

7-309. SAME — HEARINGS.

(A) RIGHT TO HEARING.

(1) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE BOARD TAKES ANY FINAL ACTION UNDER § 7-308 OF THIS SUBTITLE, IT SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(2) A HEARING SHALL BE HELD AT A TIME AND PLACE REASONABLY CONVENIENT TO THE PARTIES.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) OATHS.

THE BOARD MAY ADMINISTER OATHS IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION.

(D) SUBPOENAS.

THE BOARD MAY ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY AT A HEARING UNDER THIS SECTION, BUT NOT FOR INVESTIGATIVE PURPOSES.

(E) FAILURE TO APPEAR.

IF, AFTER DUE NOTICE, THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED DOES NOT APPEAR, NEVERTHELESS THE BOARD MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsections (a)(1) and (b) of this section are new language derived without substantive change from the reference, in former Art. 56, § 329(a), to "compliance with the Administrative Procedure Act".

Subsections (a)(2), (c), and (d) of this section are new language derived without substantive change from former Art. 56, § 329(b).

Subsection (e) of this section is standard language added to clarify that, after an accused person has been given proper notice, the Board may proceed with a hearing even if the person fails to appear.

Subsections (a)(1) and (b) of this section are rephrased in standard language to show clearly the intended application of the referenced title to administrative hearings under this section. Thus, the introductory exception of