

Items (3) and (4) of this section are new language added to conform to § 4-310 of this title. They also state expressly that which only was implied in the former law; i.e., the Secretary may only take disciplinary action based on grounds. The Business Regulation Article Review Committee notes the addition of these grounds for disciplinary action for consideration by the General Assembly.

In the introductory language of this section, the power to "deny a license to an applicant" is a standard provision added to state expressly that which only was implied in the former law; i.e., the Secretary may deny a license to an applicant who violates a disciplinary provision under this section.

Also in the introductory language of this section, the power to "reprimand any licensee" is added to state specifically a power that is inherent in the express power to suspend or revoke a license.

Defined terms: "License" § 4-401

"Person" § 1-101

"Secretary" § 1-101

4-413. SAME - HEARINGS.

(A) RIGHT TO HEARING.

EXCEPT AS PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE SECRETARY TAKES ANY FINAL ACTION UNDER § 4-412 OF THIS SUBTITLE, THE SECRETARY SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE SECRETARY.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

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

(C) OATHS.

THE SECRETARY MAY ADMINISTER OATHS IN A PROCEEDING UNDER THIS SECTION.

(D) FAILURE TO APPEAR.

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

REVISOR'S NOTE: Subsections (a) and (b) of this section are new language derived without substantive change from the second clause of former Art. 56, § 634.