

(E) SUBPOENAS.

(1) THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS OR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH ANY PROCEEDING UNDER THIS SECTION.

(2) A SUBPOENA ISSUED UNDER THIS SUBSECTION SHALL BE SERVED BY:

(I) CERTIFIED MAIL; OR

(II) THE SHERIFF OF THE COUNTY WHERE THE PERSON TO BE SERVED RESIDES.

(F) FAILURE OR REFUSAL TO APPEAR.

IF, AFTER DUE NOTICE, THE INDIVIDUAL 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 (c) through (e) of this section are new language derived without substantive change from former Art. 56, § 495(b) and the second sentence and, as it related to proceedings to revoke or suspend licenses, the first sentence of (a).

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

The introductory clause 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 (a) of this section, the reference to "any final action under § 5-320" is substituted for the former limited reference to suspension or revocation, to clarify that an applicant who is denied a license also is entitled to a hearing. Similarly, the express inclusion of the power to reprimand a licensee in § 5-320(a) of this subtitle, when read with this section, results in new express requirements that a hearing be held before the Board may reprimand a licensee and, consequently, that the review procedures of § 5-209 of this title be available to