

EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 5-523 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

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

(C) SPECIFIC NOTICE REQUIREMENTS.

THE HEARING NOTICE TO BE GIVEN TO THE PERSON SHALL BE SERVED AT LEAST 5 DAYS BEFORE THE HEARING.

(D) RIGHT TO COUNSEL.

THE PERSON MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(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 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 (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.