

"issue subpoenas" and as essentially repetitious of provisions in the Administrative Procedure Act. Also the present references to the power of the person against whom action is contemplated to "appear in person", "cross examine witnesses", and "produce evidence and witnesses in his own defense" are deleted as essentially repetitious of provisions in the Administrative Procedure Act.

The first sentence of present § 8-611(b), which provides that any person may prefer charges for the grounds enumerated in this section, is deleted as unnecessary.

The third sentence of present NR § 8-611(b), which requires a hearing within 3 months after a charge is preferred, is deleted as impractical and, in light of the safeguards in the Administrative Procedure Act, unnecessary. This deletion is called to the attention of the General Assembly.

21-312. ADMINISTRATIVE AND JUDICIAL REVIEW.

(A) IN GENERAL.

EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 21-310 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

- (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW;
- AND
- (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) AN ACTION UNDER § 21-310.

- (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 21-310 OF THIS SUBTITLE MAY NOT APPEAL TO THE BOARD OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.
- (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

REVISOR'S NOTE: This section is standard language used throughout this article to provide for administrative and judicial review. The language is based on the combined requirements of the Administrative Procedure Act and of the provisions regarding the Board of Review.

The introductory language of subsection (a) and the introductory phrase of subsection (b)(1) of