

(E) HEARINGS.

(1) AT A HEARING ON A CLAIM, THE CLAIMANT HAS THE BURDEN OF PROOF.

(2) IF A SUBCONTRACTOR OR SALESPERSON IS NECESSARY TO ADJUDICATE A CLAIM FAIRLY, THE COMMISSION SHALL ISSUE A SUBPOENA FOR THAT PERSON TO APPEAR AT THE HEARING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 257D(c) and (d)(1).

In subsection (a) of this section, the reference to "Subtitle 3 of this title" is substituted for the former reference to "§ 260 of this subtitle" to clarify that procedures about notice, hearings, and judicial review are in Subtitle 3 of this title.

In subsection (b)(1) of this section, the defined term "actual loss" is substituted for the former reference to "monetary loss" for consistency.

In subsection (e)(1) of this section, the former phrase "to establish the validity of the claim" is deleted as surplusage.

Subsection (e)(2) of this section is revised to clarify that it is the duty of the Commission to require attendance if necessary to adjudicate a claim fairly.

Defined terms: "Actual loss" § 8-401

"Commission" § 8-101

"Contractor" § 8-101

"Fund" § 8-101

"Person" § 1-101

"Salesperson" § 8-101

"Subcontractor" § 8-101

8-408. JOINDER OF PROCEEDINGS; ADMINISTRATIVE AND LEGAL PROCEEDINGS.

(A) JOINDER OF PROCEEDINGS.

(1) THE COMMISSION MAY JOIN A PROCEEDING ON A CLAIM AGAINST THE FUND WITH A DISCIPLINARY PROCEEDING AGAINST A LICENSED CONTRACTOR UNDER SUBTITLE 3 OF THIS TITLE, IF THE DISCIPLINARY HEARING IS BASED ON THE SAME FACTS ALLEGED IN THE CLAIM.

(2) IN A CONSOLIDATED PROCEEDING, THE CLAIMANT IS A PARTY AND MAY PARTICIPATE IN THE HEARING TO THE EXTENT NECESSARY TO ESTABLISH THE CLAIM.

(B) ADMINISTRATIVE AND LEGAL PROCEEDINGS.