

solicitation, and use of unfair or deceptive trade practices, is deleted as unnecessary since all of the enumerated grounds are prohibited acts and, thus, disciplinary action is authorized under item (4) of this section. This deletion also ensures that future changes in the law do not result in discrepancies.

Defined terms: "Board" § 8-101  
 "License" § 8-101 "Person" § 1-101

8-313. SAME -- HEARINGS.

(A) RIGHT TO HEARING.

EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 8-312 OF THIS SUBTITLE OR DENIES A LICENSE FOR ANY OTHER REASON, IT SHALL GIVE THE INDIVIDUAL 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 AND WITH § 8-311(C) OF THIS SUBTITLE.

(C) 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: Subsection (a) of this section is new language derived without substantive change from former Art. 56, § 527(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 and to provide a convenient reference to the notice requirements that apply to a hearing under this section.

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