

5-204.

(A) WITH THE ADVICE OF THE ADVISORY COUNCIL AND AFTER CONSULTATION WITH REPRESENTATIVES OF THE CEMETERY INDUSTRY, THE DIRECTOR SHALL ADOPT:

(1) RULES AND REGULATIONS TO CARRY OUT THIS TITLE; AND

(2) A CODE OF ETHICS FOR ENGAGING IN THE OPERATION OF A CEMETERY OR PROVIDING BURIAL GOODS.

(B) UPON RECEIPT OF A WRITTEN COMPLAINT, OR AT THE DISCRETION OF THE DIRECTOR, THE DIRECTOR MAY CONDUCT AN INVESTIGATION AND AN INSPECTION OF THE RECORDS AND SITE OF A REGISTERED CEMETERIAN, REGISTERED SELLER, AND PERMIT HOLDER.

(C) THE DIRECTOR MAY HOLD HEARINGS ON ANY MATTER COVERED BY THIS TITLE.

(D) TO ENFORCE THIS TITLE, THE DIRECTOR MAY:

(1) ADMINISTER OATHS;

(2) EXAMINE WITNESSES; AND

(3) RECEIVE EVIDENCE.

(E) (1) THE DIRECTOR MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR FOR THE PRODUCTION OF EVIDENCE IN CONNECTION WITH ANY INVESTIGATION OR HEARING CONDUCTED IN ACCORDANCE WITH THIS SECTION.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS SUBSECTION, ON PETITION OF THE DIRECTOR, A CIRCUIT COURT MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

(F) (1) THE DIRECTOR MAY SUE IN THE NAME OF THE STATE TO ENFORCE ANY PROVISION OF THIS TITLE BY INJUNCTION.

(2) IN SEEKING AN INJUNCTION UNDER THIS SUBSECTION, THE DIRECTOR IS NOT REQUIRED TO:

(I) POST BOND; OR

(II) ALLEGE OR PROVE EITHER THAT:

1. AN ADEQUATE REMEDY AT LAW DOES NOT EXIST; OR

2. SUBSTANTIAL OR IRREPARABLE DAMAGE WOULD RESULT FROM THE CONTINUED VIOLATION OF THE PROVISION.

(3) THE DIRECTOR OR STAFF MAY NOT BE HELD PERSONALLY LIABLE FOR ANY ACTION TAKEN UNDER THIS TITLE IN GOOD FAITH AND WITH REASONABLE GROUNDS.