

WHICH STATES THAT IF THE DIVISION DETERMINES THAT THE VIOLATOR HAS NOT CORRECTED THE VIOLATION AND COMPLIED WITH THE ORDER WITHIN 30 DAYS FOLLOWING SERVICE OF THE ORDER, THE DIVISION SHALL PROCEED WITH ENFORCEMENT PURSUANT TO THIS SUBTITLE.

(2) IF, AT THE CONCLUSION OF THE HEARING, THE DIVISION DETERMINES ON THE PREPONDERANCE OF EVIDENCE THAT THE ALLEGED VIOLATOR DID NOT VIOLATE THIS TITLE, THE DIVISION SHALL STATE ITS FINDINGS AND ISSUE AN ORDER DISMISSING THE COMPLAINT.

(C) CIVIL ACTION.

(1) IF, AT ANY TIME AFTER A COMPLAINT HAS BEEN FILED, THE DIVISION BELIEVES THAT AN APPROPRIATE CIVIL ACTION TO PRESERVE THE STATUS QUO OR PREVENT IRREPARABLE HARM IS ADVISABLE, IT MAY FILE AN ACTION IN COURT, INCLUDING AN ACTION WHICH SEEKS A TEMPORARY RESTRAINING ORDER OR PRELIMINARY INJUNCTION.

(2) TO OBTAIN COMPLIANCE WITH ITS ORDER, THE DIVISION MAY INSTITUTE A CIVIL PROCEEDING, INCLUDING A PROCEEDING WHICH SEEKS A RESTRAINING ORDER AND A TEMPORARY OR PERMANENT INJUNCTION.

REVISOR'S NOTE: This section presently appears as Art. 83, §20G.

Throughout this section, reference to violation of "this title" is substituted for the somewhat less clear and apparently unintended "these regulations."

In subsection (a)(3) of this section, the statement that hearings "shall be open to the public" is deleted as unnecessary in light of the term used in (a)(1), "public hearing." Reference to evidence "by affirmation" is deleted as unnecessary since under Art. 1, §9 of the Code an "oath" may be made by affirmation.

In subsection (b)(1) of this section, the phrase "but not limited to" is deleted as unnecessary since use of the word "including" is not intended in any sense to be exclusionary or limiting; the maxim of expressio unius est exclusio alterius and doctrines of similar implication are not intended, therefore, to be made applicable by reason of this deletion.

The only other changes are in style and