIS SUBTITLE.

##### (C) FINDINGS AND DISPOSITION; REPORT TO COMMISSION.

(1) THE HEARING BOARD 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 HEARING BOARD FINDS A REASONABLE BASIS AS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE HEARING BOARD SHALL:

1. HOLD A HEARING ON THE MATTER; AND
2. FILE ITS FINDING WITH THE COMMISSION.

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

(3) A HEARING BOARD SHALL ADVISE THE COMMISSION SPECIFICALLY OF ANY ACTION BROUGHT AGAINST A LICENSEE AS A RESULT OF MONETARY LOSS, MISAPPROPRIATION OF FUNDS, OR FRAUD.

##### (D) DECISION OF HEARING BOARD.