

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 255C(s)(1) and (t).

Subsection (b) of this section has been revised to clarify that it is the obligation of the agency to deny a license to an applicant who previously had a tip jar license or wholesaler's license revoked.

Defined terms: "Agency" § 13-2414

"Person" § 1-101

"Tip jar license" § 13-2414

"Wholesaler's license" § 13-2414

13-2434. SAME — HEARINGS.

(A) RIGHT TO HEARING.

BEFORE THE AGENCY TAKES ACTION UNDER § 13-2433(A) OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED THE OPPORTUNITY FOR A HEARING.

(B) SAME — HEARING PROCESS.

IF A HEARING IS REQUESTED, THE COUNTY COMMISSIONERS SHALL:

(1) GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE; OR

(2) DELEGATE TO THE OFFICE OF ADMINISTRATIVE HEARINGS THE AUTHORITY TO HOLD THE HEARING.

(C) HEARINGS BY COUNTY COMMISSIONERS — OATHS.

IF THE COUNTY COMMISSIONERS HOLD THE HEARING, THE COUNTY COMMISSIONERS MAY ADMINISTER OATHS IN CONNECTION WITH THE HEARING.

(D) HEARINGS BY OAH.

(1) IF THE OFFICE OF ADMINISTRATIVE HEARINGS HOLDS THE HEARING:

(I) THE ADMINISTRATIVE LAW JUDGE SHALL STATE ON THE RECORD THE CONCLUSIONS OF LAW AND FINDINGS OF FACT; AND

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE IS A FINAL DECISION FOR PURPOSES OF JUDICIAL REVIEW IN THE SAME MANNER AS A FINAL DECISION IN A CONTESTED CASE UNDER § 10-222 OF THE STATE GOVERNMENT ARTICLE.

(2) IN AN APPEAL OF A DECISION OF THE ADMINISTRATIVE LAW JUDGE:

(I) IF THE CIVIL PENALTY IS LESS THAN \$5,000, JUDICIAL REVIEW OF DISPUTED ISSUES OF FACT SHALL BE CONFINED TO THE RECORD; OR

(II) IF THE CIVIL PENALTY IS \$5,000 OR MORE, JUDICIAL REVIEW SHALL BE DE NOVO.