

- (1) THE SERIOUSNESS AND EFFECT OF THE VIOLATION;
- (2) THE GOOD FAITH OF THE VIOLATOR;
- (3) THE VIOLATOR'S HISTORY OF PREVIOUS VIOLATIONS; AND
- (4) THE ABILITY OF THE VIOLATOR TO PAY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 39B.

Defined term: "Commission" § 9-101

9-311. SUBPOENAS.

(A) IN GENERAL.

TO CARRY OUT THIS TITLE, A MEMBER OF THE COMMISSION, THE SECRETARY OF THE COMMISSION, A SPECIAL EXAMINER, OR AN INSPECTOR MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF A PERTINENT DOCUMENT OR RECORD.

(B) ON REQUEST.

ON REQUEST OF A PARTY TO A PROCEEDING BEFORE THE COMMISSION, THE COMMISSION SHALL ISSUE A SUBPOENA FOR A HEARING BEFORE THE COMMISSION OR FOR A DEPOSITION BY THE PARTY.

(C) SERVICE FEE.

AN OFFICER WHO SERVES A SUBPOENA ISSUED UNDER THIS SECTION IS ENTITLED TO THE SAME FEE AS THE SHERIFF IN THE COUNTY WHERE THE WITNESS IS SUBPOENAED WOULD BE ENTITLED.

(D) COMPENSATION OF WITNESS.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A WITNESS WHO IS SUBPOENAED BY THE COMMISSION IS ENTITLED TO THE SAME FEES AND MILEAGE REIMBURSEMENT PROVIDED FOR BY LAW IN A CIVIL CASE IN THE COUNTY WHERE THE WITNESS TESTIFIES.

(2) A WITNESS SUBPOENAED AT THE REQUEST OF A PARTY IS NOT ENTITLED TO FEES OR MILEAGE REIMBURSEMENT FROM THE STATE TREASURY, UNLESS THE COMMISSION CERTIFIES THAT THE TESTIMONY WAS MATERIAL TO THE MATTER INVESTIGATED.

(3) THE FEES AND MILEAGE REIMBURSEMENT PAID UNDER THIS SUBSECTION SHALL BE AUDITED AND PAID BY THE STATE IN THE SAME WAY AS OTHER EXPENSES APPROVED BY A MEMBER AND THE SECRETARY OF THE COMMISSION.