

In subsection (c) of this section, new language is added to clarify that proof of notice is required before the Commission may proceed with a hearing.

Defined term: "Commission" § 4-101

4-409. JOINDER OF PROCEEDINGS.

(A) IN GENERAL.

IF A CLAIM AGAINST THE GUARANTY FUND ALLEGES THAT THE ACT OR OMISSION GIVING RISE TO THE CLAIM WAS PERFORMED BY A LICENSED REAL ESTATE BROKER, A LICENSED ASSOCIATE REAL ESTATE BROKER, OR A LICENSED REAL ESTATE SALESPERSON, THE COMMISSION SHALL JOIN THE PROCEEDING ON THE CLAIM WITH ANY DISCIPLINARY PROCEEDING AGAINST THE LICENSEE UNDER THIS TITLE ARISING FROM THE SAME FACTS ALLEGED IN THE CLAIM.

(B) RIGHTS OF CLAIMANT.

(1) FOR THAT PART OF A HEARING ON CONSOLIDATED PROCEEDINGS THAT RELATES TO DISCIPLINARY ACTION BUT DOES NOT RELATE TO THE GUARANTY FUND CLAIM AGAINST A LICENSEE, THE CLAIMANT:

(I) MAY NOT BE A PARTY; AND

(II) MAY PARTICIPATE ONLY AS A WITNESS.

(2) FOR THAT PART OF A HEARING ON CONSOLIDATED PROCEEDINGS THAT RELATES TO THE CLAIM AGAINST THE GUARANTY FUND, THE CLAIMANT IS A PARTY.

SUBCOMMITTEE COMMENT: This section is new language derived without substantive change from the first and second sentences of former Art. 56, § 217A(d)(2)(iii).

In subsection (a) of this section, the reference to an "associate real estate broker" is added in conformity with provisions added throughout this title to provide a licensing scheme for an associate real estate broker. See the General Subcommittee Comment to this title.

In subsection (b) of this section, new language is added to clarify the extent to which a claimant may participate in a consolidated proceeding.

Defined terms: "Commission" § 4-101

"Guaranty Fund" § 4-101

"Licensed associate real estate broker" § 4-101

"Licensed real estate broker" § 4-101