

(1) A DECISION, ORDER, OR ACTION TAKEN AS A RESULT OF A HEARING UNDER § 3-107 OF THIS SUBTITLE SHALL BE IN WRITING AND ACCOMPANIED BY FINDINGS OF FACT.

(2) THE FINDINGS OF FACT SHALL CONSIST OF A CONCISE STATEMENT ON EACH ISSUE IN THE CASE.

(3) A FINDING OF NOT GUILTY TERMINATES THE ACTION.

(4) IF THE HEARING BOARD MAKES A FINDING OF GUILT, THE HEARING BOARD SHALL:

(I) RECONVENE THE HEARING;

(II) RECEIVE EVIDENCE; AND

(III) CONSIDER THE LAW ENFORCEMENT OFFICER'S PAST JOB PERFORMANCE AND OTHER RELEVANT INFORMATION AS FACTORS BEFORE MAKING RECOMMENDATIONS TO THE CHIEF.

(5) A COPY OF THE DECISION OR ORDER, FINDINGS OF FACT, CONCLUSIONS, AND WRITTEN RECOMMENDATIONS FOR ACTION SHALL BE DELIVERED OR MAILED PROMPTLY TO:

(I) THE LAW ENFORCEMENT OFFICER OR THE LAW ENFORCEMENT OFFICER'S COUNSEL OR REPRESENTATIVE OF RECORD; AND

(II) THE CHIEF.

(B) RECOMMENDATION OF PENALTY.

(1) AFTER A DISCIPLINARY HEARING AND A FINDING OF GUILT, THE HEARING BOARD MAY RECOMMEND THE PENALTY IT CONSIDERS APPROPRIATE UNDER THE CIRCUMSTANCES, INCLUDING DEMOTION, DISMISSAL, TRANSFER, LOSS OF PAY, REASSIGNMENT, OR OTHER SIMILAR ACTION THAT IS CONSIDERED PUNITIVE.

(2) THE RECOMMENDATION OF A PENALTY SHALL BE IN WRITING.

(C) FINAL DECISION OF HEARING BOARD.

(1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE DECISION OF THE HEARING BOARD AS TO FINDINGS OF FACT AND ANY PENALTY IS FINAL IF:

(I) A CHIEF IS AN EYEWITNESS TO THE INCIDENT UNDER INVESTIGATION; OR

(II) A LAW ENFORCEMENT AGENCY OR THE AGENCY'S SUPERIOR GOVERNMENTAL AUTHORITY HAS AGREED WITH AN EXCLUSIVE COLLECTIVE BARGAINING REPRESENTATIVE RECOGNIZED OR CERTIFIED UNDER APPLICABLE LAW THAT THE DECISION IS FINAL.