

EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE COMPTROLLER TAKES AN ACTION UNDER § 11-710 OF THIS SUBTITLE, THE COMPTROLLER SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE COMPTROLLER.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

THE COMPTROLLER SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) OATHS.

THE COMPTROLLER MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

REVISOR'S NOTE: This section is standard language added to state expressly the hearing rights of a licensee. The addition conforms to administrative practice.

The express inclusion of the power to reprimand a licensee in § 11-710 of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Comptroller may reprimand a licensee. This addition is made to conform to other occupational provisions found throughout the Code and to meet fundamental requirements of fairness.

In subsection (b) of this section, the reference to Title 10, Subtitle 2 of the State Government Article is added to demonstrate clearly the intended application of that subtitle to administrative hearings under this section.

Defined terms: "Comptroller" § 1-101
"Person" §§ 1-101 and 11-101

11-712. PROHIBITED ACT.

A PERSON MAY NOT ENGAGE IN THE BUSINESS OF A RETAIL VENDOR OR ENGAGE IN THE BUSINESS OF AN OUT-OF-STATE VENDOR WITHOUT A LICENSE ISSUED BY THE COMPTROLLER UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the first clause of the first sentence of former Art. 81, § 360 and the first clause of § 398.

Defined terms: "Comptroller" § 1-101
"Engage in the business of a retail vendor" § 11-701
"Engage in the business of an
out-of-state vendor" § 11-701
"License" § 11-701 "Person" §§ 1-101 and 11-101