

PECUNIARY interest which he may have in the subject matter of the proceeding. ~~This shall include the position of any member who stands to gain or lose, either pecuniarily, professionally, politically, or socially, by his decision.~~ Any party shall have an opportunity to object to the qualifications of any member, on the grounds of bias, at any time during the hearing by filing a timely and sufficient affidavit stating the reasons for his objection, which reasons may be for any matter appearing on the face of the record, or for the member's conduct during the hearing, or otherwise. Any such member may at any time withdraw if he deems himself disqualified.

(b) Members presiding at hearings shall have authority subject to the published rules of the agency within its powers, to (1) administer oaths and affirmations, (2) issue subpoenas authorized by law, (3) take or cause depositions to be taken whenever the ends of justice would be served thereby, (4) regulate the course of the hearing, (5) hold conferences for the settlement or simplification of the issues by consent of the parties, (6) dispose of procedural requests or similar matters, and, (7) take any other action authorized by agency rule consistent with this subtitle.

(c) Except as statutes otherwise provide, the proponent of a rule or order shall have the burden of proof. Any oral or documentary evidence may be received, but every agency shall as a matter of policy provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence and no sanction shall be imposed or rule or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported and in accordance with the reliable, probative and substantial evidence.

22.206—Decisions and Orders

Every decision and order rendered by an agency shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact as well as the reasons or basis therefor presented on the record together with the appropriate rule, order, sanction, relief or denial thereof. In arriving at its decision and order, the vote of each member together with his reasons therefor shall be taken and recorded as part of the record of proceedings. ~~, but the agency shall not permit any member to publish separate and dissenting decisions.~~ A copy of the agency's decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or to his attorney of record.

Section 2. And be it further enacted by the County Council of Howard County, Maryland, That nothing in this Act shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. If any provision of this Act or the application thereof is held invalid, the remainder of this Act or other application of such provision shall not thereby be affected, the County Council hereby declaring that it would have passed the remaining parts of this title or any section thereof if it had known such clause, sentence, part or parts of any section thereof should be declared invalid or unconstitutional. No subsequent legislation shall be held to supersede or modify the provisions of this Act except to the extent that such legislation shall do so expressly.