

Subsection (f) of this section is added as standard language 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 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 § 5-523" is substituted for the former limited reference to suspension or revocation, to clarify that an applicant who is denied a permit also is entitled to a hearing. Similarly, the express inclusion of the power to reprimand a permit holder in § 5-523 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 § 5-209 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.

Also in subsection (a) of this section, the former reference to holding a hearing before the "secretary" of the Board is deleted as obsolete. See the revisor's note to § 5-204 of this title.

Subsections (c) and (e) of this section include only those provisions that appear to add to the provisions of Title 10, Subtitle 2 of the State Government Article. Thus, the former references to the rights to a "full opportunity to produce testimony in his or her behalf" and "to confront the witnesses against him or her" are deleted as essentially repetitious of the rights already provided in Title 10, Subtitle 2 of the State Government Article.

As to subsection (d) of this section, the statement that the person may appear with counsel is implicit in the scheme of procedural provisions under Title 10, Subtitle 2 of the State Government Article; however, since this provision is stated explicitly in former Art. 56, § 495(b), it is retained in this section.

As to judicial review, see § 5-209 of this title.

Defined terms: "Board" § 5-101
"County" § 1-101 "Person" § 1-101