

IN CONNECTION WITH A PROCEEDING UNDER THIS SECTION, THE COMMISSION MAY:

(1) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE EVIDENCE; AND

(2) TAKE TESTIMONY IN THE SAME MANNER AND WITH THE SAME FEES AND COMPENSATION FOR MILEAGE AS PROVIDED IN CIVIL CASES IN THE STATE.

(H) FAILURE TO APPEAR.

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

REVISOR'S NOTE: Subsections (a) and (c) through (g) of this section are new language derived without substantive change from former Art. 56, § 260(a) and (b).

Subsection (b) of this section is new language derived without substantive change from former Art. 56, § 260(f), as it related to hearings. It is revised in standard language to demonstrate clearly the intended application of the referenced subtitle to administrative hearings under this section.

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

The introductory language of subsection (a) of this section, "[e]xcept as otherwise provided in Title 10, Subtitle 4 of the State Government Article", is added to clarify that the Commission may act summarily under certain circumstances. See SG § 10-405(b).

Subsection (a) of this section is revised to apply to final action denying an applicant a license, although former Art. 56, § 260(c) referred only to suspensions, revocations, and reprimands. This addition conforms with specific provisions of numerous other occupational laws and meets fundamental requirements of fairness. See § 8-305(b) of this subtitle for specific hearing requirements governing denial of a license.

Also in subsection (a) of this section, the reference to a hearing board is added to reflect that a hearing may be conducted by a hearing board that the Commission appoints.

Subsection (c) of this section is revised in standard language.

In subsection (d) of this section, the former reference to "registered" mail is deleted in light of the reference to "certified" mail. Art. 1, § 20 of the Code provides that "certified mail" includes "registered mail".