

9-409. HEARINGS.

(A) RIGHT TO HEARING.

(1) EXCEPT AS OTHERWISE PROVIDED IN TITLE 10, SUBTITLE 4 OF THE STATE GOVERNMENT ARTICLE, BEFORE THE COMMISSIONER TAKES ANY FINAL ACTION UNDER § 9-408 OF THIS SUBTITLE, THE COMMISSIONER SHALL GIVE THE PERSON AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE COMMISSIONER.

(2) A HEARING ON DENIAL OF A LICENSE SHALL BE HELD WITHIN 10 DAYS AFTER AN APPLICANT SUBMITS A FORMAL REQUEST FOR THE HEARING.

(B) APPLICATION OF CONTESTED CASE PROVISIONS.

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

(C) OATHS.

THE COMMISSIONER MAY ADMINISTER OATHS IN CONNECTION WITH 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 COMMISSIONER MAY HEAR AND DETERMINE THE MATTER.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from the second sentence of former Art. 56, § 163A and the reference, in the second sentence of § 169(a), to a hearing for an employment counselor.

Subsection (b) of this section is standard language added to demonstrate clearly the intended application of the referenced subtitle to administrative hearings under this section.

Subsection (c) of this section is new language derived without substantive change from the first sentence of former Art. 56, § 168A, as that sentence related to administering oaths. It is rephrased in standard language.

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