

**ENROLLED BILL**

-- Economic Matters/Education, Health, and Environmental Affairs --

Introduced by **Chairman, Economic Matters Committee (By Request -  
Departmental - Labor, Licensing and Regulation)**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of Barbers - State Board of Cosmetologists - Citations**

3 FOR the purpose of authorizing inspectors for the State Board of Barbers and  
4 inspectors for the State Board of Cosmetologists to issue certain citations to and  
5 impose certain civil penalties on licensees and permit holders for violations of  
6 certain laws and regulations; providing for the form, content, and service of the  
7 citations; requiring the civil penalty set forth in the citation to be paid in a  
8 certain period of time; ~~establishing that the failure to pay the citation within a~~  
9 ~~certain period of time will result in a certain increase of the penalty;~~  
10 establishing that a citation and civil penalty shall be considered a final order of  
11 the Boards unless the licensee or permit holder contests the citation in a certain  
12 manner; requiring the Boards to hold a certain hearing if the licensee or permit  
13 holder contests the citation; *prohibiting a certain hearing from being delegated*  
14 *to the Office of Administrative Hearings*; requiring the Boards to adopt  
15 regulations establishing a schedule of certain civil penalties; authorizing the  
16 Boards to take certain disciplinary action against a licensee or permit holder if

1 the licensee or permit holder fails to pay a civil penalty imposed by the Boards  
 2 under this Act; and generally relating to the regulation of licensees and permit  
 3 holders by the State Board of Barbers and the State Board of Cosmetologists.

4 BY repealing and reenacting, with amendments,  
 5 Article - Business Occupations and Professions  
 6 Section 4-314, 4-513, 5-314, and 5-522  
 7 Annotated Code of Maryland  
 8 (2004 Replacement Volume and 2004 Supplement)

9 BY adding to  
 10 Article - Business Occupations and Professions  
 11 Section 4-608 and 5-610  
 12 Annotated Code of Maryland  
 13 (2004 Replacement Volume and 2004 Supplement)

14 BY repealing and reenacting, with amendments,  
 15 Article - State Government  
 16 Section 10-205(a)  
 17 Annotated Code of Maryland  
 18 (2004 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Business Occupations and Professions**

22 4-314.

23 (a) (1) Subject to the hearing provisions of § 4-315 of this subtitle, the Board  
 24 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a  
 25 license if the applicant or licensee:

26 (i) fraudulently or deceptively obtains or attempts to obtain a  
 27 license for the applicant or licensee or for another;

28 (ii) fraudulently or deceptively uses a license;

29 (iii) is incompetent;

30 (iv) habitually is intoxicated or under the influence of any drug;

31 (v) falsifies a record submitted to the Board;

32 (vi) fails to use proper sanitary methods while practicing barbering;

33 (vii) fails to keep a barbershop in a sanitary condition;

1 (viii) under the laws of the United States or of any state, is convicted  
2 of:

- 3 1. a felony; or
- 4 2. a misdemeanor that is directly related to the fitness and  
5 qualification of the applicant or licensee to practice barbering; [or]

6 (ix) violates any provision of this title or any regulation adopted by  
7 the Board under this title; OR

8 (X) FAILS TO PAY A CIVIL PENALTY IMPOSED BY THE BOARD  
9 UNDER § 4-608 OF THIS TITLE.

10 (2) (i) Instead of or in addition to reprimanding a licensee or  
11 suspending or revoking a license under this subsection, the Board may impose a  
12 penalty not exceeding \$300 for all violations cited on a single date.

13 (ii) To determine the amount of the penalty under this subsection,  
14 the Board shall consider:

- 15 1. the seriousness of the violation;
- 16 2. the good faith of the violator;
- 17 3. the violator's history of previous violations;
- 18 4. the deleterious effect of the violation on the complainant,  
19 the public, and the barber industry; and
- 20 5. any other factors relevant to the determination of the  
21 financial penalty.

22 (3) The Board shall pay any penalty collected under this subsection into  
23 the General Fund of the State.

24 (b) The Board shall consider the following facts in the granting, denial,  
25 renewal, suspension, or revocation of a license or the reprimand of a licensee when an  
26 applicant or licensee is convicted of a felony or misdemeanor described in subsection  
27 (a)(1)(viii) of this section:

- 28 (1) the nature of the crime;
- 29 (2) the relationship of the crime to the activities authorized by the  
30 license;
- 31 (3) with respect to a felony, the relevance of the conviction to the fitness  
32 and qualification of the applicant or licensee to practice barbering;
- 33 (4) the length of time since the conviction; and

1 (5) the behavior and activities of the applicant or licensee before and  
2 after the conviction.

3 (c) The Board shall commence proceedings under this section on a complaint  
4 to the Board by a member of the Board or any person.

5 (d) (1) A complaint shall:

6 (i) be in writing;

7 (ii) be signed by the complainant;

8 (iii) state specifically the facts on which the complaint is based;

9 (iv) be submitted to the Executive Director of the Board; and

10 (v) be served on the person to whom it is directed:

11 1. personally; or

12 2. by certified mail, return receipt requested, bearing a  
13 postmark from the United States Postal Service, to the person's last known address  
14 as shown on the Board's records.

15 (2) If service is made by certified mail, the person who mails the  
16 document shall file with the Board verified proof of mailing.

17 (3) If a complaint is made by any person other than a member of the  
18 Board, the complaint shall be made under oath by the person who submits the  
19 complaint.

20 (e) (1) Except as provided in subsection (f) of this section, if the Board finds  
21 that a complaint alleges facts that are adequate grounds for action under this section,  
22 the Board shall act on the complaint as provided under § 4-315 of this subtitle to  
23 deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.

24 (2) If the Board does not make the finding, the Board shall dismiss the  
25 complaint.

26 (f) (1) If the Board makes the finding under subsection (e)(1) of this section  
27 for a violation that relates to the sanitary practice of barbering, the Board shall  
28 provide the licensee an opportunity to correct the alleged violation.

29 (2) If the licensee fails to correct each alleged violation within 10 days of  
30 written notification of the violation by the Board, the Board shall act on the complaint  
31 as provided under § 4-315 of this subtitle.

32 (3) If the licensee corrects each alleged violation within 10 days of notice,  
33 the Board shall:

34 (i) dismiss the complaint; and

1 (ii) provide the licensee written notification of the dismissal.

2 4-513.

3 (a) (1) Subject to the hearing provisions of § 4-514 of this subtitle, the Board  
4 may deny a barbershop permit to any applicant, reprimand any permit holder, or  
5 suspend or revoke a barbershop permit:

6 (i) for any applicable ground under § 4-314 of this title;

7 (ii) if the applicant or holder fraudulently or deceptively obtains or  
8 attempts to obtain a barbershop permit for the applicant or holder or for another; [or]

9 (iii) if the applicant or holder fraudulently or deceptively uses a  
10 barbershop permit; OR

11 (IV) IF THE HOLDER FAILS TO PAY A CIVIL PENALTY IMPOSED BY  
12 THE BOARD UNDER § 4-608 OF THIS TITLE.

13 (2) (i) Instead of or in addition to reprimanding a permit holder or  
14 suspending or revoking a permit under this subsection, the Board may impose a  
15 penalty not exceeding \$300 for all violations cited on a single date.

16 (ii) To determine the amount of penalty imposed under this  
17 subsection, the Board shall consider the following:

18 1. the seriousness of the violation;

19 2. the good faith of the violator;

20 3. the violator's history of previous violations;

21 4. the deleterious effect of the violation on the complainant,  
22 the public, and the barber industry; and

23 5. any other factors relevant to the determination of the  
24 financial penalty.

25 (3) The Board shall pay any penalty collected under this subsection into  
26 the General Fund of the State.

27 (b) The Board shall commence proceedings under this section on a complaint  
28 to the Board by a member of the Board or any person.

29 (c) (1) A complaint shall:

30 (i) be in writing;

31 (ii) be signed by the complainant;

32 (iii) state specifically the facts on which the complaint is based;

1 (iv) be submitted to the Executive Director of the Board; and

2 (v) be served on the person to whom it is directed:

3 1. personally; or

4 2. by certified mail, return receipt requested, bearing a  
5 postmark from the United States Postal Service, to the person's last known address  
6 as shown on the Board's records.

7 (2) If service is made by certified mail, the person who mails the  
8 document shall file with the Board verified proof of mailing.

9 (3) If a complaint is made by any person other than a member of the  
10 Board, the complaint shall be made under oath by the person who submits the  
11 complaint.

12 (d) (1) Except as provided in subsection (e) of this section, if the Board finds  
13 that a complaint alleges facts that are adequate grounds for action under § 4-514 of  
14 this subtitle, the Board shall act on the complaint as provided under § 4-514 of this  
15 subtitle to deny, suspend, or revoke a barbershop permit, or reprimand or assess a  
16 penalty against the holder of the permit.

17 (2) If the Board does not make the finding, the Board shall dismiss the  
18 complaint.

19 (e) (1) If the Board makes the finding under subsection (d)(1) of this section  
20 for a violation that relates to the sanitary condition of the barbershop, the Board shall  
21 provide the owner of the barbershop an opportunity to correct the alleged violation.

22 (2) If the barbershop owner fails to correct each alleged violation within  
23 10 days of written notification by the Board, the Board shall act on the complaint as  
24 provided under § 4-514 of this subtitle.

25 (3) If the barbershop owner corrects each alleged violation within 10  
26 days of notice, the Board shall:

27 (i) dismiss the complaint; and

28 (ii) provide the barbershop owner written notification of dismissal.  
29 4-608.

30 (A) FOLLOWING AN INSPECTION OF A BARBERSHOP, IF A BOARD INSPECTOR  
31 DETERMINES THAT A LICENSEE OR PERMIT HOLDER HAS VIOLATED THIS TITLE OR A  
32 REGULATION ADOPTED BY THE BOARD, THE INSPECTOR MAY ISSUE A CITATION TO  
33 THE LICENSEE OR PERMIT HOLDER.

34 (B) A CITATION ISSUED BY A BOARD INSPECTOR SHALL BE IN WRITING AND  
35 SHALL STATE:

1 (1) A BRIEF DESCRIPTION OF EACH VIOLATION;

2 (2) THE AMOUNT OF A CIVIL PENALTY, AS PRESCRIBED BY REGULATION,  
3 FOR EACH VIOLATION; AND

4 (3) AS PROVIDED IN THIS SECTION:

5 (I) THE TIME WITHIN WHICH THE CIVIL PENALTY IS TO BE PAID;

6 (II) THE OPPORTUNITY TO CONTEST THE CITATION; AND

7 (III) THE FINALITY OF THE CITATION IF IT IS NOT CONTESTED; ~~AND,~~

8 ~~(IV) THAT THE CIVIL PENALTY WILL BE DOUBLED IF NOT PAID OR~~  
9 ~~CONTESTED WITHIN 30 60 DAYS.~~

10 (C) THE CITATION SHALL BE SERVED ON THE LICENSEE OR PERMIT HOLDER  
11 ALLEGED TO HAVE COMMITTED THE VIOLATION BY:

12 (1) HAND-DELIVERY; OR

13 (2) CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE  
14 OR PERMIT HOLDER.

15 (D) SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION:

16 ~~(1)~~ THE CIVIL PENALTY SET FORTH IN A CITATION SHALL BE PAID  
17 WITHIN 30 60 DAYS OF ITS RECEIPT; ~~AND~~

18 ~~(2) THE FAILURE TO PAY THE CIVIL PENALTY WITHIN 30 60 DAYS OF ITS~~  
19 ~~RECEIPT SHALL RESULT IN THE AMOUNT OF THE CIVIL PENALTY BEING DOUBLED.~~

20 (E) A CITATION AND THE APPLICABLE CIVIL PENALTY SHALL BE CONSIDERED  
21 A FINAL ORDER OF THE BOARD UNLESS, WITHIN 30 60 DAYS OF BEING SERVED WITH  
22 THE CITATION, THE LICENSEE OR PERMIT HOLDER NOTIFIES THE BOARD IN  
23 WRITING OF AN INTENT TO CONTEST THE CITATION.

24 (F) (1) UPON THE RECEIPT OF A WRITTEN NOTICE OF A LICENSEE OR  
25 PERMIT HOLDER'S INTENT TO CONTEST A CITATION, THE BOARD SHALL HOLD A  
26 HEARING, IN ACCORDANCE WITH § 4-315 OR § 4-514 OF THIS TITLE, REGARDING THE  
27 CITED VIOLATIONS.

28 (2) A HEARING HELD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS  
29 SUBSECTION MAY NOT BE DELEGATED TO THE OFFICE OF ADMINISTRATIVE  
30 HEARINGS UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

31 (G) (1) THE BOARD SHALL ESTABLISH BY REGULATION A SCHEDULE OF  
32 CIVIL PENALTIES FOR VIOLATIONS OF THIS TITLE AND REGULATIONS ADOPTED BY  
33 THE BOARD.

1 (2) THE CIVIL PENALTIES IMPOSED UNDER THIS SUBSECTION MAY NOT  
2 EXCEED \$300 FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

3 5-314.

4 (a) (1) Subject to the hearing provisions of § 5-315 of this subtitle, the Board  
5 may deny a license to any applicant, reprimand any licensee, or suspend or revoke a  
6 license if the applicant or licensee:

7 (i) fraudulently or deceptively obtains or attempts to obtain a  
8 license for the applicant or licensee or for another;

9 (ii) fraudulently or deceptively uses a license;

10 (iii) is incompetent;

11 (iv) engages in dishonest, unethical, immoral, or unprofessional  
12 conduct;

13 (v) is addicted to alcohol or drugs to the extent of being unfit to  
14 practice cosmetology;

15 (vi) advertises by means of knowingly false or deceptive statements;

16 (vii) under the laws of the United States or of any state, is convicted  
17 of:

18 1. a felony; or

19 2. a misdemeanor that is directly related to the fitness and  
20 qualification of the applicant or licensee to practice cosmetology; [or]

21 (viii) violates any provision of this title or any regulation adopted by  
22 the Board under this title; OR

23 (IX) FAILS TO PAY A CIVIL PENALTY IMPOSED BY THE BOARD  
24 UNDER § 5-610 OF THIS TITLE.

25 (2) (i) Instead of or in addition to reprimanding a licensee or  
26 suspending or revoking a license under this subsection, the Board may impose a  
27 penalty not exceeding \$300 for all violations cited on a single day.

28 (ii) To determine the amount of the penalty imposed under this  
29 subsection, the Board shall consider:

30 1. the seriousness of the violation;

31 2. the good faith of the violator;

32 3. the violator's history of previous violations;



1                                   4.       the deleterious effect of the violation on the complainant,  
2 the public, and the cosmetology industry; and

3                                   5.       any other factors relevant to the determination of the  
4 financial penalty.

5                   (3)       The Board shall pay any penalty collected under this subsection into  
6 the General Fund of the State.

7       (b)       The Board shall consider the following facts in the granting, denial,  
8 renewal, suspension, or revocation of a license or the reprimand of a licensee when an  
9 applicant or licensee is convicted of a felony or misdemeanor described in subsection  
10 (a)(1)(vii) of this section:

11                   (1)       the nature of the crime;

12                   (2)       the relationship of the crime to the activities authorized by the  
13 license;

14                   (3)       with respect to a felony, the relevance of the conviction to the fitness  
15 and qualification of the applicant or licensee to practice cosmetology;

16                   (4)       the length of time since the conviction; and

17                   (5)       the behavior and activities of the applicant or licensee before and  
18 after the conviction.

19       (c)       (1)       The Board shall commence proceedings under this section on a  
20 complaint to the Board by a member of the Board or any person.

21                   (2)       A complaint shall:

22                                   (i)       be in writing;

23                                   (ii)       be signed by the complainant;

24                                   (iii)       state specifically the facts on which the complaint is based;

25                                   (iv)       be submitted to the Executive Director of the Board; and

26                                   (v)       be served on the person to whom it is directed:

27   1.       personally; or

28   2.       by certified mail, return receipt requested, bearing a  
29 postmark from the United States Postal Service, to the person's last known address  
30 as shown on the Board's records.

31                   (3)       If service is made by certified mail, the person who mails the  
32 document shall file with the Board verified proof of mailing.

1 (d) (1) Except as provided in subsection (e) of this section, if the Board finds  
2 that a complaint alleges facts that are adequate grounds for action under this section,  
3 the Board shall act on the complaint as provided under § 5-315 of this subtitle to  
4 deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.

5 (2) If the Board does not make the finding, the Board shall dismiss the  
6 complaint.

7 (e) (1) If the Board makes the finding under subsection (d)(1) of this section  
8 for a violation that relates to the sanitary practice of cosmetology, the Board shall  
9 provide the licensee an opportunity to correct the alleged violation.

10 (2) If the licensee fails to correct each alleged violation within 10 days of  
11 written notification of the violation by the Board, the Board shall act on the complaint  
12 as provided under § 5-315 of this subtitle.

13 (3) If the licensee corrects each alleged violation within 10 days of notice,  
14 the Board shall:

15 (i) dismiss the complaint; and

16 (ii) provide the licensee written notification of the dismissal.

17 5-522.

18 (a) (1) Subject to the hearing provisions of § 5-523 of this subtitle, the Board  
19 may deny a beauty salon permit to any applicant, reprimand any permit holder, or  
20 suspend or revoke a beauty salon permit:

21 (i) for any applicable ground under § 5-314 of this title;

22 (ii) if the applicant or holder fraudulently or deceptively obtains or  
23 attempts to obtain a beauty salon permit for the applicant or holder or for another;  
24 [or]

25 (iii) if the applicant or holder fraudulently or deceptively uses a  
26 beauty salon permit; OR

27 (IV) IF THE HOLDER FAILS TO PAY A CIVIL PENALTY IMPOSED BY  
28 THE BOARD UNDER § 5-610 OF THIS TITLE.

29 (2) (i) Instead of or in addition to reprimanding a permit holder or  
30 suspending or revoking a beauty salon permit, the Board may impose a penalty not  
31 exceeding \$300 for all violations cited on a single date.

32 (ii) To determine the amount of penalty imposed under this  
33 subsection, the Board shall consider:

34 1. the seriousness of the violation;

35 2. the good faith of the violator;

- 1 3. the violator's history of previous violations;
- 2 4. the deleterious effect of the violation on the complainant,  
3 the public, and the cosmetology industry; and
- 4 5. any other factors relevant to the determination of the  
5 financial penalty.

6 (3) The Board shall pay any penalty collected under this subsection into  
7 the General Fund of the State.

8 (b) The Board shall commence proceedings under this section on a complaint  
9 to the Board by a member of the Board or any person.

10 (1) A complaint shall:

- 11 (i) be in writing;
- 12 (ii) be signed by the complainant;
- 13 (iii) state specifically the facts on which the complaint is based;
- 14 (iv) be submitted to the Executive Director of the Board; and
- 15 (v) be served on the person to whom it is directed:
  - 16 1. personally; or
  - 17 2. by certified mail, return receipt requested, bearing a  
18 postmark from the United States Postal Service, to the person's last known address  
19 as shown on the Board's records.

20 (2) If service is made by certified mail, the person who mails the  
21 document shall file with the Board verified proof of mailing.

22 (c) (1) Except as provided in subsection (d) of this section, if the Board finds  
23 that a complaint alleges facts that are adequate grounds for action under this section,  
24 the Board shall act on the complaint as provided under § 5-523 of this subtitle to  
25 deny, suspend, or revoke a license, reprimand a licensee, or assess a penalty.

26 (2) If the Board does not make the finding, the Board shall dismiss the  
27 complaint.

28 (d) (1) If the Board makes the finding under subsection (c)(1) of this section  
29 for a violation that relates to the sanitary condition of a beauty salon or the sanitary  
30 practice of cosmetology, the Board shall provide the owner of the salon an opportunity  
31 to correct the alleged violation.

32 (2) If the owner fails to correct each alleged violation within 10 days of  
33 written notification of the violation by the Board, the Board shall act on the complaint  
34 as provided under § 5-523 of this subtitle.

1 (3) If the owner corrects each alleged violation within 10 days of notice,  
2 the Board shall:

3 (i) dismiss the complaint; and

4 (ii) provide the owner written notification of the dismissal.

5 5-610.

6 (A) FOLLOWING AN INSPECTION OF A BEAUTY SALON, IF A BOARD INSPECTOR  
7 DETERMINES THAT A LICENSEE OR PERMIT HOLDER HAS VIOLATED THIS TITLE OR A  
8 REGULATION ADOPTED BY THE BOARD, THE INSPECTOR MAY ISSUE A CITATION TO  
9 THE LICENSEE OR PERMIT HOLDER.

10 (B) A CITATION ISSUED BY A BOARD INSPECTOR SHALL BE IN WRITING AND  
11 SHALL STATE:

12 (1) A BRIEF DESCRIPTION OF EACH VIOLATION;

13 (2) THE AMOUNT OF A CIVIL PENALTY, AS PRESCRIBED BY REGULATION,  
14 FOR EACH VIOLATION; AND

15 (3) AS PROVIDED IN THIS SECTION:

16 (I) THE TIME WITHIN WHICH THE CIVIL PENALTY IS TO BE PAID;

17 (II) THE OPPORTUNITY TO CONTEST THE CITATION; AND

18 (III) THE FINALITY OF THE CITATION IF IT IS NOT CONTESTED; ~~AND~~

19 (IV) ~~THAT THE CIVIL PENALTY WILL BE DOUBLED IF NOT PAID OR~~  
20 ~~CONTESTED WITHIN 30 60 DAYS.~~

21 (C) THE CITATION SHALL BE SERVED ON THE LICENSEE OR PERMIT HOLDER  
22 ALLEGED TO HAVE COMMITTED THE VIOLATION BY:

23 (1) HAND-DELIVERY; OR

24 (2) CERTIFIED MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE  
25 OR PERMIT HOLDER.

26 (D) SUBJECT TO SUBSECTIONS (E) AND (F) OF THIS SECTION:

27 ~~(1)~~ THE CIVIL PENALTY SET FORTH IN A CITATION SHALL BE PAID  
28 WITHIN ~~30 60~~ 60 DAYS OF ITS RECEIPT; ~~AND~~

29 ~~(2) THE FAILURE TO PAY THE CIVIL PENALTY WITHIN 30 60 DAYS OF ITS~~  
30 ~~RECEIPT SHALL RESULT IN THE AMOUNT OF THE CIVIL PENALTY BEING DOUBLED.~~

31 (E) A CITATION AND THE APPLICABLE CIVIL PENALTY SHALL BE CONSIDERED  
32 A FINAL ORDER OF THE BOARD UNLESS, WITHIN ~~30 60~~ 60 DAYS OF BEING SERVED WITH

1 THE CITATION, THE LICENSEE OR PERMIT HOLDER NOTIFIES THE BOARD IN  
2 WRITING OF AN INTENT TO CONTEST THE CITATION.

3 (F) (1) UPON THE RECEIPT OF A WRITTEN NOTICE OF A LICENSEE OR  
4 PERMIT HOLDER'S INTENT TO CONTEST A CITATION, THE BOARD SHALL HOLD A  
5 HEARING, IN ACCORDANCE WITH § 5-315 OR § 5-523 OF THIS TITLE, REGARDING THE  
6 CITED VIOLATIONS.

7 (2) A HEARING HELD IN ACCORDANCE WITH PARAGRAPH (1) OF THIS  
8 SUBSECTION MAY NOT BE DELEGATED TO THE OFFICE OF ADMINISTRATIVE  
9 HEARINGS UNDER TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

10 (G) (1) THE BOARD SHALL ESTABLISH BY REGULATION A SCHEDULE OF  
11 CIVIL PENALTIES FOR VIOLATIONS OF THIS TITLE AND REGULATIONS ADOPTED BY  
12 THE BOARD.

13 (2) THE CIVIL PENALTIES IMPOSED UNDER THIS SUBSECTION MAY NOT  
14 EXCEED \$300 FOR ALL VIOLATIONS CITED ON A SINGLE DAY.

15 Article - State Government

16 10-205.

17 (a) (1) [A] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
18 A board, commission, or agency head authorized to conduct a contested case hearing  
19 shall:

20 (i) conduct the hearing; or

21 (ii) delegate the authority to conduct the contested case hearing to:

22 1. the Office; or

23 2. with the prior written approval of the Chief Administrative  
24 Law Judge, a person not employed by the Office.

25 (2) A HEARING HELD IN ACCORDANCE WITH § 4-608(F) OR § 5-610(F) OF  
26 THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE MAY NOT BE DELEGATED  
27 TO THE OFFICE.

28 [(2)] (3) With the written approval of the Chief Administrative Law  
29 Judge, a class of contested case hearings may be delegated as provided in paragraph  
30 (1)(i)2 of this subsection.

31 [(3)] (4) This subsection is not intended to restrict the right of an  
32 individual, expressly authorized by a statute in effect on October 1, 1993, to conduct a  
33 contested case hearing.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
35 effect October 1, 2005.

