

(II) THE PRINCIPAL PLACE OF BUSINESS OF THE ALLEGED VIOLATOR IS LOCATED.

(3) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE STATE BOARD IS NOT REQUIRED TO ALLEGE OR PROVE THAT AN ADEQUATE REMEDY AT LAW DOES NOT EXIST.

COMMITTEE COMMENT: Subsections (a), (b)(1), (2), and (3)(ii), and (c)(1) and (2) of this section are new language derived from former Art. 56, § 533(f), (g), and the first sentence of (h)(1) and the first sentence of (2).

Subsection (b)(3) of this section is new language substituted for the second sentence of former Art. 56, § 533(h)(2), which enabled an official to "report" a failure to comply with a subpoena to a court and required the court to issue a writ of attachment. The substituted language is based on language used in comparable provisions throughout the revised code.

Subsection (c)(3) of this section is new language added to make Md. Rule BB76 inapplicable to the extent that it allows denial of an injunction if the adverse party shows that there is property from which damages can be made.

Subsection (a) of this section is revised as a power of the "State Board", or its hearing officer, to reconcile the former overlapping references to taking testimony. Former Art. 56, § 533(f) allowed "{a}ny member of the Board", or its hearing officer, to take testimony, while § 533(h)(1) conferred that power on the "Board, or its designee". The revision reflects that individual Board members do not conduct proceedings. Accordingly, the revision also confers the powers to hold hearings and administer oaths on the "State Board", rather than on individual members.

The introductory phrase of subsection (a) of this section, "{i}n connection with a proceeding", is substituted for the former phrase "about all matters within the jurisdiction of the Board", for clarity.

In subsection (a)(3) of this section, the word "otherwise" is added to allow the State Board latitude in the manner in which depositions are taken.

In subsection (b)(1) of this section, the reference to subpoenaing "any person in the State" is deleted to broaden the power of the State Board so that it may subpoena records.