

3-204. GENERAL POWERS AND DUTIES.

(A) MISCELLANEOUS POWERS.

THE COMMISSIONER MAY ADMINISTER OATHS, DEPOSE WITNESSES, AND CERTIFY TO OFFICIAL ACTS.

(B) SUBPOENAS.

THE COMMISSIONER MAY ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE EVIDENCE.

(C) MISCELLANEOUS DUTIES.

IN ADDITION TO ANY DUTIES SET FORTH ELSEWHERE, THE COMMISSIONER SHALL ESTABLISH PROCEDURES NECESSARY FOR REPORTING AND KEEPING RECORDS TO CARRY OUT THE DUTIES OF THE COMMISSIONER UNDER THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 89, § 68(a)(8) and (b)(1).

Former Art. 89, § 68(a)(6), which imposed a duty on the Commissioner to adopt regulations of procedure for hearings under this title, is deleted as misleading surplusage. All hearings held under this title are "contested cases" as defined in SG § 10-201(c). Under SG § 10-204(a), each agency is required to adopt regulations to govern procedures and practices before the agency in a contested case.

The Business Regulation Article Review Committee notes, for consideration by the General Assembly, that in subsection (b) of this section the reference to producing evidence is substituted for the former reference to producing "papers, books, documents, [and] records". Comparable provisions elsewhere in the Code use the broader word "evidence", instead of a list of specific types of evidence.

Defined term: "Commissioner" § 3-101

3-205. ADMINISTRATIVE SEARCH WARRANT.

(A) APPLICATION.

WHENEVER AN INDIVIDUAL WHO IS AUTHORIZED TO INSPECT PROPERTY IN THE STATE UNDER THIS TITLE IS DENIED ACCESS TO THE PROPERTY AFTER MAKING A PROPER REQUEST FOR ACCESS OF THE OWNER, TENANT, OR OTHER PERSON IN CHARGE OF THE PROPERTY, THE INDIVIDUAL MAY APPLY TO THE DISTRICT COURT FOR AN ADMINISTRATIVE SEARCH WARRANT.

(B) FORM AND CONTENTS.

THE APPLICATION SHALL: