

IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsections (a) and (d) of this section are new language derived without substantive change from former Art. 56, § 440(b).

Subsection (b) of this section is standard language added to demonstrate clearly the intended application of the referenced subtitle to administrative hearings under this section.

Subsection (c) of this section is new language added to state expressly a power of the Board that is inherent under its authority to conduct a formal administrative hearing under this section.

Subsection (e) of this section is standard language added to clarify that, after the accused person has been given proper notice, the Board may proceed with a hearing even if the person fails to appear.

The introductory language of subsection (a) of this section, "[e]xcept as otherwise provided in Title 10, Subtitle 4 of the State Government Article," is added to clarify that the Board may act summarily under certain circumstances. See SG § 10-405(b).

In subsection (d) of this section, the former reference to "registered" mail is deleted for consistency. Art. 1, § 20 of the Code provides that "certified mail" includes "registered mail".

The express inclusion of the power to reprimand a permit holder in § 4-523 of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Board may reprimand a permit holder and, consequently, that the review procedures of § 4-208 of this title be available to the permit holder after a final Board decision to reprimand. This change is made to conform to other occupational board provisions found throughout the Code and to meet fundamental requirements of fairness.

Defined terms: "Board" § 4-101  
"Person" § 1-101

#### SUBTITLE 6. PROHIBITED ACTS; PENALTIES.

##### 4-601. PRACTICING OR TEACHING WITHOUT LICENSE.