

(A) (1) IN THE CASE OF A SINGLE DECISION MAKER, IF THE FINAL DECISION MAKER IN A CONTESTED CASE HAS NOT PERSONALLY PRESIDED OVER THE HEARING, THE FINAL DECISION MAY NOT BE MADE UNTIL EACH PARTY IS GIVEN NOTICE OF THE PROPOSED DECISION IN ACCORDANCE WITH § 10-220 OF THIS SUBTITLE AND AN OPPORTUNITY TO:

(I) FILE EXCEPTIONS WITH THE AGENCY TO THE PROPOSED DECISION; AND

(II) PRESENT ARGUMENT TO THE FINAL DECISION MAKER.

(2) IN THE CASE OF A DECISION-MAKING BODY, IF A MAJORITY OF THE OFFICIALS WHO ARE TO MAKE A FINAL DECISION IN A CONTESTED CASE HAVE NOT PERSONALLY PRESIDED OVER THE HEARING, THE OFFICIALS MAY NOT MAKE THE FINAL DECISION UNTIL EACH PARTY IS GIVEN NOTICE OF THE PROPOSED DECISION IN ACCORDANCE WITH § 10-220 OF THIS SUBTITLE AND AN OPPORTUNITY TO:

(I) FILE EXCEPTIONS TO THE PROPOSED DECISION WITH THE AGENCY; AND

(II) PRESENT ARGUMENT TO A MAJORITY OF THE OFFICIALS WHO ARE TO MAKE THE FINAL DECISION.

(3) IF A PARTY FILES EXCEPTIONS OR PRESENTS ARGUMENT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION, THE OFFICIAL OR OFFICIALS WHO ARE TO MAKE THE FINAL DECISION SHALL PERSONALLY CONSIDER EACH PART OF THE RECORD THAT A PARTY CITES IN ITS EXCEPTIONS OR ARGUMENTS BEFORE MAKING A FINAL DECISION.

(B) THE FINAL DECISION SHALL IDENTIFY ANY CHANGES, MODIFICATIONS, OR AMENDMENTS TO THE PROPOSED DECISION AND THE REASONS FOR THE CHANGES, MODIFICATIONS, OR AMENDMENTS.

10-217. PROOF.

THE STANDARD OF PROOF IN A CONTESTED CASE SHALL BE THE PREPONDERANCE OF EVIDENCE UNLESS THE STANDARD OF CLEAR AND CONVINCING EVIDENCE IS IMPOSED ON THE AGENCY BY REGULATION, STATUTE, OR CONSTITUTION.

[10-210.] 10-218. CONTENTS OF RECORD.

[Unless law provides for a de novo review, the agency adjudicating] THE PRESIDING OFFICER HEARING a contested case shall make a record that includes:

(1) all motions and pleadings;

(2) all documentary evidence that the agency OR OFFICE receives;

(3) a statement of each fact of which the agency OR OFFICE has taken official notice;