

(2) The Board may not deny, suspend, or revoke a funeral establishment license because of a violation of a provision of this title by an employee of the establishment, unless the employee has a proprietary interest in the business that is conducted from the establishment.

7-317.

(A) IF, AFTER THE BOARD BRINGS AN ACTION UNDER § 7-316 OF THIS TITLE, THE BOARD FINDS THAT THERE ARE GROUNDS TO SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A PENALTY NOT EXCEEDING \$5,000:

- (1) INSTEAD OF SUSPENDING THE LICENSE; OR
- (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

(B) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

7-318.

(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE, A LICENSEE MAY NOT:

- (1) SURRENDER THE LICENSE; OR
- (2) ALLOW THE LICENSE TO LAPSE BY OPERATION OF THE

LAW.

(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE LICENSEE UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.

[7-318.] 7-319.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under [§ 7-317] § 7-316 of this subtitle, it shall give the person against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) The person may be represented at the hearing by counsel.

(d) Over the signature of an officer or the administrator of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(e) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.