

(E) FAILURE TO REQUEST HEARING OR APPEAR.

AFTER NOTICE, IF THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED:

(1) FAILS OR REFUSES TO APPEAR, NEVERTHELESS THE COUNTY COMMISSIONERS MAY HEAR AND DETERMINE THE MATTER; OR

(2) DOES NOT REQUEST A HEARING, THE COUNTY COMMISSIONERS MAY IMPOSE A CIVIL PENALTY WITHOUT A HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 255C(u).

In subsection (a) of this section, the reference to "§ 13-2433(a) of this subtitle" is substituted for the reference to former Art. 27, § 255C(s). Although the revised reference incorporates only former Art. 27, § 255C(s)(1), it was only that part of the former provision that addressed actions taken, subject to the interested party's right to an administrative hearing.

Also in subsection (a) of this section, the former reference to a hearing "before the Board" is deleted in light of subsection (b) of this section, which authorizes the county commissioners to delegate responsibility for a hearing to the Office of Administrative Hearings.

In subsection (c) of this section, the phrase "in connection with the proceeding" is added for clarity.

In subsection (d) of this section, the former phrase, "[i]f the Board delegates the authority to hold a hearing", is deleted in light of subsection (b)(2) of this section.

In subsection (d)(1)(ii) of this section, the phrase "subject to paragraph (2) of this subsection" is added to reflect an exemption to the normal review process following a final decision in an administrative proceeding.

In subsection (e)(2) of this section, the reference to "a civil penalty" is substituted for the former reference to "fine" for clarity.

Also in subsection (e)(2) of this section, the phrase "without a hearing" is substituted for the former phrase "may deem that the matter has been heard" to avoid the legal fiction that a hearing takes place.

Defined terms: "Agency" § 13-2414

"County commissioners" § 13-2401

"Person" § 1-101

13-2435. WASHINGTON COUNTY GAMING FUND.

(A) "GROSS PROFITS" DEFINED.