

is substituted for the former list of specific complaints, to clarify that, in order for the Board to act on a complaint, it must be based on a charge that is actionable under § 7-309 of this subtitle.

Defined terms: "Board" § 7-101
"Person" § 1-101

7-311. SAME -- HEARINGS.

(A) RIGHT TO HEARING.

(1) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 7-309 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(2) A HEARING SHALL BE HELD WITHIN 3 MONTHS AFTER THE COMPLAINT IS MADE.

(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.

AT LEAST 30 DAYS BEFORE THE HEARING, THE HEARING NOTICE AND A COPY OF THE COMPLAINT SHALL BE:

(1) SERVED PERSONALLY ON THE INDIVIDUAL; OR

(2) SENT BY CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE INDIVIDUAL.

(D) RIGHT TO COUNSEL.

THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(E) 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), (c), and (d) of this section are new language derived without substantive change from the sixth and seventh sentences and, except as it related to dismissal of a complaint, the fifth sentence of former Art. 56, § 317.