

(5) THE ASSETS OF THE VIOLATOR.

(D) SAME — NOTICE; HEARING; APPEAL.

(1) BEFORE ASSESSING A CIVIL PENALTY, THE COMMISSIONER SHALL SERVE BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, ON THE PERSON TO BE CHARGED A NOTICE THAT CONTAINS:

(I) THE SPECIFICATIONS OF THE CHARGE; AND

(II) THE TIME AND PLACE OF A HEARING TO BE HELD ON THE CHARGES.

(2) THE COMMISSIONER SHALL HOLD A HEARING ON THE CHARGES AT LEAST 20 DAYS AFTER THE DATE OF MAILING THE NOTICE.

(3) THE COMMISSIONER OR DESIGNEE OF THE COMMISSIONER SHALL CONDUCT A HEARING ON THE CHARGES IN ACCORDANCE WITH TITLE 2, SUBTITLE 2 OF THIS ARTICLE.

(4) SUBJECT TO TITLE 2, SUBTITLE 2 OF THIS ARTICLE, AN APPEAL MAY BE TAKEN FROM A FINAL ORDER OF THE COMMISSIONER TO THE CIRCUIT COURT FOR BALTIMORE CITY.

(E) FORFEITURE OF FINANCIAL GAIN.

IN ADDITION TO ANY OTHER PENALTY OR REMEDY UNDER THIS SECTION, A PERSON THAT IS FOUND TO HAVE GAINED FINANCIALLY FROM A VIOLATION OF A PROVISION OF THIS ARTICLE OR A REGULATION ADOPTED BY THE COMMISSIONER SHALL FORFEIT THE GAIN.

(F) CONSTRUCTION OF SECTION.

THIS SECTION DOES NOT PREVENT A PERSON DAMAGED BY A DIRECTOR, OFFICER, MANAGER, EMPLOYEE, OR AGENT OF A CORPORATION SUBJECT TO THIS SUBTITLE FROM BRINGING A SEPARATE ACTION IN A COURT OF COMPETENT JURISDICTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 48A, § 360D.

In subsection (a)(4) of this section, the word "subscriber" is substituted for the former word "insured" for consistency with terminology used elsewhere in this subtitle.

In subsection (b)(2) of this section, the former reference to financial "damage" is deleted as unnecessary in light of the reference to "financial injury".

Defined terms: "Agent" § 1-101

"Broker" § 1-101