

On the recommendation of the Joint Subcommittee on the Business Occupations Article, new language is added in subsection (b)(1)(iii) to provide a mechanism for notifying the real estate broker with whom an associate real estate broker or a real estate salesperson is affiliated.

Defined terms: "Affiliate" § 4-101
 "Associate real estate broker" § 4-101
 "Commission" § 4-101
 "Real estate broker" § 4-101
 "Real estate salesperson" § 4-101

4-408. RIGHT TO PARTICIPATE IN HEARING; NOTICE.

(A) RIGHT TO PARTICIPATE IN HEARING.

THE COMMISSION SHALL GIVE THE CLAIMANT AND THE LICENSEE OR THE UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM AN OPPORTUNITY TO PARTICIPATE IN THE HEARING BEFORE THE COMMISSION.

(B) NOTICE.

THE COMMISSION SHALL GIVE NOTICE OF THE HEARING TO:

(1) THE CLAIMANT;

(2) EACH LICENSEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM; AND

(3) EACH UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM.

(C) PROOF OF NOTICE REQUIRED.

THE COMMISSION MAY NOT PROCEED WITH THE HEARING UNLESS THE RECORDS OF THE COMMISSION SHOW THAT ALL NOTICES REQUIRED UNDER THIS SUBTITLE WERE SENT TO EACH LICENSEE AND EACH UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM.

SUBCOMMITTEE COMMENT: This section is new language derived without substantive change from item (i) of the second sentence of former Art. 56, § 217A(a)(5).

In subsections (b)(3) and (c) of this section, the references to an "unlicensed employee" are added for clarity.