

Subsection (d)(2) of this section is new language added to clarify that, notwithstanding the limitations on the admission of testimony under subsection (d)(1) of this section, a licensee charged under this section may present matters in mitigation of the charge.

The Joint Subcommittee on the Business Occupations Article points out to the General Assembly that this section differs from SG § 10-405(b). In particular, SG § 10-405(b) only authorizes a summary suspension of a license while this section authorizes a summary revocation of any license that is issued under this title.

Defined terms: "Commission" § 4-101
"Hearing board" § 4-101 "License" § 4-101

4-329. SUMMARY SUSPENSION OF LICENSES FOR TRUST FUND VIOLATIONS.

(A) IN GENERAL.

SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION, THE COMMISSION MAY ORDER SUMMARILY THE SUSPENSION OF THE LICENSE OF A LICENSEE IF THE LICENSEE:

(1) FAILS TO ACCOUNT PROMPTLY FOR ANY FUNDS HELD IN TRUST; OR

(2) ON DEMAND, FAILS TO DISPLAY TO THE COMMISSION ALL RECORDS, BOOKS, AND ACCOUNTS OF ANY FUNDS HELD IN TRUST.

(B) NOTICE OF SUMMARY SUSPENSION; PROMPT HEARING.

THE COMMISSION MAY ORDER SUMMARILY A SUSPENSION UNDER THIS SECTION ONLY IF THE COMMISSION GIVES THE LICENSEE:

(1) WRITTEN NOTICE OF THE SUSPENSION AND THE FINDING ON WHICH THE SUSPENSION IS BASED; AND

(2) AFTER THE SUMMARY SUSPENSION IS EFFECTIVE, AN OPPORTUNITY TO BE HEARD PROMPTLY BEFORE THE COMMISSION OR, AS PROVIDED UNDER § 4-327 OF THIS SUBTITLE, BEFORE A HEARING BOARD.

(C) TERM OF SUMMARY SUSPENSION.

A SUMMARY SUSPENSION ORDERED BY THE COMMISSION UNDER THIS SECTION:

(1) MAY START IMMEDIATELY OR AT ANY LATER DATE, AS SET BY THE ORDER; AND

(2) SHALL CONTINUE UNTIL: